

A
D I G E S T
OF THE
L A W S
OF THE
State of Georgia.

FROM ITS FIRST ESTABLISHMENT AS A BRITISH PROVINCE DOWN
TO THE YEAR 1798, INCLUSIVE

Mon. February

PRINCIPAL ACTS OF 1799:

IN WHICH

Is comprehended the declaration of Independence; the State Constitutions of 1777 and 1789, with the alterations and amendments in 1794.

ALSO THE

Constitution of 1798.

IT CONTAINS

As well all the Laws in force, as those which are deemed useful and necessary, or which are explanatory of existing Laws; together, with the

TITLES OF ALL THE OBSOLETE AND OTHER ACTS.

AND CONCLUDES

WITH AN APPENDIX containing the original Charters and other Documents, ascertaining and defining the Limits and Boundary of the State; all the Treaties with the southern tribes of Indians; the articles of Confederation and perpetual union; the Constitution of the United States, and a few Acts of Congress.

Together with a copious Index to the whole.

BY

ROBERT & GEORGE WATKINS.

Philadelphia:

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1800.

assembly: And also an act passed the twenty-ninth day of February, one thousand seven hundred and sixty-four, entitled "An act for the punishment of vagabonds and other idle and disorderly persons, and for erecting prisons or places of security in the several parishes of this province, and for preventing trespasses on lands of the crown, or lands reserved for the Indians, and the more effectual suppressing and punishing persons bartering with the Indians in the woods," which was to continue and be in force for the term of two years from the time of the passing thereof, and from thence to the end of the next session of the general assembly; and afterwards continued by an act passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, entitled "An act for continuing several laws of this province," which was to continue and be in force for and during the term of three years from the passing thereof, and from thence to the end of the next session of the general assembly:—Shall severally and respectively continue and be in force for and during the term of one year from the passing of this act, and from thence to the end of the next session of the general assembly, and no longer.

A. D. 1770.

No. 295.

Act for the punishment of vagabonds, &c. passed 29th February, 1764.

Continued by the session mentioned

N. W. JONES, *Speaker.*JAMES HABERSHAM, *President.*

JAMES WRIGHT.

May 10, 1770.

An Act for ordering and governing slaves within this province, and for establishing a jurisdiction for the trial of offences committed by such slaves, and other persons therein mentioned; and to prevent the inveigling and carrying away slaves from their masters, owners, or employers.

No. 296.

WHEREAS, from the increasing number of slaves in this province, it is necessary, as well to make proper regulations for the future ordering and governing such slaves, and to ascertain and prescribe the punishment of crimes by them committed, as to settle and limit, by positive laws, the extent of the power of the owners of such slaves over them, so that they may be kept in due subjection and obedience, and owners, or persons having the care and management of such slaves, may be restrained from exercising unnecessary rigor or wanton cruelty over them, *Therefore be it enacted,* That all negroes, Indians, mulattoes, or mestizoes, who now are, or hereafter shall be in this province, (free Indians in amity with this government, and negroes, mulattoes, or mestizoes, who now are or hereafter shall become free, excepted) and all their issue and offspring born, or to be born, shall be, and they are hereby declared to be and remain for ever hereafter absolute slaves, and shall follow the condition of the mother, and shall be taken and deemed in law to be chattels personal in the hands of their respective owners and possessors, and their executors, administrators, and assigns, to all intents and purposes whatsoever: *Provided always,* That if any person or persons whatsoever, on behalf of any negro, Indian, mulattoe,

The persons herein mentioned declared to be slaves.

Provided.

or

A. D. 1770. or mestizoe, do apply to the chief justice, or justices of his majesty's general court, by petition, either during the setting of the said court, or before the chief justice, or any of the justices of the same court, at any time in the vacation, the said chief justice, or any of the said justices, shall be, and he and they is and are hereby empowered to admit any such persons so applying to the guardian for any negroe, Indian, mulattoe, or mestizoe, claiming his or her freedom, and such guardian shall be enabled, entitled, and capable in law, to bring an action of trespass, in the nature of ravishment of ward, against any person or persons who shall claim property in or shall be in possession of any such negroe, Indian, mulattoe, or mestizoe; and the defendant or defendants shall and may plead the general issue on such action brought, and the special matter may and shall be given in evidence, and, upon a general or special verdict found, judgment shall be given according to the very right of the cause, without having any regard to any defect in the proceedings, either in form or substance, and if judgment shall be given for the plaintiff, a special entry shall be made, declaring that the ward of the plaintiff is free, and the jury shall assess damages which the plaintiff's ward hath sustained, and the court shall give judgment and award execution against the defendant for such damages, with full costs of suit; but in case judgment shall be given for the defendant, the said court is hereby fully empowered to inflict such corporal punishment, not extending to life or limb, on the ward of the plaintiff as they in their discretion shall think fit: *Provided always*, That in any action or suit, to be brought in pursuance of the direction of this act, the burthen of the proof shall lie on the plaintiff, and it shall always be presumed that every negroe, Indian, mulattoe, or mestizoe, (except as before excepted) is a slave, unless the contrary can be made appear.

In actions brought by guardians the defendant to produce the ward of the plaintiff.

II. *And be it further enacted*, That in every action or suit, to be brought by any such guardian as aforesaid, appointed pursuant to the direction of this act, the defendant shall enter into a recognizance, with one or more sufficient sureties, to the plaintiff, in such sum as the said general court shall direct, with the condition that he shall produce the ward of the plaintiff at all times when required by the court, unless such defendant shall prove upon oath, to the satisfaction of the said court, his inability to produce such ward, and that, whilst such action or suit shall be depending and undetermined, the ward of the plaintiff shall not be abused or misused.

No persons to suffer their slaves to go out of the limits herein mentioned without a ticket.

III. *And, for the better keeping slaves in due order and subjection, Be it further enacted*, That no person whatsoever shall permit or suffer any slave, under his or their care or management, and who lives or is employed in any town in this province, to go out of the limits of the said town or towns, or any such slave who lives in the country to go out of the plantation to which such slave belongs, or in which plantation such slave is usually employed, without a ticket signed or subscribed by the master or other person having the care or charge of such slave, or by some other person by his or their order, direction, or consent; and every slave, who shall be found out of any town in this province, if such slave lives or is usually employed there, or out of the plantation to which such slave belongs, or in which such slave is usually employed, if such

such slave lives in the country, without a ticket as aforesaid, or without a white person in his or her company, shall be punished with whipping on the bare back not exceeding twenty lashes.

