

June Court --- 1733 --- 47

the p^{ts}. died in Virginia Seised of Eleven Negro's three whereof the Negro's in question were part
and that the said Spencer died Intestate, we further find that the p^{ts} is Eldest son and heir at
Law to the said Spencer we further find that Mary ^{the} wife of the def^t was widow and adm^r of
the said Spencer's Land and that the Negro's ^{the} came to her possession after the death of the said
Spencer Land in Virginia we further find the two acts of asembly of Virginia hereto annexed... the
word following An act declaring the Negro Mulatto and Indian Slaves within this Dominion to be
Real Estate.

For the better Selling and preservation of Estates within this Dominion Be it Enac-
ted by the Governour Council and Burgesses of this present Generall asembly and it is hereby Enacted
by the authority of the same that from and after the passing of this act all Negro Mulatto and
Indian Slaves in all Courts of Judicature and other places within this Dominion shall be hold taken
and adjudged to be Real Estate (and not Chattell) and shall descend ^{unto} the heirs and widows of persons
departing of this Life according to the manner and Customs of Land of Inheritance hold in fee Sim-
ple.

provided always that nothing in this act contained shall be taken to extend to
any merch^t. or factor bringing any Slave into this Dominion or having any Con^{ts}ments thereof into
them for sale but that such Slaves whilst they remain unsold in the possession of such Merch^t. or factor
or of their Executors Administrators or assigns shall to all intents and purposes be taken hold and
adjudged to be personale Estate in the same condition they should have been in if this act had never
been made. provided also that all such Slaves shall be Lyable to the payment of debts
and may be taken by Execution for that End as other Chattell or personale Estate may be.

provided also that no such Slave shall be Lyable ^{to} be seised by Reason of the decease of the
proprietor of the same without Lawfull heirs but all such Slaves shall with that due be accounts and go as
chattell and other Estate personale.

provided also that no persons Selling or alienating any such Slaves shall be obliged to cause
such Sale or alienation to be Recorded as is required by Law to be done upon the alienation of other Real
Estate but that the said Sale or alienation may be made in the same manner as might have been done before
the making of this act.

provided also that this act or any thing therein contained shall not extend nor be construed to
extend to give any person being owner of any Slave or Slaves and not Seised of other Real Estate the Right
or privilege of a freeholder meant mentioned and intended by one act of this present Session of
assembly intituled an act for the Regulating the Election of Burgesses for Settling their privileges
and for ascertaining their allowances.

provided also that it shall and may be Lawfull for any persons to Sue for and Recover
any Slave or damage for the detainer Trover or Conversion thereof by action personale as ^{might} have
been done if this act had never been made.

provided always that whosoever the nature of the Case shall require it, any writt^r de partitione
Rationis.