

AN
ALPHABETICAL DIGEST
OF
THE PUBLIC STATUTE LAW
OF
SOUTH-CAROLINA.

IN THREE VOLUMES

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TITLE 157.

Slaves.*

TIT. 157.

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 A. V. 1673-6  
 P. L. 2.  
 Stealing, &c.  
 any boat or  
 canoe.

1. IF any slave or Indian at any time after the ratification of this act, shall take away or let loose any boat or canoe, or steal any grappling, painter, rope, sail or oars from any landing or place whatsoever, where the owners or persons in whose service and employment they were last in, had made fast or laid the same, shall for the first offence he or they shall be convicted of, receive on his or their bare backs thirty-nine lashes.

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\* Slavery seems to have always existed in the world from the time of Noah, under various forms; and in some countries the slaves formed the most numerous class. The *Helotes* were slaves, and belonged to the public. The Athenian slaves were numerous; and the free citizens of Rome had incredible numbers, whose lives depended on the absolute will of their masters. Slaves appear to have been nearly as numerous as freemen in some European countries, long after the establishment of Christianity, and were chiefly employed in cultivating the earth, as the *Helotes* were in Laconia. They consisted of captives taken in war, or were acquired in various other ways. Their masters had absolute dominion over their persons, and might punish them capitally. This power continued as late as the twelfth century. Afterwards it was restrained; but a slight compensation was admitted as an atonement for taking away the life of a slave. Slaves were punished with more rigour than freemen, and differently. They were not permitted to marry, nor encouraged to cohabit together. Afterwards they were permitted to marry with the consent of their masters. The children of slaves followed the condition of their parents. Slaves were the property of their masters, and might be sold at pleasure as any other moveable. In process of time they became *adscripti glebe*, and were conveyed by sale together with the farm or estate to which they belonged. They had a title to nothing but subsistence and clothes from their master; and all the profits of their labour accrued to him. They were distinguished by a peculiar dress. They were obliged to shave their heads, because *long hair* (as among the Spartans) was a mark of freedom and dignity. They were not admitted to give evidence against a freeman in a court of justice. This class of men were called *servi*. There was another class called *villani*, *villians*, who were also *adscripti glebe* or *villæ*, from which they derived their name, and were transferable along with it. They paid a fixed rent to their master for the land they cultivated. Villians in England were of two sorts: Villians in *gross*, who were immediately bound to the person of their lord, and his heirs; and villians *regardant* to a manor, or bound to the lord as annexed to his manor. He was a *pure villien*. There are not now any villians in England *properly so called*, and the tenure of villienage was abolished by Stat. 12 Ch. 2 c. 24. See Roberts. Ch. V. vol. 1. 2 Bl Com. 92. Co. Litt. Terms de Ley. Gibb. Decline & Fall.

Vassalage, or rather slavery, still exists in Russia, to a great extent. The fortune of a Russian nobleman is measured by the number of *boors*, or peasants, that he possesses, which in general are saleable *like cattle*, and not *adscripti glebe*. His revenue arises from a capitation tax on all the males. Each family has a portion of land to cultivate, which it is evidently the interest of the boor not to improve. See Malthus on Population, B. 2. c. 3. Smith's Wealth of Nations, vol. 1. p. 385.

and for the second offence, shall forfeit and have cut off from his or their heads one ear.

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2. Upon complaint made to any justice or justices of the peace, of any offence committed by any negro or Indian as aforesaid, the said justice or justices shall issue his or their warrants for apprehending the offenders, and for all persons to come before him or them that can give evidence, and if upon examination it appears that the apprehended are guilty, the said justice or justices shall give sentence that the offender shall receive such punishment as is by this act directed, and forthwith by his or their warrant cause immediate execution to be done by any constable or his deputy, in such manner as he or they shall think fit.

A. A. 1695-6.  
P. L. 2.

3. Since charity and the Christian religion which we profess, obliges us to wish well to the souls of all men, and that religion may not be made a pretence, to alter any man's property and right, and that no persons may neglect to baptize their negroes or slaves, or suffer them to be baptized, for fear that thereby they should be manumitted and set free: *Be it therefore enacted*, That it shall be, and is hereby declared, lawful for any negro or Indian slave, or any other slave or slaves whatsoever, to receive and profess the Christian faith, and be thereunto baptized. But that notwithstanding such slave or slaves shall receive and profess the Christian religion, and be baptized, he or they shall not thereby be manumitted or set free, or his or their owner, master or mistress loose his or their civil right, property and authority over such slave or slaves, but that the slave or slaves, with respect to his or their servitude, shall remain and continue in the same state and condition, that he or they was in before the making of this act.

A. A. 1711.  
P. L. 18.  
Those who shall be baptized, not thereby set free.

4. *Whereas* in his majesty's plantations in America, slavery has been introduced and allowed; and the people commonly called negroes, Indians, mulattoes and mestizos, have been deemed absolute slaves, and the subjects of property in the hands of particular persons; the extent of whose power over such slaves, ought to be settled and limited by positive laws, so that the slaves may be kept in due subjection and obedience, and the owners and other persons having the care and government of slaves, may be restrained from exercising too great rigour and cruelty over them;\* and that the public peace and order of this province may be preserved:

A. A. 1740.  
P. L. 163-4.  
[Negro act.]

5. *Be it enacted*, that all negroes, Indians, (free Indians in amity with this government, and negroes, mulattoes and mestizos who are now free, excepted) mulattoes or mestizos, who now are or shall hereafter be in this province, and all their issue and offspring born or to be born, shall be and they are hereby declared to be and remain for ever hereafter absolute slaves, and shall follow the condition of the mother; and shall be deemed, sold, taken, reputed and adjudged in law to be chattels personal in the hands of their owners and possessors and their executors, administrators and assigns, to all intents, constructions and purposes whatsoever.

Negroes, Indians, mulattoes, and mestizos, (except those free in 1740) and their offspring, declared absolute slaves, and to follow the condition of the mother. To be considered chattels personal.

\* Montesq. Sp. L. book xv.

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A. A. 1740.  
P. L. 163-4  
[Negro act.]  
Claiming free-  
dom.

A guardian  
may be ad-  
mitted for  
any reputed  
slave claim-  
ing freedom,  
to bring  
an action of  
ravishment of  
ward, &c.

If verdict for  
the plaintiff,  
special entry  
to be made,  
&c.

Judgment  
for defendant,  
&c.

Burthen of  
proof on the  
plaintiff.

Provisos.

§ 11.  
In suits for  
freedom the  
defendant  
to enter into  
a recogni-  
zance to pro-  
duce the ward  
of the plain-  
tiff, &c.

6. *Provided* that if any negro, Indian, mulatto, or mestizo shall claim his or her freedom, it shall and may be lawful for such negro, Indian, mulatto or mestizo, or any person or persons whatsoever, on his or her behalf to apply to the justices of his majesty's court of common pleas by petition or motion, either during the sitting of the said court, or before any of the justices of the same court at any time in the vacation.\* And the said court or any of the justices thereof, shall, and they are hereby fully empowered to admit any person so applying, to be guardian for any negro, Indian, mulatto or mestizo claiming his, her or their freedom, and such guardians shall be enabled, entitled and capable in law to bring an action of trespass, in the nature of ravishment of ward, against any person who shall claim property in, who shall be in possession of any such negro, Indian, mulatto or mestizo: and the defendant shall and may plead the general issue on such action brought, and the special matter may and shall be given in evidence, and upon a general 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.

7 *Provided*, that in any action or suit to be brought in pursuance of the direction of this act, the burthen of the proof shall lay upon the plaintiff, and it shall be always presumed, that every negro, Indian, mulatto and mestizo, is a slave, unless the contrary can be made appear. (The Indians in amity with this government excepted) in which case the burthen of the proof shall lie on the defendant.

8. *Provided also*, that nothing in this act, shall be construed to hinder or restrain any other court of law or equity in this province, from determining the property of slaves, or their right of freedom, which now have cognizance or jurisdiction of the same, when the same shall happen to come in judgment before such courts or any of them, always taking this act for their direction therein.

9. And 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 court of common pleas shall direct, with condition that he shall produce the ward of the plaintiff at all times, when required by the court, and that whilst such action or

\* See within; altered by A. A.

suit shall be depending and undetermined, the ward of the plaintiff shall not be elbigned, abused or misused.

TIT. 157.

10. 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 Charlestown, or any other town in this province, to go out of the limits of the said town, or any such slave who lives in the country to go out of the plantation to which such slave belongs, or in which plantation such slave is usually employed, without a letter superscribed and directed, or a ticket in the words following:

A. A. 49.  
P. L. 165-4.  
No slave to be sent from home without a letter or ticket.

Permit this slave to be absent from Charlestown, (or any other town, or if he lives in the country) \_\_\_\_\_ from Mr. \_\_\_\_\_ plantation in \_\_\_\_\_ parish, for \_\_\_\_\_ days (or hours) dated the \_\_\_\_\_ day of \_\_\_\_\_ or to that purpose or effect; which ticket shall be signed by the master or other person having the care or charge of such slave, or by some other person by his or their order, direction and consent: And every slave who shall be found out of Charlestown, or any other town, if such slave lives or is usually employed there, or out of the plantation to which such slave belongs, or in which such slave is usually employed, if such slave lives in the country, without a letter or ticket as aforesaid, or without a white person in his company, shall be punished with whipping on the bare back not exceeding twenty lashes.

Slaves found from home without a ticket how to be dealt with.

11. And if any person 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 or against the will of the owner, or other person having charge of such slave, shall forfeit to the owner the sum of twenty pounds current money.

§ 4.  
Any person who shall give a ticket to a slave without his master's consent shall forfeit 20*l*. to the owner.  
P. L. 165.

12. If any slave, who shall be out of the house or plantation where such slave shall live or shall be usually employed, or without some white person in company with such slave, shall refuse to submit to or undergo the examination of any white person, it shall be lawful for any such white person to pursue, apprehend and moderately correct such slave; and if such slave shall assault and strike such white person, such slave may be lawfully killed.

§ 5.  
Slaves refusing to be examined by any white person, may be corrected, and if they resist may be lawfully killed.

13. *Provided*, that if any negro or other slave, who shall be employed in the lawful business or service of his master, owner, overseer, or other person having charge of such slave, shall be beaten, bruised, maimed or disabled by any person or persons not having sufficient cause or lawful authority for so doing, (of which cause the justices of the peace respectively may judge) every person and persons so offending, shall for every such offence, forfeit and pay the sum of forty shillings current money, over and besides the damages herein after mentioned, to the use of the poor of that parish in which such offence shall be committed.

Slaves beaten, &c. without cause, every person so offending shall forfeit forty shillings to the poor.

14. And if such slave or slaves shall be maimed or disabled by such beating, from performing his or her work, such person and persons so offending, shall also forfeit and pay to the owner or owners of such slaves, the sum of fifteen shillings

And if such slave shall be disabled from performing his work, the offender shall

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A. A. 1740.

P. L. 165-6.

[Negro act.]  
 forfeit fifteen  
 shillings per  
 day, for each  
 day of his lost  
 time, and the  
 cure of such  
 slave.