IV. *And be it further enacted,* That if any person or persons shall presume to give a ticket or license to any slave, who is the property or under the care or charge of another, without the consent of the owner or other person having the charge of such slave, he, she or they, shall forfeit to the owner a sum not exceeding five pounds, over and above the damage that may accrue to such owner by the absence of such slave.

V. *And be it further enacted,* That if any slave, who shall be out of the house or plantation where such slave doth live, or is usually employed, or without some white person in company with such slave, shall refuse to submit to the examination of any white person, it shall be lawful for any such white person to pursue, apprehend, and moderately correct such slave, and if such slave shall assault and strike such white person, such slave may be lawfully killed: *Provided always,* That proof be made of such assault or striking as aforesaid, to the satisfaction of any two justices of the peace, and seven freeholders, to be summoned for that purpose; and if such proof cannot be made to the satisfaction of the said justices and freeholders, then, and in such case, the person or persons killing such slave shall forfeit and pay to the owner the value of such slave so killed, to be ascertained on oath of the said justices and freeholders, and to be recovered, if exceeding the sum of eight pounds, in the general court of pleas in this province, and if not exceeding the sum of eight pounds, to be recovered by the said justices, by warrant of distress and sale of the offender's goods, and in case no goods can be found whereupon to levy such distress, the offender or offenders shall be committed by the said justices to the common gaol, there to remain until the said value shall be paid, or for any time not exceeding six months.

VI. *And be it further enacted,* That if any slave, who shall be employed in the lawful business or service of his master, owner, overseer, or other person having the charge of such slave, shall be beaten, bruised, maimed, or disabled, by any person or persons, not having sufficient cause for so doing, (of which cause any justice of the peace respectively may judge) every person and persons so offending shall, for every such offence, forfeit and pay a sum not exceeding five shillings *sterling*, over and besides the damages herein after mentioned, to the use of the poor of the parish in which such offence shall be committed, and if such slave or slaves shall be maimed, or disabled by such beating, from performing his or her work, such person and persons so offending shall also forfeit to the owner of such slave, his or her lawful attorney, a sum not exceeding two shillings for every day of his lost time, and also the charge of the cure of such slave, and satisfaction shall also be made to the owner for the damage done to such slave, and the damage to be ascertained by two freeholders of the neighborhood, one to be named by the owner, or his or her attorney, and the other by the offender; and in case the said offender will not name one freeholder on his part, then such freeholder to be named by any justice to whom the party aggrieved shall apply; and the said penalty and damages shall, upon lawful proof thereof made,

be

A. D. 1770.

No. 204.

Penalty on persons giving tickets to slaves without the consent of their owner.

Slaves being out of the place where they live, and refusing to be examined by a white person, how to be treated. *Proviso.*

Penalty on persons beating slaves employed in the lawful business of their masters.

A. D. 1770. be recoverable before any one of his majesty's justices of the peace, and such justice, before whom the same shall be recovered, shall have power to commit the offender or offenders to gaol, if he, she, or they, shall produce no goods on which the said penalty and damages may be levied, there to remain until such penalty and damages shall be paid, any law, statute, usage or custom to the contrary notwithstanding.

Meeting of
slaves how to be
dispersed.

VII. *And whereas* the frequent meeting and assembling of slaves, under the pretence of feasting, may be attended with dangerous consequences, *Be it further enacted*, That it shall and may be lawful for every justice assigned to keep the peace in this province, within his respective parish, upon his own knowledge, or information received, either to go in person, or by warrant or warrants directed to any constable or other person, to command to their assistance any number of persons as they shall see convenient, to disperse any assembly or meeting of slaves which may disturb the peace or endanger the safety of his majesty's subjects, and every slave, which shall be found and taken at any such meeting as aforesaid shall and may, by order of such justice, immediately be corrected, without trial, by receiving on the bare back not more than twenty-five stripes with a whip, switch, or cowskin; and such justice, constable, or persons as aforesaid, are hereby authorized and empowered to search all suspected places for arms, ammunition, or stolen goods, and to apprehend and secure all such slaves as they shall suspect to be guilty of any crimes or offences whatsoever, and to bring them to a speedy trial, according to the direction hereafter given by this act; and in case any constable, or other person, shall refuse to obey or execute any of the warrants or precepts of such justices, or any of them, within their several parishes, or shall refuse to assist the said justice or constable, or any of them, when commanded and required, such person and persons shall forfeit and pay, for every such offence, a sum not exceeding five pounds sterling, to be recovered by a warrant under the hand and seal of any other justice of the peace.

Slaves committing
offences
how to be tried.

VIII. *And be it further enacted*, That upon any complaint being made to, or information received by any justice of the peace, of any offence being committed by any slave or slaves within the parish where such justice is empowered to act, such justice shall commit such slave or slaves to the work house, if any, or to the safe custody of any constable of the said parish, and shall without delay, by warrant under his hand and seal, give notice of such commitment to any two or more of the nearest justice or justices of the peace in the said parish to associate with him, and by the same warrant shall summon a jury of not less than seven of the neighbourhood freeholders to meet together with the said justices, at a certain time and place to be by them appointed, not exceeding three days after the apprehending and committing of such slave or slaves as aforesaid, (unless it shall appear necessary for the said justices, either for want of sufficient and positive proof, or any other sufficient reason, to delay the same) and the justices and jury so assembled shall cause the slave or slaves accused or charged as aforesaid, to be brought before them, and shall hear the accusation brought against such slave or slaves, and his or her defence, and proceed to the examination of witnesses and other evidence, and finally hear and determine the matter brought before them as aforesaid, in the most summary and expeditious manner, and in case
the

the offender shall be convicted of any crime not capital, the said justices, or any two of them, shall give judgment for the inflicting any corporal punishment, not extending to the taking away life or member, as they in their discretion shall think fit, and shall award and cause execution to be done accordingly; and in case such offender shall be convicted of any crime for which by law he or she ought to suffer death, the said justices, or any two of them, shall give judgment and award execution of their sentence, by directing such manner of death, and at such time as the said justices, with a majority of the jury, shall think most convenient, and which they shall judge most effectual to deter others from offending in like manner: *Provided nevertheless*, That, in case the owner, trustee, or other person, shall give sufficient security to the said justices for the forthcoming of such negroe or negroes, and of all expences that may attend such delay, then the said execution of such sentence shall not be carried into effect, but be suspended until the said justices, or any two of them, shall, under their hands, lay a full state and report of the case, evidence, verdict, and judgment thereupon, before the governor or commander in chief for the time being, and his pleasure be known thereon.

