

THE NEGRO ACT OF 1740

Below are some excerpts of articles from the Negro Act of 1740.
The spelling and punctuation below reflects that of the original document.

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

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

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

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

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

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

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

Be it enacted by the authority aforesaid, that it shall be lawful for all masters, overseers and other persons whosoever, to apprehend and take up any Negro or other slave that shall be found out of the plantation of his or their master or owner, at any time, especially on Saturday nights, Sundays or other holiday, not being on lawful business, and with a letter from their master, or a ticket, or not having a white person with them; and the said Negro or other slave or slaves, met or found out of the plantation of his or their master or mistress, 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.

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

James Oglethorpe

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