§ 8.

Persons  
 wounded in  
 pursuing.

§ 13.

Trial of  
 slaves.

Free negroes,  
 &c.

P. L. 167.

§ 15.

Criminal of-  
 fender.

current money per diem, for every day of his lost time, and also the charge of the cure of such slave.

15. And if the said damages, in the whole, shall not exceed the sum of twenty pounds current money, the same shall, upon lawful proof thereof made, be recoverable before any one of his majesty's justices of the peace, in the same way and manner as debts are recoverable by the act for the trial of small and mean causes. 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 without bail, until such penalty and damages shall be paid, any law, statute, usage or custom to the contrary notwithstanding.\*

16. If any person shall be maimed, wounded or disabled, in pursuing, apprehending or taking any slave that is run away, or charged with any criminal offence, or in doing any other act, matter or thing, in obedience to or in pursuance of the direction of this act, he shall receive such reward from the public as the general assembly shall think fit; and if any such person shall be killed, his heirs, executors or administrators shall receive the like reward.

17. And for the preventing the concealment of crimes and offences committed by slaves, and for the more effectual discovery and bringing slaves to condign punishment, *Be it enacted*, That not only the evidence of all free Indians without oath, but the evidence of any slave without oath shall be allowed and admitted, in all causes whatsoever, for or against another slave accused of any crime 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 conscience of the justices and freeholders.

18. *And whereas* slaves may be harboured 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 enacted*, That the evidence of any free Indian or slave without oath, shall in like manner be allowed and admitted in all cases, against any free negroes, Indians, (free Indians in amity with this government only excepted) mulatto or mestizo, and all crimes and offences committed by free negroes, Indians, (except as before excepted) mulattoes or mestizos, shall be proceeded in, heard, tried, adjudged and determined by the justices and freeholders appointed by this act for the trial of slaves, in like manner, order and form as is hereby directed and appointed for the proceedings and trial of crimes and offences committed by slaves, any law, statute, usage or custom to the contrary notwithstanding.

19. If any slave in this province shall commit any crime or offence whatsoever, which by the laws of England, or of this province, now in force, is or has been made felony without

\* See Title 107, *Justices of Peace*; A. A. Feb. 1791.

benefit of the clergy, and for which the offender by law ought to suffer death; every such slave, being duly convicted according to the directions of this act, shall suffer death, to be inflicted in such manner as the justices, by and with the advice and consent of the freeholders, who shall give judgment on the conviction of such slave, shall direct and appoint.\*

TIT. 157.

A. A. 1740.

P. L. 167.

[Negro act.]

§ 16.

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

Not entitled to benefit of clergy.

§ 17.

21. Any slave who shall be guilty of homicide of any sort, upon any white person, except by misadventure, or in defence of his master or other person under whose care and government such slave shall be, shall upon conviction thereof as aforesaid suffer death.

22. And every slave who shall raise or attempt to raise an insurrection in this province, or shall endeavour to delude or entice any slave to run away and leave this province; every such slave and slaves, and his and their accomplices, aiders and abettors shall upon conviction as aforesaid suffer death.

§ 18.

23. And to the end that owners of slaves may not be tempted to conceal the crimes of their slaves, to the prejudice of the public, *Be it enacted*, That in case any slave shall be put to death, in pursuance of the sentence of the justices and freeholders aforesaid, (except slaves guilty of murder, and slaves taken in actual rebellion) the said justices, or one of them, with the advice and consent of any two of the freeholders, shall, before they award and order their sentence to be executed, appraise and value the said negroes so to be put to death, at any sum not exceeding two hundred pounds current money, and shall certify such appraisement to the public treasurer of this province, who is hereby authorized and required to pay the same; one moiety thereof at least to the

Owners of slaves executed, to receive compensation.

\* See further respecting the duty and power of justices of peace, in the trial of slaves, *infra*.

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A. A. 1740.

P. L. 167.

[Negro act.]

§ 20.

Any person who shall conceal any slave, accused of a capital crime, to forfeit, &c.

P. L. 168-9.

§ 23.

It shall not be lawful for slaves to use fire-arms, without a ticket.

The tickets to be renewed every month.

No slave shall carry any weapon from home between Saturday evening and Monday morning.

In what case fire-arms, &c. may be taken from slaves.

owner of such slave, or to his order, and the other moiety, or such part thereof as such justices and freeholders shall direct, to the person injured by such offence for which such slave shall suffer death.

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

25. *It shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of fire-arms, or any offensive weapon whatsoever, unless such negro or slave shall have a ticket or license in writing from his master, mistress or overseer, to hunt and kill game, cattle, or mischievous birds, or beasts of prey, and that such license be renewed once every month; or unless there be some white person of the age of sixteen years or upwards, in the company of such slave when he is hunting or shooting; or that such slave be actually carrying his master's arms to or from his master's plantation, by a special ticket for that purpose; or unless such slave be found in the day time actually keeping off rice-birds, or other birds within the plantation to which such slave belongs, lodging the same gun at night within the dwelling-house of his master, mistress, or white overseer. And provided also, that no negro or other slave shall have liberty to carry any gun, cutlass, pistol or other weapon, abroad from home at any time between Saturday evening after sun-set and Monday morning before sun-rise, notwithstanding a license or ticket for so doing.*

26. And in case any person shall find any slave using or carrying fire-arms, or other offensive weapons, contrary to the true intention of this act; every such person may lawfully seize and take away such fire-arms or offensive weapons: But before the property of such goods shall be vested in the person who shall seize the same, such person shall, within forty-eight hours, next after such seizure, go before the next justice of the peace, and shall make oath of the manner of the taking; and if such justice of the peace, after such oath shall be made, or if upon any other examination, he shall be satisfied that the said fire-arms or other offensive weapons, shall have been seized according to the directions, and agreeable to the true intent and meaning of this act, the said justice shall, by certificate under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person who seized the same.

27. *Provided, 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 to be seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from whom such fire-arms or*

other offensive weapons shall be taken or seized, shall be duly summoned, to shew cause (if any such they have) why the same should not be condemned as forfeited; or until forty-eight hours after the service of such summons, and oath made of the service thereof before the said justice. [See *State Constitution*, Art. 1. § 2.]

TIT. 157.

A. A. 1740.  
P. L. 168-9.  
[Negro act.]

28. If any slave shall presume to strike any white person, such slave, upon trial and conviction before the justice or justices and freeholders aforesaid, according to the directions of this act, shall for the first and second offence, suffer such punishment as the said justice and freeholders, or such of them as are empowered to try such offences, shall in their discretion think fit, not extending to life or limb, and for the third offence shall suffer death; but in case any such slave shall grievously wound, maim or bruise any white person, though it shall be only the first offence, such slave shall suffer death. *Provided*, 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 or government of such slave; in which case the slave shall be wholly excused, and the owner or other person having the care or government of such slave, shall be answerable as far as by law he ought.

§ 24.

Slaves who shall strike a white person, how to be dealt with.

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

§ 25.

Runaways, to be sent to the work-house in Charlestown. (\*)

(\*) See A. A. 27 Feb. 1783, and the A. A. 1783, incorporating Charlestown, and putting the work-house under the directions of the intendant and wardens of the said city. [See *Charleston*, Vol. 3.]

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the owner shall sustain by reason of such escape, as the case shall happen.\*

A. A. 1740.

P. L. 168-9.

[Negro act.]

§ 26.

30. And the said warden of the work-house shall, at the charge of the owner of such slave, provide sufficient food, drink, clothing and covering for every slave delivered into his custody, and shall keep them to moderate labour, and advertise them in the gazette in the manner aforesaid, and on failure thereof shall forfeit all his fees due for such slave.

§ 27.

The person taking up a runaway, his compensation, &c.

31. And any person who shall take up any runaway slave, and shall deliver such slave either to the master or other person having the care or charge of such slave, or to the warden of the work-house, shall be entitled to receive from the owner or warden of the work-house, upon the delivery, fifteen pence current money per mile, for every 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 warden aforesaid, the person delivering such slave, shall give an account of his name, place of abode, and the time and place when and where such slave was apprehended; which account the said warden shall enter down in a book to be kept for that purpose, and shall give a receipt for any such slave which shall be delivered as aforesaid, into his custody: And the said warden is hereby fully authorized and empowered to demand and receive from the owner, or other person having the charge or care of any such slave, for negroes committed, from the month of October to March inclusive, for finding necessary cloathing and coverings, to be the property of the masters, any sum not exceeding six pounds; and the several sums following, and no other sum, fee or reward, on any pretence whatsoever, that is to say: For apprehending each slave, paid to the person who delivered such slave in custody, twenty shillings, current money: For mileage paid to the same person, fifteen pence, like money: For a sufficient quantity of provision for each day, for each slave, three shillings and nine pence, like money: For advertising and publishing every slave, as directed by this act, five shillings, like money, exclusive of the charge of printing: For receiving such slave, five shillings, and for delivering of him, five shillings: For poundage on money advanced, one shilling in the pound, like money.

Warden of the work-house, his compensation, &c.

32. And the said warden shall and may lawfully detain any slave in custody, until the fees and expenses aforesaid, be fully paid and satisfied; and in case the owner of such slave, or his overseer, agent, manager, attorney or trustee, shall neglect or refuse to pay or satisfy the said fees and expenses, for the space of thirty days after the same shall be demanded, by notice in writing served on the owner of such slave, or (if the owner is absent from this province) upon his overseer, agent, manager, attorney or trustee, the said warden shall

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\* See A. A. 1788. P. L. 441. So much of this act is repealed as requires persons residing in any other district than Charleston to deliver runaway slaves to the warden of the work-house; and directs their delivery to the respective gaolers of the district gaols. See within.

and may expose any such slave, to sale at public outcry, and after deducting the fees and expenses aforesaid, and the charges of such sale, shall upon demand, return the overplus money arising by such sale, to any person who has a right to demand and receive the same.

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A. A. 1740.

P. L. 169.

[Negro act.]

33. *And forasmuch* as for want of knowing or finding the owner of any fugitive slave, to be delivered to him as aforesaid, the said warden may not be obliged to keep such slave in his custody, and find and provide provisions for such slave over and beyond a reasonable time; *Be it therefore enacted*, That if the owner or owners of such fugitive slaves, shall not within the space of eighteen months from the time of commitment, make his, her or their claim or claims, or it shall not be otherwise made known to the said warden, within the time aforesaid, to whom such committed slave shall belong; it shall and may be lawful for the said warden to sell such slave at public outcry, in Charlestown, he the said warden first advertising such sale six weeks successively in the public gazette, together with the reason of the sale of such slave, and out of the money arising by such sale, to pay, deduct or retain to himself what shall be then due for money by him disbursed on receipt of such fugitive slave, and for his fees and provisions, together with the reasonable charges arising by such sale; and the overplus money, if any there shall be, shall be rendered and paid by the said warden to the public treasurer for the time being, in trust nevertheless for the use of the owner or owners of such slave, provided the same be claimed by him, her or them, within one year and a day after such sale, or in default of such claim, within the time aforesaid, to the use of the public of this province, to be applied as the general assembly shall direct.