A. D. 1770.
No. 294.

Proviso.

IX. *And be it further enacted*, That, as soon as the justices and jury shall be assembled as aforesaid, in pursuance of the direction of this act, the said jury shall take the following oath; I *A. B.* do solemnly swear, in the presence of Almighty God, that I will truly and impartially try the prisoner or prisoners brought upon his, her, or their trial, and a true verdict give according to evidence to the best of my knowledge. So help me God.

Oath to be taken by the jury at the trial of slaves.

X. And, for preventing the concealment of crimes and offences committed by slaves, and for the more effectual discovery and bringing slaves to condign punishment, *Be it therefore enacted*, That the evidence of any free Indians, mulattoes, mestizoes, or negroes or slaves, shall be allowed and admitted, in all cases whatsoever, for or against another slave accused of any crime or offence whatsoever, the weight of which evidence, being seriously considered and compared with all other circumstances attending the case, shall be left to the justices and jury.

Evidence to be taken against slaves.

XI. *And whereas* slaves may be harbored and encouraged to commit offences, and concealed and received by free negroes, and such free negroes may escape the punishment due to their crimes for want of sufficient and legal evidence against them, *Be it therefore further enacted*, That the evidence of any free Indian or slave shall in like manner be allowed and admitted in all cases against any free negroes, Indians, (free Indians in amity with this government excepted) mulattoe or mestizoe, and all crimes and offences committed by free negroes, Indians, (except as before excepted) mulattoes, or mestizoes, shall be proceeded and tried by the justices and jury appointed by this act for the trial of slaves in like manner as is hereby directed for the proceedings and trial of crimes and offences committed by slaves, any law, statute, usage, or custom to the contrary, notwithstanding.

Evidence to be admitted against free negroes, &c.

XII. *And be it further enacted*, That the several crimes and offences herein after particularly enumerated are hereby declared to be felony, that is to say: If any slave, free negroe, Indian, mulattoe, or mestizoe, (Indians in amity with this government

Crimes that are declared felony by this act.

ment

A. D. 1770. ment excepted) shall be guilty of homicide, of any sort, upon white persons, except by misadventure, or in defence of his or her owner, or other person under whose care and government such slave shall be, or shall raise, or attempt to raise, any insurrection, or commit, or attempt to commit, a rape on any white person whomsoever, every such offender and offenders, his and their aiders and abettors, shall, upon conviction thereof, suffer death; or if any slave, free negroe, Indian, mulattoe, or mestizoe, (except as before excepted) shall wilfully and maliciously kill any slave, or other person as aforesaid, or shall break open, burn, or destroy, any dwelling house, or other building whatsoever, or set fire to any rice, corn, or other grain, tar kiln, barrel or barrels of pitch, tar, turpentine, rosin, or any other goods or commodities whatsoever, or shall steal any goods or chattels whatsoever, or delude or entice any slave or slaves to run away, whereby the owner or owners of such slave or slaves shall, or would have lost or been deprived of such slave or slaves, every such slave and slaves, and his or their accomplices, aiders and abettors, shall, upon conviction as aforesaid, suffer death, or such other punishment as the said justices and jury shall in their discretion think fit: *Provided*, That such slave shall have actually prepared provisions, arms, ammunition, horse or horses, or any flat, canoe, or other vessel, or done any other overt act whereby such their intention shall be manifested.

Proviso.

poisoning, or being accessory thereto, declared to be felony.

XIII. *And whereas* the detestable crime of poisoning hath frequently been committed by slaves, *Be it therefore enacted*, That not only such negroes, mulattoes, or mestizoes, as shall administer poison to any person or persons, whether free or bond, but also all and every negroe, mulattoe, or mestizoe, who shall furnish, procure or convey, any poison, to be administered to any slave or slaves, or to any person or persons as aforesaid, and also all such negroes, mulattoes, and mestizoes, as shall be privy (and not reveal the same) to the furnishing, procuring, or conveying any poison, to be administered to any person or persons as aforesaid, shall be deemed and adjudged, and all and every of them are hereby declared to be felons, and shall suffer death in such manner as the persons appointed by this act for the trial of slaves shall adjudge and determine.

Slaves giving information of any intention to poison: how to be rewarded.

XIV. And, for the encouragement of slaves to make discovery of the designs of others to poison any person, *Be it enacted*, That every negroe, mulattoe, or mestizoe, who shall hereafter give information of the intention of any other slave to poison any person, or of any slave that hath furnished, procured, or conveyed, any poison, to be administered to any person, shall upon conviction of the offender or offenders, be entitled to and receive from the public of this province, a reward of twenty shillings, to be paid him or her by the treasurer yearly, and every year, during the abode of such negroe, mulattoe, or mestizoe, in this province, on the day that such discovery was made, and shall also be exempted from the labor of his or her master on that day; and every justice before whom such information is made, is hereby required to give a certificate of every such information, which certificate shall entitle the informant to the reward aforesaid: *Provided always nevertheless*, That no slave shall be convicted upon the bare information of any other slave, unless some circumstance or overt act appear, by which such information shall be corroborated to the satisfaction of the said justices and jury.

Proviso.

XV.

XV. *And provided also, and be it further enacted,* That in case any slave shall be convicted of having given false information, whereby any other slave may have suffered wrongfully, every such false informer shall be liable to and suffer the same punishment as was inflicted upon the party accused, any law, usage, or custom, to the contrary notwithstanding.

A. D. 1770.

No. 204.

