

SSTSE037

Department of State
Secretary of State's Office
Enrolled Laws, 1710-2019

An act to prohibit the exportation of slaves or people of color out of this State

November 4, 1818

An act to prohibit the
exportation of slaves or
servants of color out of
this State.

House of Assembly
November 4. 1818

This reengraved bill
having been read and
compared is passed

Dan. Coleman, Clerk

State of New-Jersey.

An act to prohibit the exportation of slaves or servants of color out of this State.

- I. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That no negro or other slave or servant of color for life or years shall hereafter be removed, exported or carried out of this State, except as herein after provided.
- II. And be it enacted, That if any person shall send to sea, or export, or attempt to export from this State, or send, or carry out of, or attempt to send or carry out of this State, except as is by this act provided, any slave or servant of color, for life or years; every person so exporting, or attempting to export, or sending, or carrying out of this State or attempting to send or carry out of this State, such slave or servant, and his, her or their aiders and abettors, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not less than one thousand nor

more than two thousand dollars, or imprisoned at hard labor for any term not less than two nor more than four years, or both at the discretion of the court. And further, that every slave or servant so exported or carried out of this State, or attempted to be exported or carried out of this State, or sent to sea, shall be free.

III. And be it enacted, That if any person shall hereafter sell, transfer, or assign any slave or servant of color for life or years, to any non-resident or person not being an inhabitant of this State, or to any person intending to remove, or export, or carry such slave or servant out of this State; every person so knowingly selling, transferring or assigning such slave or servant, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not less than five hundred nor more than one thousand dollars, or by imprisonment not less than one year nor more than two years, or both, at the discretion of the court. And further, that every slave or servant so sold, transferred or assigned to any non-resident or person not being an inhabitant of this State, or to any person intending to remove or export, or carry away such slave or servant out of this State, shall be free.

IV. And be it enacted, That if any person shall purchase, or take a transfer, or assignment of any slave or servant of color for life or years, with a design or intent to export, or send, or carry such slave or servant out of this State, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than one thousand nor more than two thousand dollars, or by imprisonment at hard labor not less than two, nor more than four years, or both, at the discretion of the court. And further, that every slave or servant so purchased, transferred or assigned, shall be free.

V. And be it enacted, That if any person or persons shall fit out, equip, or man, or otherwise prepare any ship or other vessel, to sail from any port or harbor of this State, for the purpose of exporting or carrying out of this State, or sending to sea any slave or servant of color for life or years, such ship or vessel, her cargo, tackle furniture and apparel, shall be forfeited, and shall and may be seized by any justice of the peace, sheriff or coroner within this State and prosecuted by such justice, sheriff or coroner, making such seizure, by information in Rem in the Supreme court, or the inferior court of common pleas of the county in which such seizure shall be made.

VI. And be it enacted, That every ship or vessel with her cargo, tackle, furniture and apparel, so seized as aforesaid, and against which judgment shall be had and obtained,

shall by order of the court in which such judgment shall be had, be sold by the sheriff of the county in which such seizure was made, or in case the said sheriff be a party to the prosecution, then by one of the coroners of such county, who, after deducting all legal costs and charges to be taxed by the court in which the said judgment was had and two per cent on the amount of such sale, shall pay one half of the net proceeds thereof, to the collector of the county in which the seizure was made, for the use of the State, and the remaining part thereof to the person or persons making such seizure, and prosecuting the same to effect.

VII. And be it enacted, That it shall be lawful for any justice of the peace, sheriff or coroner of any county within this State, to go on board of or enter any ship or vessel lying in any port or harbor of this State, for the purpose of making the seizure aforesaid, and if any master seaman or other person on board such ship or vessel, shall refuse or not suffer to enter, or resist before or after entering on board such ship or vessel, any justice of the peace, sheriff or coroner attempting to enter on board, or being already on board such ship or vessel for the purpose of making such seizure as aforesaid, every person so refusing or resisting, shall be deemed guilty of a misdemeanor and, on conviction, shall be punished by fine not less than one thousand nor more than two thousand dollars, or imprisonment

at hard labor not less than two nor more than four years, or both, at the discretion of the court.