§ 28.

In what case the warden may sell slaves, &c.

34. If any free negro, mulatto or mestizo, or any slave, shall harbour, conceal or entertain any slave that shall run away, or shall be charged or accused with any criminal matter; every free negro, mulatto and mestizo, and every slave, who shall harbour, conceal or entertain any such slave, being duly convicted thereof, according to the directions of this act, if a slave, shall suffer such corporal punishment, not extending to life or limb, as the justice or justices, who shall try such slave, shall in his or their discretion think fit; and if a free negro, mulatto or mestizo, shall forfeit the sum of ten pounds, current money, for the first day, and twenty shillings for every day after, to the use of the owner or owners of such slave so to be harboured, concealed or entertained as aforesaid, to be recovered by warrant under the hand and seal of any one justice of the peace in and for the county where such slave shall be so harboured, concealed or entertained, in like manner as debts are directed to be recovered by the act *for the trial of small and mean causes*.\* And that in case such forfeitures cannot be levied, or such free negro, mulatto or mestizo shall not pay the same, together with the charges attending the prosecution, such free negro, mulatto or mestizo shall

§ 29.

Penalty for harbouring, &c.

Free negroes, &c.

\* See Title 107, *Justices of Peace*.

TIT. 157.

A. A. 1740.

P. L. 170.

[Negro act.]

be ordered by the said justice, to be sold at public outcry, and the money arising by such sale, shall in the first place, be paid for and applied towards the forfeiture due and made payable to the owner or owners, and the charges attending the prosecution and sale, and the overplus, if any, shall be paid by the said justice, into the hands of the public treasurer, to be afterwards paid and applied in such manner as by the general assembly of this province shall be directed and appointed.

§ 33.

Permission to  
go abroad, &c.

35. *And whereas* several owners of slaves do suffer their slaves to go and work where they please, upon conditions of paying to their owners certain sums of money agreed upon between the owner and slave; which practice has occasioned such slaves to pilfer and steal, to raise money for their owners, as well as to maintain themselves in drunkenness and evil courses; for prevention of which practices for the future, *Be it 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 pain of forfeiting the sum of ten pounds, current money, for every such offence, to be paid the one-half to the church-wardens of the parish, for the use of the poor of the parish, in which the offence is committed, and the other half to him or them that will inform and sue for the same, to be recovered in the same way as debts are by the act for the trial of small and mean causes. And every person employing any slave without a ticket from the owner of such slave, shall forfeit to the informer, five pounds, current money, for each day he so employs such slave, over and above the wages agreed to be paid such slave for his work.

Provisos.

36. *Provided*, That the said penalty of five pounds per diem, shall not extend to any person whose property in such slave is disputable. *And provided*, That nothing herein contained shall hinder any person or persons from hiring out by the year, week or day, or any other time, any negroes or slaves to be under the care and direction of his or their owner, master or employer, and that the master is to receive the whole of the earning of such slave or slaves, and that the employer have a certificate or note in writing of the time or terms of such slave's employment, from the owner, attorney or overseer of every such slave severally and respectively.

§ 34.

Dealing, &amp;c.

37. *And whereas* several owners of slaves have permitted them to keep canoes, and to breed and raise horses, neat cattle and hogs, and to traffic and barter in several parts of this province, for the particular and peculiar benefits of such slaves, by which means they have not only an opportunity of receiving and concealing stolen good, 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, pettianger or canoe, or to raise and breed for the use and benefit of such slave, any horses, mares, neat cattle, sheep or

hogs, under pain of forfeiting all the goods and commodities which shall be so bought, sold, traded, trafficked, dealt or bartered for, by any slave, and of all the boats, pettiaugers or canoes, cattle, sheep or hogs, which any slave shall keep, raise or breed for the peculiar use, benefit and profit of such slave; and it shall and may be lawful for any person or persons who-soever to seize and take away from any slave all such goods, commodities, boats, pettiaugers, canoes, horses, mares, neat cattle, sheep or hogs, and to deliver the same into the hands of any one of his majesty's justices of the peace, nearest to the place where the seizure shall be made; and such justice shall take the oath of such person who shall make any such seizure, concerning the manner of seizing and taking the same; and if the said justice shall be satisfied that such seizure hath been made according to the directions of this act, he shall pronounce and declare the goods so seized to be forfeited, and shall order the same to be sold at public outcry, and the monies arising by such sale, shall be disposed of and applied as is herein after directed.

TIT. 157.

A. A. 1740.

P. L. 171-2.

[Negro act.]

Having goods, &c. lawful to take the same.

38. *Provided* that if any goods shall be seized which come to the possession of any slave by theft, finding or otherwise, without the knowledge, privity, consent or connivance of the persons who have a right to the property or lawful custody of any such goods, all such goods shall be restored on such persons 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. and I do sincerely swear and declare, that I did not directly or indirectly permit or suffer the said slave, or any other slave whatsoever, to use, keep or employ the said goods for the use, benefit or profit of any slave whatsoever, or to sell, barter or give away the same; but that the same goods were in the possession of the said slave by theft, finding or otherwise, or to be kept bona fide for my use, or for the use of E. F. a free person, and not for the use or benefit of any slave whatsoever: So help me God.*

Oath to be taken by any person claiming any goods seized in possession of a slave.

Which oath shall be taken *mutatis mutandis*, as the case shall happen.

39. *Provided also*, That it shall be lawful for any person, being the owner or having the care or government of any slave who resides or is usually employed in any part of this province without the limits of Charlestown, to give a license or permission to sell, exchange or barter in Charlestown, or elsewhere within this province, the goods or commodities of the owner, or other person having the care or 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 intrusted, be particularly and distinctly set down and specified, and signed by the owner or other person having the charge or government of such slave, or by some other person by his, her or their order and direction.

Persons may give a license to their slaves to sell or barter expressing the quantity of goods in such license.

TIT. 157.

A. A. 1740.

P. L. 171-2.

§ 35.

Persons living in Charlestown, may send their slaves to sell provisions in open market, and to buy for their master's families.

§ 36.

Slaves found out of their master's plantation, without a ticket, may be taken up and corrected.

As also with a ticket, if he be armed.

Slaves not to be suffered to beat drums, blow horns, or to have public meetings, &c.

§ 37.

Penalties for slaying, and barbarous treatment of.

40. *Provided*, that this act shall not extend or be construed to extend to debar any of the inhabitants of Charlestown from sending any of their slaves residing therein, to sell in open market any sort of provisions whatever, which the owner of such slave shall have received and brought from his or her estate in the country, to be sold at the first hand; nor shall such slaves be debarred from buying any kind of provisions for the use and consumption of their masters and mistresses families, and for which such slave or slaves shall have a license or permit from the master or mistress, or some other person under whose care such slave shall be, any thing in this or any other act to the contrary notwithstanding.

41. And for that as it is absolutely necessary to the safety of this province, that all due care be taken to restrain the wanderings and meetings of negroes and other slaves, at all times, and more especially on Saturday nights, Sundays and other holidays, and their using and carrying wooden swords, and other mischievous and dangerous weapons, or using or keeping of drums, horns, or other loud instruments, which may call together or give sign or notice to one another of their wicked designs and purposes; and that all masters, overseers and others may be enjoined diligently and carefully to prevent the same:

42. *Be it enacted*, That it shall be lawful for all masters, overseers and other persons 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 letter from their master or a ticket, or not having a white person with them, and the said negro or other slave or slaves correct by a moderate whipping; as also any negro or other slave or slaves met or found out of the plantation of his or their master or mistress, though with a letter or ticket, if he or they be armed with such offensive weapons aforesaid, him or them to disarm, take up and whip: And whatsoever master, owner or overseer shall permit or suffer his or their negro or other slave or slaves, at any time hereafter, to beat drums, blow horns, or use any other loud instruments, or whosoever shall suffer and countenance any public meeting or feastings of strange negroes or slaves in their plantations, shall forfeit ten pounds current money, for every such offence, upon conviction or proof as aforesaid; provided an information or other suit be commenced within one month after forfeiture thereof for the same.

43. *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 whosoever, shall wilfully murder his own slave, or the slave of any other person, every such person shall upon conviction thereof, forfeit and pay the sum of seven hundred pounds current money, and shall be rendered, and is hereby declared

altogether and for ever incapable of holding, exercising, enjoying or receiving the profits of any office, place or employment civil or military within this province; and in case any such person shall not be able to pay the penalty and forfeiture hereby inflicted and imposed, every such person shall be sent to any the frontier garrisons of this province, or committed to the work-house in Charlestown, there to remain for the space of seven years, and to serve or to be kept at hard labour.\*

44. And in case the slave murdered shall be the property of any other person than the offender, the pay usually allowed by the public to the soldiers of such garrison, or the profit of the labour of the offender, if committed to the work-house in Charlestown, shall be paid to the owner of the slave murdered.

45. And if any person shall, on a sudden heat or passion, or by undue correction, kill his own slave or the slave of any other person, he shall forfeit the sum of three hundred and fifty pounds current money. And in case any person or persons shall 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 punishment, other than by whipping or beating with a horse-whip, cow-skin, switch or small stick, or by putting irons on, or confining or imprisoning such slave; every such person shall for every such offence, forfeit the sum of one hundred pounds current money.

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

TIT. 157.

A. A. 1740.  
P. L. 173-4.  
[Negro act.]

Penalty on persons who shall in a sudden passion, or by undue correction, kill a slave. Penalty for any unlawful cruelty exercised towards slaves.

§ 38.

Slaves to be allowed sufficient cloathing and food by their owners, &c.

\* Quere, if this part of the act is to be considered in force?

TIT. 157.

A. A. 1740.  
P. L. 173-4.  
[Negro act.]

§ 39.

If slaves are used cruelly, contrary to the true meaning of this act, when no white person shall be present, the person having the care of such slave shall be deemed guilty of the offence, unless he can prove to the contrary.

§ 40.

What apparel slaves are to wear.

47. *And whereas* by reason of the extent and distance of plantations in this province, the inhabitants are far removed from each other; and many cruelties may be committed on slaves, because *no white person* may be present to give evidence of the same, unless some method be provided for the better discovery of such offence; and as slaves are under the government, so they ought to be under the protection of masters and managers of plantations: *Be it further enacted*, That if any slave shall suffer in life, limb or member, or shall be maimed, beaten or abused, contrary to the directions and true intent and meaning of this act, when no *white person* shall be present, or being present shall neglect or refuse to give evidence, or be examined upon oath concerning the same; in every such case, the owner or other person who shall have the care and government of such slave, and in whose possession or power such slave shall be, shall be deemed, taken, reputed and adjudged to be guilty of such offence, and shall be proceeded against accordingly, without further proof; unless such owner or other person as aforesaid, can make the contrary appear by *good and sufficient evidence*, or shall by his own oath, clear and exculpate himself; which oath every court where such offence shall be tried, is hereby empowered to administer, and to acquit the offender accordingly, if clear proof of the offence be not made by *two witnesses* at least; any law, usage or custom to the contrary notwithstanding.