Slaves giving false information how to be punished.

XVI. *And be it further enacted,* That in case any slave shall teach and instruct another slave in the knowledge of any poisonous root, plant, herb, or other sort of poison whatever, he or she offending, shall upon conviction thereof, suffer death as a felon, and the slave or slaves so taught or instructed, shall suffer such punishment not extending to life or limb, as shall be adjudged and determined by the justices and jury before whom such slave or slaves shall be tried.

Slaves teaching others in the knowledge of poison to suffer death, and those taught, corporal punishment.

XVII. *And be it further enacted,* That no negroe or other slaves shall hereafter be suffered or permitted to administer any medicine, or pretended medicine, to any other slave, but at the instance or direction of some white person owning, or having the care and management of the slave to whom the same is to be administered; and, in case any negroe or other slave shall offend herein, he or she shall, upon complaint and proof thereof made to any justice of the peace, suffer corporal punishment, not exceeding fifty stripes.

Slaves administering medicines to another slave, unless by direction of a white person, to suffer corporal punishment.

XVIII. * *And, in order to discourage any owner of slaves from concealing any crime committed by such slaves, to the prejudice of the public welfare, Be it further enacted,* That, in case any slave shall be put to death, in pursuance of any sentence awarded by direction of this act, the justices awarding the same, and the whole jury who found him or her guilty, shall appraise and value such slave, so to be put to death, on oath, which appraisement and valuation shall be certified to the treasurer of this province, who is hereby authorized to pay the same to the owner of such slave, or his order; provided such appraisement and valuation does not exceed the sum of forty pounds sterling for any one slave; and, *Provided also,* That such slave or slaves, at the time of the committing the crime for which he, she, or they shall be so sentenced, shall clearly appear to have been the property of an inhabitant of this province, or of some person having a settled plantation therein, whereon such slave or slaves, at the time the said crime was committed, was or were employed.

Slaves put to death to be appraised, &c.

XIX. *And be it further enacted,* That the said justices, or any of them, are hereby authorized, empowered, and required, to summon and compel all persons whatsoever to appear and give evidence upon the trial of any slave; and if any person shall neglect or refuse to appear, or appearing, shall refuse to give evidence, or if any master, or other person who has the care and government of any slave, shall prevent and hinder any slave under his charge and government from appearing and giving evidence in any matter depending before the justices and jury aforesaid, the said justices may, and they are hereby fully empowered and required, upon due proof made of such summons being served, to bind every such person offending as aforesaid by recognizance, with one or more sufficient sureties, to appear at the next general court,

Justices authorized to compel all persons to give evidence on the trial of slaves.

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to

* This sect. is repealed by act of 1793, No. 497.

A. D. 1772. to answer such their offence and contempt, and, for default of finding sureties to
 No. 204. commit such offenders to prison for any term not exceeding the space of two months.

Masters con-
 cealing a slave
 accused of a ca-
 pital crime to
 forfeit £200,
 and if of a crime
 not capital £20.

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

Duties required
 of constables in
 putting the sen-
 tences pro-
 nounced against
 slaves in execu-
 tion.

XXI. *And be it further enacted,* That all and every the constable and constables, in the several parishes within this province where any slave shall be sentenced to suffer death, or other punishment, shall cause execution to be done of all the orders, warrants, precepts, and judgments of the justices hereby appointed to try such slaves, for the charge and trouble of which the said constable or constables respectively shall be paid by the public, unless in such cases as shall appear to the said justice or justices to be malicious or groundless prosecutions, in which cases the said charges shall be paid by the prosecutors for whipping, or other corporal punishments, not extending to life, the sum of five shillings, and for any punishment extending to life, the sum of fifteen shillings, and such other charges for keeping and maintaining such slaves as are by the act for erecting a work house appointed, for the levying of which charges against the prosecutor, the justices are hereby empowered to issue their warrant; and that no delay may happen in causing execution to be done upon such offending slave or slaves, the constable who shall be directed to cause execution to be done, shall be, and he is hereby empowered to press one or more slave or slaves, in or near the place where such whipping, or other corporal punishment, shall be inflicted, to whip, or inflict such other corporal punishment upon the offender or offenders, and such slave or slaves so pressed shall be obedient to and observe all the orders and directions of the constable, by whipping on the bare back not exceeding twenty lashes, which punishment the said constable is hereby authorised and empowered to inflict; and the constable shall, if he presses a negroe, pay the owner of the said negroe two shillings out of his fee for doing the said execution, and in cases capital shall pay to the negroe doing the said execution the sum of two shillings, over and above the said fee to his owner.

Slaves not to
 carry fire arms,
 &c. except as
 herein specified.

XXII. *And be it further enacted,* That it shall not be lawful for any slave to carry and make use of fire arms, or any offensive weapon whatsoever, unless there be some white person of the age of sixteen years or upwards in the company of such slave when he is hunting or shooting, or unless such slave be found in the day time actually keeping off birds, or killing beasts of prey within the plantation to which such slave belongs, lodging the same gun at night within the dwelling house of his master, mistress, or white overseer; and in case any person shall find any slave using or carrying fire arms, or other offensive weapon, contrary to the true intention of
 this

this act, such person may lawfully seize and take away such offensive weapon or fire arms, but, before the property thereof shall be vested in the person who shall seize the same, such person shall, within forty-eight hours next after such seizure, go before the next justice of the peace, and shall make oath of the manner of the taking thereof, and if such justice of the peace, after such oath shall be made, or if, upon any other examination, he shall be satisfied that the said fire arms, or other offensive weapons, shall have been seized according the directions and agreeable to the true intent and meaning of this act, the said justice shall, by a certificate under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person who seized the same: *Provided always*, That no such certificate shall be granted by any justice of the peace until the owner or owners of such fire arms, or other offensive weapons so seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from whom such fire arms, or other offensive weapons, so taken or seized, shall be duly summoned to show cause why the same should not be condemned as forfeited, or until forty-eight hours after the service of such summons, and oath made of the service thereof before the said justice.

A. D. 1770.

No. 204.

Proviso.

