

The first Provision in the Act makes it Felony in any Slave to Consult advise Conspire or attempt to raise any Insurrection &c

Calvert
Papers
No. 486
1752

With us no Attempt or Conspiracy is Felonious except only in the Case of Imagining the King's death, & even that must be proved by some overt act: And yet in the Government of Slaves who must be perpetual Enemies to y^e County where they live, it may not be unreasonable to Consider all their Capital Crimes in the Light of High treason. In this however I submit to y^e Maryland Legislature.

Neither do I see any Objection in making slaves witnesses ag^t each other, but think that is right.

The next Clause worthy of Consideration is that w^{ch} makes rambling &c in the night riding Horses in the day time without Leave & running away punishable at the discretion of the Magistrate with this restriction only that the punishment shall not extend to death or to disable the Slave frō Labour.

I do not find any fault with this, for either you must Compile a Body of Laws specifying every species of their inferiour offences with y^e Punishment adapted to each, or you most leave the Correction of them to some Judge: & I think the Magistrate a much fitter person to be intrusted than the Master.

The Next Clause is intended to Indemnify persons Lawfully authorized to Apprehend slaves who shall kill any slave for refusing to surrender or resisting & it says such person shall be indemnified from any prosecution for the same. From w^{ch} words it is apprehended that y^e Killer in that case is to be privileged from Indictm^t & trial: But I am clearly of Opinion that is not y^e meaning of the Act, For how shall it Appear that y^e Killer was lawfully authorised to Apprehend the Slave but by Evidence at the trial. For this excuse under y^e Act of Assembly is not cognisable by any other Court but that where the Criminal is Indicted, nor can it be pleaded in Bar to the Indictment to w^{ch} there is but one Plea—Not Guilty. If then upon the trial he proves his Case within the Act & is accordingly acquitted, he is by that Judgement Indemnified from any prosecution for that offence. Every innocent man is truly indemnified frō all prosecution, & yet if he is charged with a Crime he must prove his Innocence. I think this Act might be better framed, as indeed all of them might, for they are very inaccurate, but as the Trustees cannot Amend, I think they sh^d not reject for mere inaccuracies where the law is substantially right.

To the Third Act intituled an Act tō Aid the Title of Purchasers &c. [p. 4]
This Act I think ought not to be passed because it invades the private property of the Lord Proprietor without his Consent first had, & may prove a mischievous Precedent hereafter if not checked in the Beginning.