48. *And whereas* many of the slaves in this province wear clothes much above the condition of slaves, for the procuring whereof, they use sinister and evil methods: For the prevention therefore of such practices for the future, *Be it enacted*, That no owner or proprietor of any negro slave or other slave (except livery-men and boys) shall permit or suffer such negro or other slave, to have or wear any sort of apparel whatsoever, finer, other, or of greater value than negro cloth, duffils kerseys, oznabrigs, blue linen, check linen or coarse garlix or callicoes, checked cottons, or Scots plaids, under the pain of forfeiting all and every such apparel and garment, that any person shall permit or suffer his negro or other slave to have or wear, finer, other or of greater value, than negro cloth, duffils, coarse kerseys, oznabrigs, blue linen, check linen or coarse garlix or callicoes, checked cottons or Scots plaids, as aforesaid; and all and every constable and other persons, are hereby authorized, empowered and required, when and as often as they shall find any such negro slave, or other slave, having on or wearing any sort of garment or apparel whatsoever, finer, other or of greater value than negro cloth, duffils, coarse kerseys, oznabrigs, blue linen, check linen, or coarse garlix or callicoes, checked cottons or Scots plaids, as aforesaid, to seize and take away the same, to his or their own use, benefit and behoof; any law, usage or custom to the contrary notwithstanding.

49. *Provided*, That if any owner of any such slave or slaves shall think the garment or apparel of his said slave, not liable to forfeiture, or to be taken away by virtue of this act,

he may apply to any neighbouring justice of peace, who is hereby authorized and empowered to determine any difference or dispute that shall happen thereupon, according to the true intent and meaning of this act.\*

TIT. 157.

A. D. 1740.

P. L. 173-4.

[Negro act.]

§ 42.

Not to hire a house or room.

50. 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, store or plantation to any slave or slaves, or to any free person, to be occupied by any slave or slaves; every such person so offending, shall forfeit and pay to the informer the sum of twenty pounds current money, to be recovered as in the act for the trial of small and mean causes.\*

§ 43.

51. *And whereas* it may be attended with ill consequences to permit a great number of slaves to travel together in the high roads, without some white person in company with them; *Be it enacted*, That no men slaves exceeding seven in number, shall hereafter be permitted to travel together in any high roads of 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 assembled together in any high road, to apprehend all and every such slaves, and shall and may whip them not exceeding twenty lashes on the bare back.

Going abroad;

or assembling.

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

§ 44.

Barbarous treatment of.

53. *And whereas* the having of slaves taught to write, or suffering them to be employed in writing, may be attended with great inconveniencies; *Be it 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 shall use or employ any slave as a scribe in any manner of writing whatsoever, hereafter taught to write; every such person and persons shall, for every such offence, forfeit the sum of one hundred pounds current money.

§ 45.

Teaching to write.

\* See Title 107, *Justices of Peace*.

## TIT. 157.

A. A. 1740.

P. L. 175.

[Negro act.]

Duty of justices, constables and other officers.

54. And in case any justice of the peace, warden of the work-house, or freeholder, shall wilfully or wittingly omit the performance of his duty in the execution of this act; every such justice of the peace and warden of the work-house, shall forfeit the sum of forty pounds current money, and every such freeholder shall forfeit the sum of fifteen pounds current money; which several penalties shall be recovered and disposed of as hereafter is directed. And moreover, the judges and justices of the court of general sessions of the peace, over and terminer, assize and general gaol delivery, are hereby commanded and required to give the offences against this act in charge, in open court; and all grand juries, justices of the peace, constables, and other officers, are hereby required to make due and true presentment of such of the said offences as shall come to their knowledge.

## § 52.

Persons sued for putting this act in execution, may plead the general issue.

55. 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-suit, or a verdict pass for the defendant, or if the plaintiff discontinue his action or enter a *noli prosequi*, or if upon demurrer judgment be given for the defendant, every such defendant shall have his full double costs.

## § 53.

How this act is to be construed.

56. This act and all 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 no record, warrant, precept or commitment, to be made by virtue of this act, or the proceedings thereon, shall be reversed, avoided or any ways impeached by reason of any default in form.

## § 57.

This deemed a public act.

57. 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.\*

A. A. 1751.

P. L. 227.

[Criminal offenders.]

58. *Whereas*, by the seventeenth paragraph of the said act, entitled, *An act for the better ordering and governing negroes, and other slaves in this province*, It is (among other things therein contained) enacted, "That every slave who shall endeavour to delude or entice any slave to run away and leave this province, shall, upon conviction, suffer death;" which is a punishment too great for the nature of the offence, as such offender might afterwards alter his intentions:

The A. A. 1740, ante, altered

59. *Be it therefore enacted*, That such part of the said paragraph as relates only to slaves endeavouring to delude or entice other slaves to run away and leave this province, shall not operate or take effect, unless it shall appear, that such slave (so endeavouring to delude or entice other slaves to run away and leave this province) shall have actually prepared provisions, arms, ammunition, horse or horses, or any boat, canoe, or other vessel, whereby such their intentions shall be manifested; any thing in the said act to the contrary thereof in any wise notwithstanding.

\* The act of 1740 was perpetuated by A. A. 1783, [P. L. 312] except as altered by the acts of 1751, and 1754. See within.

60. *Provided always*, as in the said seventeenth paragraph of the said act is provided.

TIT. 157.

61. *Whereas*, by the laws of this province, negroes and other slave- are deemed to be chattels personal; and are, in every respect, as much the property of their owners, as any other goods or chattels are.\* *And whereas* no punishment can be inflicted, by the laws now in force, upon persons inveigling, stealing, or carrying away any such slaves from their lawful owners or employers, that is adequate to so great and growing an evil. *And whereas* the inhabitants of this province are liable to, and receive great prejudice and damage by such unwarrantable and pernicious practices, and wicked proceedings. Therefore to prevent and punish, as much as may be, such evil:

A. A. 1754.  
P. L. 235-6.  
[Criminal offenders.]

62. *Be it enacted*, That from and immediately after the 24th day of June next, all and every person and persons who shall inveigle, steal, or carry away any negro 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, so as the owner or employer of such slave or slaves shall be deprived of the use and benefit of such slave or slaves; or that shall aid any such slave in running away, or departing from his master or employer's service, shall be, and he and they is and are hereby declared to be guilty of felony; and being thereof convicted or attainted, by verdict or confession; or being indicted thereof, 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.

Made a capital felony, to inveigle, steal or carry away any slave, or abet another in doing so.

63. *And whereas* by the act, entitled, *An act for the better ordering and governing negroes and other slaves in this province*, passed the tenth day of May, 1740,\* *It is enacted*, That a justice of the peace shall, upon complaint made, or information received, of an offence committed by any slave for which capital punishment may be inflicted, commit the offender to the safe custody of the constable of the parish where such offence was committed, and shall, without delay, by his warrant, call to his assistance any one of the nearest justices of the peace, to associate with him: and shall, by the same warrant, summon any number of the neighbouring freeholders, not less than three or more than five, to meet at a certain day and place, not exceeding three days after the apprehending of such slave or slaves, and finally hear and determine the matter brought before them, in the most expeditious and summary manner. *And whereas* it may frequently happen to be impossible to procure the justice and freeholders, and the witnesses who are capable of giving such evidence as would subject the offenders to the punishment inflicted by law, to attend such trial within the time by the said act prescribed, whereby such offenders, though guilty, may escape the punishment due to their offences:

That part of the negro act, which directs the trial of slaves to be within three days after they are apprehended repealed:

\* Vid. supra.

TIT. 157.

A. A. 1754.  
P. L. 236.  
[Original offenders.]

And six days  
allowed to  
bring them to  
trial;

and a further  
time, if  
thought necessary  
by the justices  
and freeholders.

A. A. 1769.  
P. L. 276.  
Punishment  
for killing  
deer without  
their master's  
permit in writing.

A. A. 1784.  
P. L. 332.  
Duty of the  
gaolers and  
warden of the  
work-house.

64. *Therefore be it enacted*, That the said clause, so far as the same relates to the trial of such slaves at any time not exceeding three days after his being apprehended, shall be, and is hereby, from and immediately after passing this act, repealed.

65. And it shall and may be lawful for the justice who shall commit the offender, to issue his warrant, under his hand and seal, to call to his assistance any one of the nearest justices of the peace, to associate with him, and to summon the freeholders as mentioned in the said act, to meet together with the said justice, at a certain day and place, not exceeding six days after the apprehending such offender.

66. And that it shall be left to the discretion of the said justices and freeholders, at any time within six days after the apprehending such slave and his being committed by a justice of peace for trial, to postpone the said trial to such further time as they shall think proper and appoint, upon oath being made before them, or affidavit produced to them, that the person or persons who was or were witnesses to such fact for which such slave was apprehended, is or are ill, and cannot with safety attend such trial, or is or are at too great a distance to be there within the time by this act directed for such trial.

67. And if any servant or slave, by command of his or her master, mistress, or overseer, shall so shoot or kill any deer as aforesaid, the party giving such command, shall be liable to the like penalties respectively: And if such servant or slave cannot prove such command (by a ticket in writing, from his or her master, mistress or overseer) he or she shall receive, by order of such justice of the peace, for every such offence, twenty lashes, on the bare back, unless security be given for payment of the fine, within one month after such conviction. *Provided always*, That it shall and may be lawful to and for any freeholder, or house-keeper, at any time, to kill, or cause to be killed, any kind of deer in his inclosed grounds, without being liable to any penalty for so doing.

68. *The said warden of the work-house* shall immediately advertise in this State Gazette, the names, ages, and other particular description of all slaves delivered to him, in order that their respective owner or owners may have notice of such slave or slaves being in his custody or possession; and in case no owner or owners shall appear and prove his, her or their property to such slave or slaves, (which proof shall be made upon oath before one of the justices of the court of common pleas, or any one of the justices of the quorum,) within twelve months from the day of publishing such notice in the gazette aforesaid; that then the said warden of the work-house shall sell and dispose of such slave or slaves at public outcry, first giving one month notice thereof, in the said gazette, of the time and place of such sale; and from and after such sale, the said warden of the work-house shall give a bill of sale for the slave or slaves, to the purchaser or purchasers thereof, which said bill of sale shall vest the property so sold in such purchaser or purchasers absolutely and for ever.