XXIII. *And be it further enacted*, That if any slave shall presume to strike any white person, such slave, upon trial and conviction before the justice or justices, according to the directions of this act, shall, for the first offence, suffer such punishment as the said justice or justices shall in his or their discretion think fit, not extending to life or limb, and for the second offence shall suffer death; but, in case any such slave shall grievously wound, maim, or bruise, any white person, though it shall be only the first offence, such slave shall suffer death: *Provided always*, That such striking, wounding, maiming, or bruising, be not done by the command and in the defence of the person or property of the owner, or other person having the care and government of such slave, in which case the slave shall be wholly excused, and the owner, or other person having the care and government of such slave, shall be answerable as if the act had been committed by himself.

Slaves striking any white person how to be punished.

Proviso.

XXIV. *And be it further enacted*, That it shall and may be lawful for every person to take, apprehend, and secure any runaway or fugitive slave, and they are hereby directed and required, within forty-eight hours after such taking, apprehending and securing, (otherwise such person to be construed and taken as a harborer of such runaway or fugitive slave) to send such slave, if convenient, to the master, or other person having the care and government of such slave, if the person taking up or securing such slave knows, or can without difficulty be informed, to whom such slave belongs, or such slave shall be delivered into the custody of the master of the work house of the parish, if any, but if none, to any constable of the said parish, and the master, or other person who has the care or government of such slave, shall pay, for taking up such slave, whether by a free person or slave, the sum of five shillings sterling, and the master of the work house, or constable, upon receipt of every fugitive or runaway slave, is hereby directed and required to keep such slave in safe custody until such slave shall be lawfully discharged, and shall,

Runaway slaves to be delivered to the persons herein mentioned.

A. D. 1770. shall, as soon as conveniently it may be, advertise such slave in the public gazette, and also in the most public place in the parish where such slave shall be taken up, with the best description he shall be able to give, first carefully viewing and examining such slave for any brand or mark, which he shall also advertise, to the intent the owner, or other person who shall have the care or charge of such slave, may come to the knowledge that such slave is in custody; and if such slave shall escape through negligence, and cannot be taken up in three months, the said person shall answer to the owner for the value of such slave, or the damages which the owner shall sustain by reason of such escape, as the case shall happen.

Slaves to be maintained at the charge of the owners.

XXV. *And be it further enacted,* That the said master of the work house, or constable shall, at the charge of the owner of such slave, provide sufficient food, drink, clothing and covering, for every slave delivered into his custody, or, on failure thereof, shall forfeit all his fees, and, for each day after he shall neglect to advertise as before directed, the sum of three shillings.

Persons taking up runaway slaves entitled to two pence for every mile slaves are brought or sent; the account herein mentioned to be given on delivery of slaves to the master of the work house or constable.

XXVI. *And be it further enacted,* That if any person shall take up any runaway slave, and deliver such slave either to the master or other person having the care and charge of such slave, or to the constable of the parish, or the master of the work house, shall be entitled to receive from the owner, or constable of the parish, or the master of the work house, two pence per mile for every mile such slave shall have been brought or sent, to be computed from the place where such slave was apprehended, and, if such slave shall be delivered into the custody of the constable of the parish aforesaid, or to the master of the work house, the person delivering such slave shall give an account of his name, place of abode, and the time and place when and where such slave was apprehended, which account the said constable, or master of the work house, shall enter down in a book to be kept for that purpose, and shall give a receipt for any such slave which shall be delivered as aforesaid into his custody; and the said constable, or master of the work house, is hereby fully authorized and empowered to demand and receive from the owner, or other person having the charge or care of any such slave, for negroes committed from the month of *October* to *March* inclusive, for finding necessary clothing and covering, to be the property of the masters, any sum not exceeding eighteen shillings, and the several sums following, and no other sum, fee, or reward, on any pretence whatsoever, that is to say: For apprehending each slave, paid to the person who delivered such slave into custody, five shillings; for mileage, paid to the same person, two pence *per* mile; for a sufficient quantity of provision for each slave, six-pence; for advertising every slave as directed by this act, three shillings and six-pence; for receiving each slave, six-pence; for poundage on money advanced, one shilling in the pound; and the said constable, or master of the work house, shall and may lawfully detain any slave in custody until the fees and expences aforesaid be fully paid and satisfied; and in case the owner of such slave, or his overseer, agent, manager, attorney, or trustee shall neglect or refuse to pay or satisfy the said fees and expences, for the space of thirty days after the same shall be demanded, by notice in writing served on the owner of such slave, or (if the owner is absent from this province) upon his overseer,

Fees of the constable and master of the work house.

agent,

agent, manager, attorney, or trustee, the said constable, or master of the work house, shall and may expose any such slave to sale at public outcry, first giving ten days notice of such sale, and, after deducting the fees and expences aforesaid, and the charges of such sale, the overplus money arising from such sale to be lodged in the hands of any one justice of the parish where such sale shall be made, and upon demand to be by him returned to any person who has a right to demand and receive the same.

A. D. 1770.

No. 104.

XXVII. *And be it further enacted,* That if any constable, or the master of the work house, shall refuse to take into his or their custody, any fugitive slave or slaves, and to do and perform all the several services and duties required by the foregoing clause, such constable, or master of the work house, shall forfeit a sum not exceeding twenty pounds sterling, one half to be paid to the owner of such slave, and the other half to the poor of the parish, such fine to be recovered on proof being made of such offence being committed.

Penalty on constables or the master of the work house not performing the duties required in the foregoing clause.

XXVIII. And forasmuch as, for want of knowing or finding the owners of any fugitive slave to be delivered to him as aforesaid, the said constable, or master of the work house, may not be obliged to keep such slave in his custody, and find and provide provisions for such slave over and beyond a reasonable time, *Be it therefore enacted,* That if the owner or owners of such fugitive slaves shall not, within the space of six days from the time of advertising, make his, her, or their claim or claims, or it shall not be otherwise made known to the said constable, or master of the work house, within the time aforesaid, to whom such committed slave shall belong, the said constable shall commit the said slave to the custody of the master of the work house in Savannah, who shall give a receipt for the same, and pay the constable his fees and expences as directed by this act, and the said master of the work house, shall immediately and constantly advertise in the gazette of this province, for the space of eighteen months, and, if not claimed in that time, it shall be lawful for the said master of the work house to sell such slave at public outcry, he first advertising such sale, together with the reasons thereof, and, out of the money arising from such sale, to deduct or retain to himself what shall be then due for money by him disbursed on the receipt of such slave, and for his fees and provisions, together with the reasonable charges arising by such sale, and the overplus money, if any, shall be rendered and paid by the said master of the work house to the treasurer of the province for the time being, in trust nevertheless for the use of the owner or owners of such slave, provided the same be claimed by him, her or them, within one year and a day after such sale, or, in default of such claim within the time aforesaid, to be applied in aid of the general tax for any sum or sums which shall or may have been paid for negroes publicly executed: *Provided nevertheless,* That on sufficient proof of the property being in any person or persons at any time, the public shall be liable to and pay the same.