VIII. And be it enacted, that it shall be lawful for every person who shall have resided five years within this State, and who shall be about to remove permanently therefrom, to carry with him or her every such slave as shall have been the property of such person during five years next preceding. Provided always, that before such person shall attempt to carry away such slave out of this State, he or she shall make satisfactory proof before the court of common pleas of the county in which he or she last resided, that such slave hath been his or her property during five years then next preceding, and shall also prove to the satisfaction of the said court, by the oath or affirmation of two credible witnesses, that such person intending to carry away such slave out of this State, hath resided within this State five years next preceding, and that such slave hath been in the service or employ of such person, as a slave during that time, and shall obtain from said court a licence under the seal of the court to carry such slave out of this State. And provided also, that such slave be of full age, and shall have consented to be carried out of this State, upon private examination, before the presiding judge of said court, or in case of his absence, before any two other judges of the

same, ~~which~~ certificate of such consent shall be then
and there produced to the court before the granting of
such licence as aforesaid.

IX. And be it enacted, That every master of a vessel
who shall knowingly receive on board such vessel,
for the purpose of carrying out of this State any slave,
for whose exportation a licence hath not been obtained,
as herein before directed, or who having ignorantly received
such slave, shall suffer such slave to depart from his
said vessel in any place out of this State, shall be
deemed guilty of a misdemeanor, and upon conviction
shall be punished by fine not less than one thousand
nor more than two thousand dollars or imprisonment
not less than two nor more than four years or both
at the discretion of the court.

X. And be it enacted, That it shall be lawful for
any inhabitant of this State going out of the same
on a journey to any other part of the United States,
or for necessary business, to take with him or her any
such slave or servant as aforesaid, but such inhabitant
shall bring back such slave or servant, and in de-
fault thereof shall be deemed guilty of a misde-
meanor, and on conviction shall be punished by fine
not less than five hundred nor more than one thousand
dollars, or by imprisonment not less than one year

nor more than two years or both at the discretion of the court, unless such inhabitant shall make proof within six months after his or her return to the satisfaction of two of the judges of the court of common pleas of the county in which he or she shall reside that every such slave or servant not brought back as aforesaid could not be brought back by reason of some unavoidable accident and unless such person shall forthwith file a certificate of having made such proof as aforesaid signed by the said judges, in the office of the clerk of said county, and every slave or servant so taken out of this State and not brought back as aforesaid shall be free. Provided that nothing herein contained shall be so construed as to authorize or allow the taking away such slave or servant in any ship or vessel going to sea.

XI. And be it enacted, That nothing herein contained shall be so construed as to prevent the sending away or exporting out of this State any slave who may be convicted and sentenced to transportation by virtue of the act entitled "A Supplement to the act entitled An act for the punishment of crimes," passed the eighteenth day of March, seventeen hundred and ninety-six and which was passed the seventh of March eighteen hundred and one

XII. And be it enacted, That it shall be lawful for any person not an inhabitant of ~~this~~ this State who shall be travelling to or from or passing thro this State to bring with him or her any slave and take such slave with him or her from this State.

XIII. And be it enacted, That the act entitled "An act supplemental to the act entitled An act respecting slaves," passed the first day of February eighteen hundred and twelve, and so much of any other act or acts, as comes within the purview of this act, be, and the same is hereby repealed. Provided always, that such repeal shall in no wise affect or annul any indictment or other proceeding had or to be had under the said act or acts for offences against the same, but that the same shall and may be proceeded in and prosecuted to effect in regard to all or any offences heretofore committed against those acts or any of them in the same way as if this act had not been made.

Common Chamber
November 5, 1818

This reengrossed bill
having been read and
compared in Common
Resolved.

That the same do
pass —

By Order of Common
William Puff

House of Assembly

November 4th 1818

This reengrossed bill
having been read and
compared in the House
Resolved that the same
do pass

By order of the House

David Thompson Jun
Speaker

more than two thousand dollars, or imprisoned at hard labor for any term not less than two nor more than four years, or both at the discretion of the court. And further, that every slave or servant so exported or carried out of this State, or attempted to be exported or carried out of this State, or sent to sea, shall be free.

III. And be it enacted, That if any person shall hereafter sell, transfer, or assign any slave or servant of color for life or years, to any non-resident or person not being an inhabitant of this State, or to any person intending to remove, or export, or carry such slave or servant out of this State; every person so knowingly selling, transferring or assigning such slave or servant, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not less than five hundred nor more than one thousand dollars, or by imprisonment not less than one year nor more than two years, or both, at the discretion of the court. And further, that every slave or servant so sold, transferred or assigned to any non-resident or person not being an inhabitant of this State, or to any person intending to remove or export, or carry away such slave or servant out of this State, shall be free.