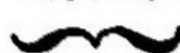
69. *Be it enacted*, That every person or persons having in custody, or taking up one or more runaway slaves, shall cause the same to be conveyed and delivered to the gaoler of any district in which such slave shall be apprehended within five days after having such slave in custody, under the penalty of twenty shillings for each day he shall neglect to carry such slave to the gaoler, to be recovered by the owner before a magistrate or any court of record as the case may require; and the said gaoler shall, on receiving such slave or slaves, confine and be answerable for the same, and give a receipt thereof, and also give his note of hand to the person so delivering for the amount of the party's trouble and expenses, allowing four pence per mile, and a half dollar per day, allowing twenty-five miles per day going only, and the sum of ten shillings for taking up every such slave if a runaway, which note shall be made payable to the bearer, and reimbursed to the gaoler immediately out of the amount of sales of every such negro, or when his owner shall take him out of gaol, which shall not be before such owner shall pay such and other lawful charges for confining and maintaining such slave.\*

70. *Provided*, That where any person hath or shall take up any slave, he shall cause him to be conveyed to a neighbouring justice, who may examine the party on oath touching the distance and time in which he hath necessarily travelled, and shall go with such slave the nearest way to the district gaol, and thereof shall give a certificate on a just estimate of such time and distance, without which certificate the gaoler shall not be obliged to give his note; but he shall notwithstanding take every such slave into confinement. And in all cases where such slave or slaves shall be delivered to any gaoler, he shall safely keep, advertise and dispose of them according to the directions of an act passed the tenth day of March, 1784, to oblige persons having negroes and other property to render an account thereof;† and for every day the said gaoler shall wilfully neglect to advertise such slave or slaves, after having him or them in his custody, agreeable to the directions of the said act, he shall forfeit ten shillings for each slave, to be recovered by the owner before a magistrate or in any court of record as the case may require.

71. Such part of the said act as obliges persons residing in any other district than Charleston, and having in their custody such slaves, to convey them to the warden of the work-house, shall be and the same is hereby repealed. [See above, A. A. 1740.]

72. *Be it enacted by the senate and house of representatives of the United States of America, in Congress assembled*, That no citizen or citizens of the United States, or foreigner, or any other person coming into, or residing within the same, shall, for himself or any other person whatsoever, either as

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A. A. 1788.

P. L. 441-2.

[Runaways]

To be delivered to the gaoler of the district gaol, &c.

Duty of the gaoler

Penalty.

Laws of U. S.

1794, c. 11.

vol. 3, p. 22.

§ 1.

For forfeiture of ship, &c. com.

\* No provision is made for the event of the death of the slave in the interim.

† P. L. 337

## TIT 157.

Laws of U. S.  
1794, c. 11.  
vol. 3, p. 22.  
§ 1  
concerned in  
slave trade.

master, factor or owner, build, fit, equip, load or otherwise prepare any ship or vessel within any port or place of the said United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves, to any foreign country; or for the purpose of procuring from any foreign kingdom, place or country, the inhabitants of such kingdom, place or country, to be transported to any foreign country, port or place whatever, to be sold or disposed of as slaves: And if any ship or vessel shall be so fitted out, as aforesaid, for the said purposes, or shall be caused to sail, so as aforesaid, every such ship or vessel, her tackle, furniture, apparel, and other appurtenances, shall be forfeited to the United States; and shall be liable to be seized, prosecuted and condemned, in any of the circuit courts or district court for the district, where the said ship or vessel may be found and seized.

## § 2.

Forfeiture on  
persons aiding  
or abetting  
contrary  
to this act.

73. *And be it further enacted*, That all and every person so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing, or intending, that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay the sum of two thousand dollars, one moiety thereof to the use of the United States, and the other moiety thereof to the use of him or her who shall sue for and prosecute the same.

## § 3.

In what cases  
owners of ves-  
sels shall give  
bond.

74. *And be it further enacted*, That the owner, master, or factor of each and every foreign ship or vessel, clearing out for any of the coasts or kingdoms of Africa, or suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs, by any citizen, on oath or affirmation, and such information being to the satisfaction of the said officer, shall first give bond with sufficient sureties, to the treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board the said ship or vessel, to be transported, or sold as slaves, in any other foreign port or place whatever, within nine months thereafter.

## § 4.

Forfeiture on  
contravening  
this act.

75. *And be it further enacted*, That if any citizen or citizens of the United States shall, contrary to the true intent and meaning of this act, take on board, receive or transport any such persons, as above described in this act, for the purpose of selling them as slaves, as aforesaid, he or they shall forfeit and pay for each and every person so received on board, transported, or sold as aforesaid, the sum of two hundred dollars, to be recovered in any court of the United States proper to try the same; the one moiety thereof to the use of the United States, and the other moiety to the use of such person or persons who shall sue for and prosecute the same.

A. A. 1796.  
2 Faust 91.  
All persons  
forbidden to  
deal, trade or  
traffic with  
any slave, for

76. *Whereas* it is found expedient to adopt measures, more effectually to prevent slaves, without tickets, from dealing with shop-keepers, traders and others, to the prejudice of their owners:

*Be it therefore enacted*, That if any shop-keeper, trader or other person, shall, at any time hereafter, by himself or any

other person, directly or indirectly, buy or purchase from any slave, in any part of this state, any corn, rice, peas, or other grain; bacon, flour, tobacco, indigo, blades, or any other article whatever; or shall otherwise deal, trade or traffic with any slave, not having a ticket or permit so to deal, trade or traffic, or to sell any such article, from and under the hand of his master or owner, or such other person as may have the care or management of such slave; such shop-keeper, trader or other person, shall, for every such offence, forfeit not exceeding two hundred dollars, to be recovered by bill, plaint or indictment, one half to the use of the state, and the other half to the use of the informer, in any court of this state having jurisdiction to take cognizance thereof.\*

77. *Be it therefore enacted*, That any citizen or inhabitant of this state, who hath removed out of this state any negro or negroes, or slaves, to any of the other states, shall be, and he or she is hereby authorized to bring back into this state such negro or negroes, being slaves, upon giving in a schedule of them, on oath, before a justice of the quorum, specifying such negro or negroes, and therein declaring that the said negro or negroes are really and *bona fide* his or her property, and were carried out of the state by him or her, or the person whom he represents, or the issue of such negroes; which schedule, and oath, the person or persons shall cause to be recorded in the office of the clerk of the court of common pleas of the district in which such person or persons reside.

78. And whensoever any citizen or inhabitant of this state shall hereafter be disposed, or have occasion to carry out of this state into any of the other states, any of his or her negro or negroes, being slaves, it shall be lawful for such citizen or inhabitant to do so, and to bring them back again, together with their issue and increase:

79. *Provided* such citizen or inhabitant shall previously render to and deposit with some justice of the quorum, a schedule of the negroes or slaves which he or she so intends to remove; which schedule such person or persons shall cause to be recorded, previously to their being carried out of this state, in the office of the clerk of the court of common pleas of the district in which such person or persons reside.

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any article whatever, or otherwise deal, &c. unless such slave shall have a written permit, under the hand of his or her owner, or the person who shall have the direction of such slave. Penalty for an infraction of this prohibition. Permission to any inhabitant or citizen of this state, to bring back, &c.

Regulations respecting negroes going to and fro.

Proviso.

\* It was determined, by the constitutional court of appeals, at Columbia, in November 1805, in the case of *The State v. Stroud*, that the offence is within the act, though the owner, or person having the care and management of the slave should permit the slave to trade, either expressly by words, or tacitly, and though he should be present at the trading and trafficking; if the person trading with the slave is ignorant of such permission, or of the presence of the owner, &c. and the slave has no ticket or permit in writing, so to traffick or trade. And this construction agrees with the case of *The King v. Egginton & alios*. 2 Bos. & Pul. 508. in which it was also contended, that it is of the essence of the crime it should be committed against the will of the owner. See 1 Leach's Cases, 232.

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A. A. 1796.  
2 Faust 92.A. A. 1800.  
2 Faust 344.  
Negroes prohibited from entering or being brought into this state.

Power and duty of justices of peace relating to offenders against this law :

And of other civil officers.

Penalties for failure of duty.

Duty of officers of militia in execution of warrants.

80. And such citizen or inhabitant, or his or her legal representative, upon bringing back into this state the negroes or slaves, or their issue, so removed, shall immediately go before the said magistrate, or some other magistrate, if he be dead or out of office, and produce the aforesaid schedule, or a true and certified transcript thereof, and identify, upon oath or affirmation, the slaves so brought back into this state, as being the same slaves, or their issue, so removed as aforesaid.

81. *Be it enacted*, That it shall not be lawful, at any time after the passing of this act, for any person or persons to bring into this state, either by land or water, (except as is herein after excepted,) any negro, mulatto, mestizo, or other slave, or servant of colour, for sale within this state, or to be kept therein; nor shall it be lawful for any free negro, mulatto, or mestizo, any time after the passing of this act, to enter into this state: And every such person of colour as aforesaid, being a slave, or bound to service for a term of years, or free, who shall be sent or brought into this state, or shall enter or come into the same, contrary to this act, shall and may be apprehended, and taken before a justice of the peace, within the district where he or she shall be so apprehended, by any citizen or free white man, who shall be an inhabitant of such district, to be dealt with as is herein after provided.

82. *And be it enacted*, That it shall and may be lawful for any justice of the peace in this state, to whom information shall be made on oath by any person or persons, that he or they know, or have reason to believe that any negro, mulatto or mestizo, slaves, or any negro, mulatto or mestizo, indentured or hired for a term of years, have been, or are about to be introduced or brought into this state, contrary to law, to issue his or their warrant, addressed to any constable; or should he deem it necessary to call an armed force, to any militia officer, as the case may require, directing him, with the corps under his command, to pursue, seize and take all such negroes, mulattoes, and mestizos, together with the white person or persons who may have them in charge, or be accompanying them, and lodge the offender or offenders in the nearest gaol to the place where they are so taken: and in case such justice or justices, to whom such information shall be offered, shall not, within twelve hours, issue his or their warrant, he or they shall forfeit and pay the sum of two hundred dollars, to be recovered by suit in any court of record in this state; one half thereof to be paid into the treasury, as a fund for defraying the expenses in putting this act in force, and the other half to the informer, who shall sue for and recover the same; and in which suits the defendants shall not be entitled to *an imparlance*; and further, *It is declared*, That such justice or justices so offending, shall, after indictment and conviction, be disqualified, and shall be rendered incapable of holding any office of profit or trust in this state, for the term of five years after such conviction.

83. *And be it enacted*, That it shall and may be lawful for any such officer of the militia as aforesaid, and he is hereby authorized and required, immediately upon receipt of such

warrant, to assemble the corps under his command, or such part thereof as he shall deem sufficient for that purpose; and by himself, or such officer under his command as he shall see fit to depute for that purpose, to seize and take every such negro, mulatto or mestizo, being a slave or a servant, either indented or hired for a term of years, or free; and also every person accompanying and having charge of such slave or servant; and every of them being so taken, to commit, by writing, under the hand of such officer so taking the said persons, to the custody of the keeper of the public gaol of the district wherein the said capture shall take place; and it shall be the duty of every such gaoler, in such case to receive and safe keep every such person in his gaol, till thence delivered by due course of law.

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A. A 1800.  
2 Faust 344.

84. And it shall be lawful for every such officer of militia, and also for those persons who shall act immediately under the command of such officer, and in conformity to the authority hereby vested in such officer, in case resistance shall be made by any such slave or servant as aforesaid, or by any person accompanying and having charge of such slave or servant, to the authority of such officer, in enforcing the observance of this act, and in the lawful exercise of the duties required by the same, to employ force to overcome such resistance, and if need be, to attack, wound and kill any person who shall resist, as aforesaid, or any person who shall aid and assist therein, as in cases of invasion, rebellion or insurrection.