Slaves not claimed within six days after advertising to be committed to the work house.

Proviso.

XXIX. *And be it further enacted,* That if any free person, or any slave, shall harbor, conceal, or entertain any slave that shall run away, or shall be charged or accused of any criminal matter, every free negroe, mulattoe, and mestizoe, and

Persons harboring runaway slaves how to be punished.

every

A. D. 1770. every slave, that shall harbor, conceal, or entertain any such slave, being duly convicted thereof according to the direction of this act, if a slave, shall suffer such corporal punishment, not extending to life or limb, as the justice or justices who shall try such slave shall in his or their discretion think fit, and if a free person, shall forfeit the sum of thirty shillings for the first day, and three shillings for every day such slave shall have been absent from his or her owner or employer, to be recovered and applied as in this act hereafter is directed.

Persons maimed, &c. in doing any thing pursuant to the direction of this act to be rewarded by the public.

XXX. *And be it further enacted,* That if any person shall be maimed, wounded, or disabled, in pursuing, apprehending, or taking any slave, that is a fugitive, or charged with any criminal offence, or in doing any other act, matter, or thing, in obedience to, or in pursuance of the direction of this act, he shall receive such reward from the public as by the general assembly shall be thought fitting and proper, and if any such person shall be killed, such reward shall be given and paid to his heirs, executors, or administrators.

Penalty on persons giving or selling beer, &c. to slaves without the license of their owners.

XXXI. *And be it further enacted,* That if any retailer of strong liquors, or any other person or persons, shall give or sell to any slave any beer or spiritous liquors whatsoever, without the license or content of the owner, or such other person who shall have the care and government of such slave, every person so offending shall forfeit a sum not exceeding five pounds sterling for the first offence, and for the second offence ten pounds sterling, and shall be bound in a recognizance in the sum of twenty pounds sterling, with one or more sufficient sureties, before any one of the justices of the peace of the parish where such offence shall be committed, not to offend in like manner, and to be of good behavior for one year, and, for want of such sufficient sureties, to be committed to the nearest common gaol for a term not exceeding three months.

Penalty on persons dealing with slaves, &c.

XXXII. *And whereas* many persons purchase provisions and other commodities, from slaves, by which the owners of such slaves are and may be great sufferers, should such pernicious practices continue, *Be it therefore enacted,* That immediately from and after the passing this act, any person or persons whatsoever, who shall purchase from, or sell to for money, or barter with any slave or slaves for any sort of provision, or other commodities whatsoever, unless such slave or slaves shall produce a ticket from his, her, or their employer, owner, or manager, allowing such slave or slaves to dispose of such money, or purchase or sell such provision, or commodity, shall, upon conviction thereof, before any one or more justices of the peace, for the parish where such offence shall be committed, forfeit a sum not exceeding ten pounds, to be applied one half to the poor of the said parish, and the other half to the informer, and shall find sufficient security for his, her, or their good behavior for twelve months, and in case of refusal, to pay such penalty or find such security, then, and in such case, he, she, or they, shall be by the said justice or justices, committed to the nearest common gaol, there to be and remain for and during the space of three months: *Provided always,* That it shall and may be lawful for any slave, who lives or is actually employed in or near any town in the province, to buy and sell fruit, fish, and garden stuff, and so purchase any thing for the use of their owner, manager, or employer,

Provided.

in open market, under such regulations as are or may be by law made and appointed concerning the market in such town or towns. **A. D. 1770.**
No. 204.

XXXIII. *And whereas* it may in many cases be difficult to procure sufficient evidence or proof of such offence being committed, *Be it therefore enacted,* That where any slave or slaves shall declare before any one or more justice or justices of the peace, (of the probability of which declaration such justice or justices are hereby allowed to judge) that any person or persons whatever, are or have been guilty of such offences, it shall be taken for granted, (such probability appearing) that such persons are guilty of the said offences, and every such person shall be, and is hereby declared to be liable to the penalties above inflicted on persons so offending, unless such person shall make it appear upon oath, to the satisfaction of such justice or justices, that he or she is not guilty of such offence. Evidence to be taken against such offenders.

XXXIV. *And be it further enacted,* That no owner, master, or mistress of any slave, after the passing of this act, shall permit or suffer any of his, her, or their slaves, to go and work out of their respective houses or families, without a ticket in writing, under the pain of forfeiting the sum of thirty shillings sterling for every such offence, to be paid the one half to the justices of the parish for the use of the poor of the parish in which the offence is committed, and the other half to him or them that will inform or sue for the same; and every person employing any slave, without a ticket from the owner of such slave, shall forfeit to the informer fifteen shillings sterling for each day he so employs such slave, over and above the wages agreed to be paid such slave for his work: *Provided nevertheless,* That the said penalty of fifteen shillings each day, shall not extend to any person whose property in such slave is disputed. Penalty on owners of slaves permitting them to work out without tickets.