85. *And be it enacted,* That every such officer, and every person acting under his command, according to this act, shall be entitled to the same pay and rations, and be subject to the same rules of military discipline, and to the same penalties, that every such officer or person would be entitled and subject to, in case of his being in actual service, by virtue of the acts of the general assembly of this state, in regard to the militia. And in case any such officer to whom any such warrant as aforesaid, shall be directed and delivered, shall refuse, or willfully neglect to proceed to execute the same, within six hours after the warrant shall be delivered to him, he shall, for every such refusal or neglect, be liable to a trial by a court martial, and upon conviction thereof by such court, shall be cashiered, and shall be incapable of holding any office of profit or trust in this state for the term of five years after the sentence of said court martial.

Persons acting under such warrants, entitled to pay, &c.

Penalty for failure of duty.

86. *And be it enacted,* That it shall and may be lawful for the sheriff of the district, within the gaol of which any such slave or servant as aforesaid, shall be confined as aforesaid, after it shall be established by the verdict of a jury, as herein after is provided, that such slave or servant has been brought into this state contrary to this act, to sell any such slave or slaves, or servants, at the usual place, and at one of the usual times appointed by law for selling property at sheriff's sales within his district, after giving due and sufficient legal notice of such intended sale, for one month at least previously to the same; and after deducting and paying to those who shall be entitled thereto, all the lawful fees, charges, and reasonable

Duty of sheriffs.

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A. A. 1800.

2 Faust 347.

Informer a  
competent  
witness.

This act not to  
prevent per-  
sons from mi-  
grating to this  
state.

Penalty on tax  
collectors for  
neglecting to  
give informa-  
tion.

expenses incurred by such taking up, commitment, safe keeping, and maintenance of every such slave or servant, the residue of the proceeds of such sale to be divided and distributed to and among the following persons, in the proportion following, that is to say: To the informer or informers, one half of the neat proceeds aforesaid; and the remaining half of said neat proceeds shall be apportioned and divided among the officers, non-commissioned officers and privates, composing the party by whom such slave or servant, so to be sold, was taken and committed, agreeably to their respective rates of pay, when engaged in actual service.

87. *And be it enacted*, That it shall be lawful for the informer or informers under this act, to give evidence to support such information; and every such informer is hereby declared to be a competent witness in any court of law in this state, which shall have cognizance of such cause; any law, usage or custom to the contrary thereof notwithstanding.

88. *And be it enacted*, That nothing contained in this act, shall tend to prevent any person or persons, residing in any of the different states, to migrate into this state, with his, her or their slaves: *Provided* such person or persons, so migrating as aforesaid, shall, before such migration, on oath, produce a certificate of such oath, before a justice of the peace, or judge, and swear or affirm, that he, she or they, have come into this state with an intent to reside therein; and that the said slaves, brought into this state as aforesaid, have been the bona fide property of such person or persons, for the term of two years before the migrating of such person or persons; and they shall also produce to the said judge or justice, a certificate under the hand and seal of a magistrate in the state in which such person or persons reside, certifying that the slave or slaves, intended to be brought into this state, have been his, her or their property for the term aforesaid; and it may or shall not be lawful for any person or persons coming into this state, with an intent to reside therein, to dispose of or hire any slave or slaves, so brought in by him, her or them, as aforesaid, until such person or persons have resided therein for the full term of two years.

89. *Provided also*, That in no case, or upon any pretence whatever, shall it be lawful for any person, being the head of a family, to bring into this state, any number of negroes exceeding ten, without the express permission of the legislature; and that no other persons, except the head of a family, so intending to reside in this state, shall be allowed the benefit or provision extended or afforded in the above clause of this act.

90. *And be it enacted*, That if any tax-collector shall have knowledge or information of any slaves, as before mentioned, being owned by, or in the possession of any person or persons whomsoever, and shall fail or neglect to give information to the nearest magistrate, within three days after such knowledge or information, every such tax-collector shall be liable to pay the sum of two hundred dollars, to be recovered and applied as herein before mentioned; and shall be, on convic-

tion of such offence, incapable of holding any office of profit or trust in this state, for the term of five years thereafter.

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91. *And be it enacted*, That if any person or persons shall bring into this state, by land or by water, or shall have in his, her or their possession, any slave or slaves as aforesaid, he, she or they shall, upon conviction thereof, forfeit and pay the sum of two hundred dollars.

A. A. 1800.  
2 Faust 349.  
Penalty on persons bringing slaves into this state.

92. *Provided always*, That nothing in this act contained, shall extend to masters of vessels bringing into this state any negro, mulatto, or person of colour, employed on board, or belonging to such vessel, and who shall therewith depart, he or they entering into a bond for performance thereof, with sufficient security, before such person or persons as his excellency the governor, for the time being, shall appoint for that purpose; or to any person travelling into this state, having one or more negroes, mulattoes or persons of colour, as domestic servants.

93. *Be it further enacted*, That any person or persons, having, owning or keeping any public ferry or ferries, toll bridge or bridges in this state, and who shall knowingly and willingly suffer to be passed, conveyed, carried or ferried over, any such negro or negroes, prohibited by law from being brought into this state, or shall, in like manner, pass, convey, carry or ferry over any white person or persons having such negro or negroes in charge, or accompanying them, shall forfeit and pay, for every white person or negro so passed, conveyed, carried or ferried over, the sum of five dollars, to be recovered in any court of record in this state; one half to be paid to the informer or informers, who will sue for and recover the same; and the other half to be paid into the treasury of the state, in aid of the fund to carry this law into effect.

Penalty on ferrymen who suffer slaves to be brought into this state.

94. *Be it enacted*, That in all and every case arising under this act, it shall and may be lawful for any person or persons to enforce or prosecute the same, at any time not exceeding two years; any law, usage or custom to the contrary thereof notwithstanding.

Time of prosecuting under this act.

95. *Be it enacted*, That if any person or persons whatsoever, shall be sued, impleaded, molested or prosecuted for any matter, cause or thing, done or executed, or caused to be done or executed, by virtue of, or in pursuance of the directions of this act, [he] shall and may plead the general issue, and give the special matter in evidence.

General issue may be pleaded.

96. *Be it enacted*, That this act shall remain and continue in force for three years from the passing thereof, and till the next meeting and sitting of the general assembly of this state thereafter, and no longer.\*

97. *Whereas* the laws heretofore enacted for the government of slaves, free negroes, mulattoes and mestizos, have been found insufficient for the keeping them in due subordination:

2 Faust 551.

\* See A. A. 1802, which amends this act; and A. A. 1803, which perpetuates it.

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A. A. 1800.  
2 Faust 351.  
What assem-  
blages of  
slaves, &c.  
shall be un-  
lawful.

How the same  
may be dis-  
persed, &c.

Powers and  
duties of civil  
officers in re-  
lation to such  
assemblages.

*Be it therefore enacted*, That from and after the passing of this law, all assemblies and congregations of slaves, free negroes, mulattoes and mestizos, whether composed of all or any of the above description of persons, or of all or any of the above described persons, and of a proportion of white persons, assembled or met together for the purpose of mental instruction, in a confined or secret place of meeting, or with the gates or doors of such place of meeting barred, bolted or locked, so as to prevent the free ingress and egress to and from the same, shall be, and the same is hereby declared to be an unlawful meeting; and the magistrates, sheriffs, militia officers, and officers of the patrol, being commissioned, are hereby directed, required and empowered, to enter into such confined places, where such unlawful assemblies are convened, and for that purpose to break doors, gates or windows, if resisted, and disperse such slaves, free negroes, mulattoes, or mestizos, as may be then and there found unlawfully met together and convened; and such magistrates, sheriffs, constables, militia officers, or officers of the patrol, are hereby empowered and required to call unto their assistance, such force and assistance from the neighbourhood, as he or they may judge necessary for the dispersing of such unlawful assemblage of persons of colour as aforesaid; and the officers and persons so dispersing such unlawful assemblage of persons, shall, if they think proper, impose such corporal punishment, not exceeding twenty lashes, upon such slaves, free negroes, mulattoes, or mestizos, as they may judge necessary for deterring them from the like unlawful assemblage in future.

98. And the said officers so dispersing such unlawful assemblage, shall, if within the city of Charleston, have power to take into custody and deliver to the master of the work-house in Charleston aforesaid, all or any of such slaves, free negroes, mulattoes, or mestizos, as may be found transgressing this law; and the master of the work-house aforesaid, is hereby directed and required to receive such person or persons, and inflict on him or them such punishment as any two magistrates of the said city may think fit and direct, not exceeding twenty lashes.

99. And the officers dispersing such unlawful assemblies, shall, if without the limits of Charleston, have power to take into custody and deliver to the nearest constable, all or any of such slave or slaves, free negroes or mulattoes, as may be found transgressing this law; and the said constable is hereby required to receive such persons, and convey them to the nearest magistrate, who shall inflict such punishment, not exceeding twenty lashes, which any such magistrate may order and direct.\*

Assemblages  
of slaves with  
free negroes,  
&c. and  
whites, when  
they may be  
dispersed, &c.

100. *And be it further enacted*, That from and after the passing of this act, it shall not be lawful for any number of slaves, free negroes, mulattoes, or mestizos, even in company with white persons, to meet together and assemble, for the purpose

\* See A. A. 1803, amending this act.

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A. A. 1800.  
2 Faust 353.  
Powers and  
duties of civil  
officers in that  
respect.

of mental instruction, or religious worship, either before the rising of the sun, or after the going down of the same. And all magistrates, sheriffs, militia officers, and officers of the patrol, being commissioned, city or town guard, or watchmen, are hereby vested with all the powers and authority for dispersing such assemblies, before day, or after sun-set, as is herein and hereby given to them in the first clause of this act.

101. And the said officers are also empowered to impose on all such slaves, free negroes, mulattoes or mestizos, the same punishment as by the patrol law they are authorized to do in any case whatsoever.

102. *And be it further enacted*, That every officer or other person so entering into and dispersing such slaves, free negroes, mulattoes and mestizos, from such closed or confined places of meeting, or from such open meeting, before sun-rise, or after the going down of the same, shall be, and he is hereby declared under the protection of the law, and free from all suits at law, prosecutions and indictments for or on account of such acts as may be done and performed by him or them, in pursuance of the letter and meaning of this act; and all and every person or persons, suing or prosecuting any officer, or other person, for any trespass or tort done by him in putting in force and executing this law, on failure of convicting the party, or proving the case fully, so as to entitle him, her or them to a recovery of damages, shall be liable, and be deemed and adjudged to pay to the party so prosecuted or sued, *treble costs*; for which costs, the party prosecuted or sued, shall have his execution *in the usual form*, against the goods and chattels of such prosecutor or informer, or plaintiff in the cause, upon application to the clerk of the court where the cause has been tried. [See Title 128, *Patrols*.]

Persons dispersing such unlawful meetings, under the protection of the law, &c.

Persons sued for acting under the sanction of this act, shall have treble costs.

103. *Whereas*, it hath been a practice for many years past in this state, for persons to emancipate or set free their slaves, in cases where such slaves have been of bad or depraved characters, or from age or infirmity, incapable of gaining their livelihood by honest means: To prevent which practice in future,

2 Faust 355.

*Be it enacted*, That from and after the passing of this act, it shall not be lawful for any person or persons to emancipate or set free, his, her or their slave or slaves, except according to the forms and regulations herein after prescribed, to wit: Whenever any person or persons shall intend to emancipate or set free, his, her or their slaves, he, she or they, shall signify such intention to some justice of the quorum, who is hereby authorized and required thereupon to summon to meet at a convenient time and place, five indifferent freeholders, living in the neighbourhood of the person or persons so intending to emancipate or set free, his, her or their said slave or slaves: And when the magistrate and the freeholders summoned as aforesaid, shall be convened, the person or persons, proposing to emancipate or set free, his, her or their slave or slaves, shall produce the said slave or slaves before the magistrate and freeholders, and answer to them, upon oath,

How they may be emancipated, or set free.

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A. A. 1800.  
2 Faust 356.

all such questions as they shall ask concerning the character of the said slave or slaves, and his, her or their ability to gain a livelihood in an honest way; and in case it shall appear to the said magistrate and freeholders, or a majority of them, that the said slave or slaves so produced before them, is or are not of a bad character or characters, and is or are capable of gaining a livelihood in an honest way, they shall give the following certificate, to wit: "We hereby certify, upon the examination, on oath, of A. B. the owner of a certain slave or slaves, named C. D. or E. as the case may be, (here describe the slave or slaves) satisfactory proof has been given to us, that the said slave or slaves, is or are not of bad character or characters, and is or are capable of gaining a livelihood, as the case may be, by honest means."

Every emancipation, to be valid, must be by deed, and according to this act.

Duty of the master upon setting free his slave.

Duty of the clerks of the district courts to record such deeds of emancipation.

Penalty for not delivering a copy of such deed, &c.

Slaves set free otherwise than according to this act; how they may be dealt with.

Provisos.

A. A. 1801.  
2 Faust 374.  
Penalty for bringing negroes into this state.

104. *Be it enacted*, That no emancipation of any slave shall be valid or lawful, except it be by deed, and according to the regulations above prescribed, and accompanied by the above mentioned certificate. And furthermore, that every person freeing any slave, shall cause to be delivered to him or her, a copy of the deed of emancipation and certificate aforesaid, (within ten days after such deed shall have been executed) attested by the *clerk of the court of the district*, who shall record the said deed in the respective offices, and that the said clerk shall be paid therefor by the person emancipating, the sum of four dollars; and that all deeds and certificates of manumission, shall be void and of non-effect, unless such deed and certificate shall be recorded within six months from the time the same shall have been executed.

105. *Be it enacted*, That every person neglecting or refusing to deliver to any slave, by him or her set free, such copy of the said deed and certificate, within ten days after the execution of the same, shall forfeit and pay fifty dollars, to be recovered with costs, in any court of record, to the use of the person who shall sue for the same.

106. And in case any slave shall hereafter be emancipated, or set free, otherwise than according to this act, it shall and may be lawful for any person whosoever, to seize and convert to his or her own use, and to keep as his or her property, the said slave so illegally emancipated or set free.

107. *Provided*, That nothing herein contained, shall be so construed as to deprive any free negro, Indian, mulatto, or mestizo, in the case where he or she is unjustly detained, or held in slavery, from any remedy or redress now given by law. *And provided also*, That no part of this act shall be construed so as to affect or invalidate any disposition by will of persons now deceased, but such disposition shall operate the same as if this law were not passed.

108. *Be it enacted*, That any person or persons whomsoever, who shall be convicted by the verdict of a jury, in any of the courts of common pleas or sessions in this state, of bringing into, or of causing or procuring to be brought into, or of aiding or assisting in the bringing into this state, after the passing of this act, from any part or place without the limits of this state, any negro, mulatto, mestizo, or other slave, or scr-

vant of colour whatsoever, or of harbouring, or of keeping, or of owning, or having in possession any negro, mulatto, mestizo, or other slave or servant of colour within this state, so to be brought into this state as aforesaid, or of entering this state, such person or persons, as the case may be, shall forfeit and pay one hundred dollars, to be appropriated as hereafter directed, for each and every such negro, mulatto, mestizo, or other slave or person of colour whatsoever, so to be brought into, or harboured, or kept, or owned, or being in possession as aforesaid, within this state; and shall moreover forfeit and lose all his, her or their right, title and interest, of, to and in every such negro, mulatto, mestizo, and other slave and servant of colour.

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A. A. 1801.  
2 Faust 374

109. *And be it enacted*, That every negro, mulatto, mestizo, or other slave, which shall come or enter into this state, from any part or place from without the limits of this state, shall and may, upon the fact of such coming or entering into this state being found by the verdict of a jury, in any court of sessions or common pleas in this state, be, by order of such court, sold by the sheriff of the district wherein such verdict shall be found, in the same manner as if seized in execution, and sold by such sheriff by virtue of a writ of fieri facias, and the monies which shall arise or be made from such sale, shall be appropriated, disposed of and paid as is herein after directed.

Every such negro to be sold.

110. *And be it enacted*, That it shall and may be lawful for any justice of the peace or of the quorum, in this state, to whom information shall be made on oath, by any person or persons, that he or they know, or have reason to believe, that any negro, mulatto, mestizo or other slave, or any negro, mulatto, mestizo or other person of colour, indented or hired for a term of years, have been, after the passing of this act, or are about to be introduced into, or come into this state, to issue his warrant, directed to any constable, or should he deem it necessary to employ an armed force, to any officer of the militia of this state, as the case may require, directing him, with the corps under his command, or so many as may be necessary, to pursue, seize and take all such negroes, mulattoes, or mestizos, together with the white person or persons, who may have them in charge, or be accompanying them, and to lodge the said negroes, mulattoes, mestizos and white person or persons, in the gaol nearest to the place where they shall be so taken; and the keeper of such gaol is hereby authorized and required to receive and safe keep them and each of them.

Warrants to be issued against such negroes.

111. *And be it enacted*, That the keeper of such gaol shall, within two days after such negroes, mulattoes, mestizos, or white person or persons as aforesaid, shall have been lodged in his gaol as aforesaid, give notice thereof in writing, signed with the hand of the keeper of such gaol, to some justice of the peace or of the quorum, of the district in which his gaol shall be situated, which said justice shall thereupon, without delay, by warrant under his hand and seal, call to his assistance, and request any one of the nearest justices of the peace

How such negroes are to be proceeded against when committed to gaol.

TIT. 157.

A. A. 1801.  
2 Faust 376.

or of the quorum, to associate with him, and shall, by the same warrant, summon five of the neighbouring freeholders to assemble and meet together at a certain day and place, not exceeding six days, after such notice as aforesaid shall have been given to such justice as aforesaid, in manner herein before directed; and the justices and five freeholders so assembled, shall cause to be brought before them, the slave or slaves and free persons, who shall have been lodged in gaol in pursuance of this or any other law of this state against the introduction or entering of slaves and servants of colour into this state, and shall hear and examine the accusation which shall be brought against them, and his, her or their defence; and if the said justices and freeholders, or a majority of them, shall be of opinion that the charge is not sustained, it shall and may be lawful to and for the justices and freeholders, or a majority of them, to liberate and discharge the said slaves and persons so brought before them for examination as aforesaid; and if the said justices and freeholders, or a majority of them, shall be of opinion that the charge is sustained, the said justices, or one of them, shall, forthwith, recommit the said slave or slaves, and other person or persons, to the gaol from whence they came, there to be safely kept in the custody of the keeper of the said gaol, until delivered from thence by due course of law.

Oath to be taken by magistrates and freeholders.

112. *And be it enacted*, That so soon as the justices and freeholders shall be assembled as aforesaid in pursuance of this act, the said justices shall administer each to the other, the following oath; "I, A. B. do swear in the presence of Almighty God, that I will well and truly and impartially adjudge and determine the matter now submitted to me, according to the best of my skill and knowledge: *So help me God.*" And then one of the said justices shall administer the same oath to each of the freeholders.

Oath to be taken by the keepers of ferries.

113. *And be it enacted*, That the keepers of every public ferry within this state, shall, within thirty days after the publication of this act, take and subscribe the following oath, before some justice of the peace or quorum, of the district wherein the person required to take such oath shall reside, and cause or produce such oath to be filed in the office of the clerk of the court of common pleas in such district, that is to say: "I, A. B. do swear or affirm, as the case may be, that I will, to the best of my ability, carry, and cause to be carried into effect this act, and an act to prevent negro slaves and other persons of colour from being brought into or entering this state." And every such person who shall neglect or refuse to take, and cause and procure to be filed, such oath or affirmation, as is herein before directed, shall forfeit and pay the sum of one hundred dollars.

Appropriation of penalties inflicted by this act.

114. *And be it enacted*, That each and every penalty and forfeiture to be inflicted in pursuance of, or by virtue of this act, shall be appropriated, distributed, and applied in manner following, that is to say: one fourth part thereof to the person or persons who shall inform, and prosecute to conviction; *provided*, that the informant shall swear or affirm, as the case

may be, that the money so to be received by him, is not, nor shall not be paid over or held in trust for or to the use of the person so informed against; and in case the said informant shall not take such oath, then the said fourth part to go as is herein after provided: one fourth part to the corps who shall seize, take and lodge in gaol as aforesaid, any slave or person or persons whomsoever as aforesaid, on their respectively swearing or confirming to the restrictions herein before prescribed as to the informer; and the remaining part to the promoting a school or other seminary of learning in the district where such conviction shall be had.

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A. A. 1801.  
2 Faust 378.

115. *Be it enacted*, That it shall and may be lawful to and for any person travelling into or through this state, to bring into the same, one or more slaves or free persons of colour, not exceeding two, as necessary attendants on such person, or his or her family, and for no other purpose whatsoever: *Provided nevertheless*, to exempt such person from the operation of this act, every such person, except members of Congress, judges of the federal court, and public functionaries of the United States, shall make oath before some justice of the peace or of the quorum of this state, near to the place where they shall enter the same, that such slave or slaves, or persons of colour, is or are, his or her necessary attendants; and that he or she will not sell or dispose of such slave or person of colour, but will take the same back with her or them, to his or her usual place of residence.

Slaves, &c.  
may be  
brought into  
this state un-  
der certain  
restrictions.

116. *And provided also*, That this shall not be construed to permit any person going out of this state, to bring into the same, any slave or person of colour which he or she did not take with him or her from this state.

117. *And be it enacted*, That every person who shall refuse or neglect to discharge any of the duties on him enjoined by this act, shall therefor forfeit and pay the sum of twenty dollars, to be recovered and distributed as herein before directed. [See within, A. A. 1802 & 1803; altering and amending this act.]

Penalty for  
neglect of the  
duties impos-  
ed by this act.