XXXV. *And whereas* several owners of slaves may permit them to keep canoes, and to breed and raise horses and neat cattle, and so traffic and barter in the several parts of this province, for the particular and peculiar benefit of such slaves, by which means they may have not only an opportunity of receiving and concealing stolen goods, but to plot and confederate together, and form conspiracies, dangerous to the peace and safety of the whole province, *Be it therefore enacted,* That it shall not be lawful for any slave so to buy, sell, trade, traffic, deal, or barter for any goods or commodities, (except as before excepted) nor shall any slave be permitted to keep any boat, pettiagua, or canoe, or to raise, breed, or keep, for the use and benefit of such slave, any horses, mares and neat cattle, under pain of forfeiting all the goods and commodities which shall be so bought, sold, trafficked, traded, dealt, or bartered for by any slave, and of all the boats, pettiaguas, canoes, horses, or cattle, which any slave shall keep, raise, or breed for the peculiar use, benefit and profit of such slave; and it shall and may be lawful for any person or persons whatsoever, to seize and take away from any slave, such goods, commodities, boats, pettiaguas, canoes, horses, mares, or neat cattle, and to deliver the same to any justice of the peace nearest to the place where the seizure shall be made, and such justice shall take the oath of such person who shall make any such seizure concerning the manner of seizing and taking the same, and if the said justice shall be satisfied that such seizure hath been made according Provide.
Goods, &c. bartered for, or canoes, &c. kept by slaves for their own use, except as before excepted, liable to be seized.

A. D. 1770. according to the directions of this act, he shall pronounce and declare the goods so seized as aforesaid, to be forfeited, and shall order the same to be sold at public outcry, and the monies arising from such sale shall be disposed of and applied as is herein after directed: *Provided always,* That if any goods shall be seized which came to the possession of any slave by theft, finding, or otherwise, without the knowledge, privity, consent, or conveyance of the persons who have a right to the property or lawful custody of any such goods, the same shall be restored, on such person's making oath before any justice as aforesaid, who is hereby empowered to administer such oath to the effect or in the following words: I, *A. B.* do sincerely swear, that I have a just and lawful right or title to certain goods seized and taken by *C. D.* out of the possession of a slave named *E.* that I did not, directly or indirectly, permit or suffer the said slave, or any other slave whatsoever, to keep and employ the said goods for the use, benefit, or profit, of any slave whatsoever, or to sell, barter, or give away the same, but that the same goods were in possession of the said slave by theft, finding, or otherwise, or to be kept *bona fide* for the use of *E. F.* a free person, and not for the use or benefit of any slave whatsoever, so help me God; which oath shall be taken as the case shall happen: *Provided also,* That it shall be lawful for any person, being the owner or having the care and government of any slave, who resides, or is usually employed in any part of this province without the limits of any town, to give license or permission to sell, exchange, or barter, in *Savannah,* or elsewhere within this province, the goods or commodities of the owner, or other person having the care and government of such slave, provided, that in such license or permission the quantity and quality of the goods and commodities with which such slave shall be entrusted be particularly and distinctly set down and specified, and signed by the owner, or other person having the care or government of such slave, or by some other person by his or their order and direction.

Proviso.

XXXVI. And, as it is absolutely necessary to the safety of this province that all due care be taken to restrain the wandering and meeting of negroes and other slaves, at all times, and more especially on *Saturday* nights, *Sundays,* and other holidays, and their using and carrying mischievous and dangerous weapons, or using and keeping of drums, horns, or other loud instruments, which may call together, or give sign or notice to one another, of their wicked designs and intentions, and that all masters, owners, and others, may be enjoined diligently and carefully to prevent the same, *Be it enacted,* That it shall and may be lawful for any person whomsoever to apprehend and take up any negro, or other slave, that shall be found out of the plantation of his or their master, or owner, at any time, especially on *Saturday* nights, *Sundays,* or other holidays, not being on lawful business and with a ticket from their master, or not having a white person with them, and the said slave or slaves met or found out of the plantation of his or their master or mistress, though with a ticket, if he or they be armed with such offensive weapons aforesaid, him or them to disarm, take up, and whip; and whatsoever master, or owner, or overseer, shall permit or suffer his or their slave or slaves, at any time hereafter to beat drums, blow horns, or other loud instruments, or whosoever shall suffer and countenance any public meetings

Slaves found out of the plantations of their owners without a ticket, or with a ticket and armed, to be taken up and whipped, &c.

or feastings of strange slaves in their plantations, shall forfeit thirty shillings sterling for every such offence, upon conviction or proof as aforesaid, provided an information or other suit be commenced within one month after the forfeiture thereof.

A. D. 1770.
No. 204.

XXXVII. *And be it further enacted*, That no slave or slaves shall be permitted to rent or hire any house, room, store, or plantation, on his or her own account, or to be used or occupied by any slave or slaves, and any person or persons who shall let or hire any house, room, or plantation, to any slave or slaves, or to any free person to be occupied by any slave or slaves, every person so offending shall forfeit and pay to the informer a sum not exceeding twenty pounds.

Slaves not to rent or hire any house, &c.

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

Men slaves exceeding seven in number not to travel in any high road without a white person.

XXXIX. *And whereas* the having slaves taught to write, or suffering them to be employed in writing, may be attended with great inconveniences, *Be it therefore enacted*, That all and every person and persons whatsoever, who shall hereafter teach, or cause any slave or slaves to be taught to write, or read writing, or shall use or employ any slave as a scribe in any manner of writing whatsoever, every such person and persons shall for every such offence forfeit the sum of twenty pounds sterling.

Penalty on persons teaching slaves to write.

XL. *And whereas* the inhabitants of this province are liable to have their slaves inveigled, stolen, or carried away, and may receive great prejudice and damage by such unwarrantable and wicked practices, *Be it therefore enacted*, That all and every person or persons who shall inveigle, steal, or carry away any negroe, or other slave or slaves, or shall hire, aid, or counsel any person or persons to inveigle, steal, or carry away, as aforesaid, any such slave or slaves, or that shall aid any such slave in running away or departing from his master's or employer's service, or shall give a ticket or pass whereby such slave shall depart from the service of his or her said owner, manager, or employer shall be, and he and they is and are hereby declared guilty of felony, and, being thereof convicted or attainted, shall stand mute, or will not directly answer to the indictment, or will peremptorily challenge above the number of twenty of the jury, shall suffer death as felons, and be excluded and debarred of the benefit of clergy.

Inveigling of slaves declared felony.

XLI. *And be it further enacted*, That if any person shall, on the Lord's day, commonly called Sunday, employ any slave in any work or labor, (works of absolute necessity and the necessary occasions of the family only excepted) every person so offending shall forfeit and pay the sum of ten shillings for every slave he, she, or they, shall so cause to work or labor.