118. *Whereas* the act entitled "An act to prevent negro slaves and persons of colour from being brought into or entering this state," passed the twentieth day of December, in the year of our Lord 1800, and the act entitled "An act supplementary to an act entitled 'An act to prevent negro slaves and persons of colour from being brought into or entering this state,'" passed the nineteenth day of December, in the year of our Lord 1801, are found to be too rigorous and inconvenient:

A. A. 1802.  
2 Faust 449.

119. *Be it therefore enacted*, That all clauses and parts of the said two acts, shall be and they are hereby repealed, so far as they prevent citizens of other states with negro slaves, or other persons of colour bona fide their own property—

Former acts  
partly repeal-  
ed.

120. *Provided nevertheless*, That every person intending to pass through this state with his or her slaves, shall take and subscribe, before some justice of the quorum or of the peace, near to the place where such person shall enter this state, the following oath: "I, A. B. do swear, that the slaves which I am to carry through this state, are bona fide my property; and that

Proviso.  
Persons pass-  
ing with  
slaves to take  
an oath, &c.

TIT. 157.

A. A. 1802.  
2 Faust 449.

Persons coming into this state to settle therein, may bring their slaves, under certain restrictions.

Oath to be taken by persons removing to this state with their slaves.

Slaves brought into this state contrary to law, to be free.

Slaves imported contrary to this act, to be free.

Guardian of slaves claiming freedom, liable to double costs, if his action fails.

A. A. 1803.  
2 Faust 505.

I will not sell, hire or dispose of the said slaves, or either of them, to any resident or citizen, or body corporate or politic, or any other person or persons whomsoever, within the state of South-Carolina; but will travel directly to the place where I intend to move." And such justice shall give him a certificate thereof. *Provided also*, That the said oath be lodged in the clerk's office of the district in which the same shall be taken; and the certificate of the magistrate aforesaid, shall be countersigned by the clerk aforesaid; which certificate shall be produced to any person demanding the same.

121. Also, so far as they prevent citizens of other states, who come into this state to settle, to bring in with them negro slaves, or other persons of colour, bona fide their own property at the time of their bringing them in; and also, so far as they prevent any citizen of this state to bring into the same, any negro slaves, or other persons of colour, which he, she or they may acquire, or have acquired, bona fide by descent, will, deed of gift from parents to children, the consideration of which is natural love and affection, or marriage.

122. *And be it further enacted*, That all and every person or persons removing or to remove into this state with their slaves, shall, immediately on entering into this state, take the following oath before some justice of the quorum: "I, A. B. do swear, that my removal into the state of South-Carolina, is with no intent of evading the several laws of this state, for preventing the further importation of slaves into this state; nor have I brought with me any slave or slaves, with an intention of selling them, nor will I sell or dispose of any slave or slaves so brought with me as aforesaid, within two years from the date hereof; and it is my intention, bona fide to become a resident in and citizen of the said state;" and shall render to the said magistrate, at the same time, a writing under such person's hand, containing the number, names and particular descriptions of such slave or slaves.

123. And in case any person or persons so removing into this state as aforesaid, shall neglect or refuse to take the oath above prescribed, or after having taken such oath, shall sell or dispose of any such slave or slaves, before the expiration of the time above limited, each and every slave so brought in, or sold or disposed of as aforesaid, shall be, and they are hereby declared to be free, in whosoever's hands they may be.

124. *And be it further enacted*, That each and every slave who shall hereafter be imported or brought into this state, except under the limitations prescribed by this act, shall be, and each and every of them, are hereby declared to be free, in whosoever's hands they may be.

125. *Be it enacted*, That the guardian of such slave, claiming his or her freedom, shall be liable to double costs of suit, if his action shall be adjudged groundless: and that the said guardian shall be liable to pay to the bona fide owner of such slave, all such damages as shall be assessed by a jury, and adjudged by any court of common pleas.

126. *Whereas* certain religious societies in this state, have petitioned the legislature to alter part of an act, entitled, "An

TIT. 13.

A. A. 1803.  
2 Faust 506.

act respecting slaves, free negroes, mulattoes, and mestizos, for enforcing the more punctual performance of patrol duty, and to impose certain restrictions on the emancipation of slaves:” [See above, A. A. 1800.]

*Be it enacted*, That after the passing of this act, it shall not be lawful for any person or persons, at any time before nine o'clock in the evening of any day, to break into any place of meeting, wherein shall be assembled the members of any religious society of this state; *provided* a majority of them shall be white persons; or otherwise to disturb their devotion, unless such person or persons so entering the said place, shall have first obtained from some magistrate appointed to keep the peace of the state, a warrant, authorizing him or them so to do, in case a magistrate shall be then actually within the distance of three miles from such place of meeting; otherwise the provisions of the above recited act to remain in full force.

127. *Be it enacted*, That from and after the passing of this act, no negro, mulatto, mestizo, or other person of colour, whether bond or free, shall be imported or brought into this state, or enter the same, from the Bahama or West-India islands, or from the continent of South-America; nor shall any negro or person of colour, who heretofore hath been, or now is, or hereafter shall be resident in any of the French West-India islands, enter or be brought into this state from any part or place without the limits thereof.

Ibid.  
2 Faust 511.  
The importation of negroes, &c. from the Bahama or West-India islands, prohibited.

128. *And be it further enacted*, That no male slave above the age of fifteen years, shall be imported or brought into this state, from any of our sister states, unless the person importing such negro, shall produce, and file in the office of the clerk of the district where the person so importing may reside, a certificate under the hands of two magistrates, and the seal of the court of the district where the said negro or negroes have resided for the last twelve months previous to the date of the certificate, that such negro or negroes, are persons of good character, and have not been concerned in any insurrection or rebellion.

And from the sister states, except, &c.

129. *And be it further enacted*, That an act, entitled, “An act to prevent negro slaves, and other persons of colour, from being brought into, or entering this state,” passed the twentieth day of December, in the year one thousand eight hundred; also an act supplementary to an act, entitled, “An act to prevent negro slaves and persons of colour from being brought into or entering this state,” passed the nineteenth day of December, in the year one thousand eight hundred and one, shall be, and the same are hereby declared to be in full force and operation, so far as the same shall or may apply to the provisions contained in the preceding clauses of this act, and in no other. And the said act, passed the twentieth day of December, in the year one thousand eight hundred, shall be, and the same is hereby declared to be a perpetual act.

Former acts made of force.

130. *And be it further enacted*, That each and every negro and negroes, mulatto and mulattoes, mestizo and mestizos, or other person or persons of colour whatsoever, whether free or

Negroes entering this state contrary

Art. 157.

A. A. 1803.  
2 Faust 513.  
to the provi-  
sions of this  
act, to be for-  
feited.

Negroes com-  
ing into this  
state, and not  
being claimed  
by any person;  
how to be  
proceeded  
against.

Laws of U. S.  
1807, c. 67.  
vol. 8. p. 262.  
Importation  
of slaves into  
the U. States  
forbidden.

§ 4.  
Forfeitures  
and penalties  
for importing  
slaves from  
Africa, &c.

Slaves import-  
ed to remain

bound, brought, sent or entering into this state, contrary to the provisions of this act, be, and the same are hereby declared to be forfeited, one half to the state and the other half to the informer or informers, to be recovered in the name of the state, by action in the nature of the action of detinuc, wherein it shall not be necessary to prove that the defendant in the suit was in possession of the person or persons aforesaid, at the time of commencing the same; and the said informer and informers, are hereby declared competent witnesses in the aforesaid suits, in any court in this state having cognizance thereof.

131. *And be it further enacted*, That in all and every case where any negro, mulatto, mestizo, or other person of colour, charged with having been brought, imported or sent, or with having come or entered into this state contrary to any law thereof, and who shall not be claimed by any person, it shall and may be lawful to proceed against such negro, mulatto, mestizo, or other person of colour, by indictment in any court of record, in which the nature of the offence shall be stated; and upon a verdict being found in favour of the state, such person or persons shall be forfeited and sold, and the proceeds thereof appropriated as provided by law.

132. *Be it enacted by the senate and house of representatives of the United States of America, in Congress assembled*, That from and after the first day of January, one thousand eight hundred and eight, it shall not be lawful to import or bring into the United States, or the territories thereof, from any foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to hold, sell, or dispose of such negro, mulatto, or person of colour, as a slave, or to be held to service or labour.

133. *And be it further enacted*, If any citizen or citizens of the United States, or any person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, take on board, receive or transport from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of colour, in any ship or vessel, for the purpose of selling them in any port or place within the jurisdiction of the United States as slaves, or to be held to service or labour, or shall be in any ways aiding or abetting therein, such citizen or citizens, or person, shall severally forfeit and pay five thousand dollars, one moiety thereof to the use of any person or persons who shall sue for and prosecute the same to effect; and every such ship or vessel in which such negro, mulatto, or person of colour, shall have been taken on board, received, or transported as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, shall be forfeited to the United States, and shall be liable to be seized, prosecuted and condemned in any of the circuit courts or district courts in the district where the said ship or vessel may be found or seized.

134. *And neither the importer, nor any person or persons claiming from or under him, shall hold any right or title what-*

soever to any negro, mulatto, or person of colour, nor to the service or labour thereof, who may be imported or brought within the United States, or territories thereof, in violation of this law, but the same shall remain subject to any regulations not contravening the provisions of this act, which the legislatures of the several states or territories at any time hereafter may make, for disposing of any such negro, mulatto, or person of colour.

TIT. 157.

Laws of U. S. 1807, c. 67. vol. 8. p. 262. subject to regulations of the states.

135. *And be it further enacted*, That if any person or persons whatsoever, shall, from and after the first day of January, one thousand eight hundred and eight, purchase or sell any negro, mulatto, or person of colour, for a slave, or to be held to service or labour, who shall have been imported, or brought from any foreign kingdom, place, or country, or from the dominions of any foreign state, immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, after the last day of December, one thousand eight hundred and seven, knowing at the time of such purchase or sale, such negro, mulatto, or person of colour, was so brought within the jurisdiction of the United States, as aforesaid, such purchaser and seller shall severally forfeit and pay for every negro, mulatto, or person of colour, so purchased or sold as aforesaid, eight hundred dollars; one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect:

§ 6. Penalties for buying slaves from the neighbouring territories, &c.

136. *Provided*, That the aforesaid forfeiture shall not extend to the seller or purchaser of any negro, mulatto, or person of colour, who may be sold or disposed of in virtue of any regulation which may hereafter be made by any of the legislatures of the several states in that respect, in pursuance of this act, and the constitution of the United States. [See Title 48, *Constable*.—Title 99, *Inn-keepers and Retailers of Liquors*.—Title 130, *Plantations*.—Title 80, *Fire-hunting and burning the Woods*.—Title 128, *Patrols*.—Title 160, *Sunday*.]

TITLE 158.

State Legislature.

TIT. 158.

1. THE legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

A. D. 1790. State Const. Art. 1. § 1.

2. The house of representatives shall be composed of members chosen by ballot every second year by the citizens of this state, qualified as in this constitution is provided.

§ 2.

3. The several election districts in this state shall elect the following number for representatives, viz. [See within, A. A. 1809; *Amendments of the Constitution*.]

§ 3.

[The fourth section altered. See within, A. A. 1810.]