Penalty on persons causing slaves to work on Sundays.

A. D. 1770.
No. 204.

Murdering of
slaves how to
be punished.

XLII. *And whereas* cruelty is not only highly unbecoming those who profess themselves Christians, but is odious in the eyes of all men who have any sense of virtue or humanity, therefore, to restrain and prevent barbarity being exercised towards slaves, *Be it enacted*, That if any person or persons shall wilfully murder* his own slave, or the slave of any other person, every such person shall, upon conviction thereof by the oath of two witnesses, be adjudged guilty of felony for the first offence, and have the benefit of clergy, making satisfaction to the owner of such slave, and shall be rendered, and is hereby declared altogether incapable of holding any place of trust, or of exercising, enjoying, or receiving the profits of any office, place or employment, civil or military, within this province; but if any person shall offend in like manner a second time, such second offence shall be deemed murder, and the offender suffer death for the said crime, and shall forfeit as much of his lands, tenements, goods, and chattels, as may be sufficient to satisfy the owner of such slave so killed as aforesaid; and in case any person shall not be able to make the satisfaction hereby required on committing the first offence, every such person shall be sent to any frontier garrison of this province, or committed to the goal at *Savannah*, and there to remain at the public expence, for the space of seven years, and to serve or be kept to hard labor, and the pay usually allowed by the public to soldiers of such garrisons, or the profits of the labor of the offender, shall be paid to the owner of the slave murdered; and if any person shall, on a sudden heat of passion, and without any ill intent, kill the slave of any other person, he shall forfeit the value of the said slave so killed, to be appraised by any three or more freeholders; and, in case any person or persons shall wilfully cut out the tongue, put out the eye, castrate, or cruelly scald, burn, or deprive any slave of any limb or member, or shall inflict any other cruel punishments, other than by whipping or beating with a horsewhip, cowskin, switch, or small stick, or by putting irons on, or confining or imprisoning such slave, every such person shall, for every such offence, forfeit a sum not exceeding fifty pounds *sterling*.

Penalty on persons not keeping a white person on plantation.

XLIII. *And whereas* plantations settled with slaves, without any white man thereon, may be harbors for runaway and fugitive slaves, *Be it therefore enacted*, That no person or persons hereafter shall keep any slaves, on any plantation or settlement, without having a white man on such plantation or settlement, under pain of forfeiting the sum of five pounds *sterling* for every month which any such person shall so keep any slaves on any plantation or settlement, without a white man as aforesaid; and every owner of any plantation or settlement, for every twenty-five slaves, of the age of sixteen and upwards which such owner shall have thereon, shall be, and is hereby obliged to retain and keep in his or her service, on such plantation or settlement, one white man capable of bearing arms, under the pain of forfeiting five pounds per month for every white man wanting thereon.

Persons sued for executing this act may plead the general issue.

XLIV. *And be it further enacted*, That if any person shall be, at any time sued for putting in execution any of the powers contained in this act, such person shall and may plead the general issue, and give the special matter and this act in evidence, and if the plaintiff be non-sued, or a verdict pass for the defendant, or if the plaintiff

* The murder of a slave is punishable in like manner as the murder of a white person. See const. of 1798.

tiff discontinue his action, or enter a *noli prosequi*, or if upon demurrer judgment be given for the defendant, every such defendant shall have his full costs.

A. D. 1773.
No. 204.

XLV. *And be it further enacted*, That this act, and all the clauses therein contained, shall be construed most largely and beneficially for the promoting and carrying into execution this act, and for the encouragement and justification of all persons to be employed in the execution thereof, and that no record, warrant, precept, or commitment, to be made by virtue of this act, or the proceedings thereupon, shall be reversed, avoided, or anywise impeached by reason of any default in form.

This act, and all the clauses therein contained, shall be construed most beneficial for carrying the same into execution.

XLVI. *And be it enacted*, That all fines and penalties and forfeitures imposed or inflicted by this act, which are not hereby particularly disposed of, or the manner of the recovering directed, shall, if not exceeding the value of eight pounds *sterling*, be recovered as is directed in and by an act for the more easy and speedy recovery of small debts and damages, in the parish where such offence shall be committed; and in case such fine, penalty, or forfeiture, shall exceed the sum of eight pounds *sterling*, the same shall be recovered by action of debt, bill, plaint, or information, in the general court of this province; and all the said fines, penalties, and forfeitures, which shall be recovered by this act, and are not before particularly disposed of, shall be one half to his majesty, his heirs and successors, and to be paid to the treasurer, to be applied in aid of the general tax, towards paying for such slaves as are executed by virtue of this act, and the other half to the informer or informers.

Fines, &c. not hereby disposed of, or the manner of recovery directed, how to be recovered and applied.

XLVII. *And be it further enacted*, That his majesty's part of the fines, penalties and forfeitures,* which shall be recovered by virtue of this act, shall be paid into the hands of the justices, or in the court where the same shall be recovered, who shall make a memorial or record of the same to the treasurer of this province from the said court of justices, who shall receive his majesty's part of such fines and forfeitures, which memorial shall be a charge on the judges or justices respectively to whom the same shall be paid, and the treasurer of this province for the time being shall and may, and he is hereby authorized and empowered to levy and recover the same by warrant of distress and sale of the goods and chattels of the said judges or justices respectively who shall be charged with the same, in case they or any of them shall neglect or refuse to make such memorial, or record as aforesaid, or send such transcript thereof as is before directed, or shall neglect or refuse to pay the same over to the treasurer within thirty days after the receipt of the same.

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

This act to be deemed a public act.

XLIX. *And be it further enacted*, That this act shall continue and be in force for and during the term of five years, and from thence to the end of the then next session of the general assembly, and no longer.†

Continuation of this act.

JAMES WRIGHT.

N. W. JONES, *Speaker*.

JAMES HABERSHAM, *President*.

May 10, 1770.

An

* Now applied to the use of the State. See Revival Act of 1784, No. 287.

† The next session, after the expiration of the five years, was held in 1777. Consequently, this act being in full force at the time of the revolution, the same is perpetuated by act of 1784, No. 287.