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(African Slaves in Spanish America.)

Translation of the Royal Ordinance or Cedula, for
the Government and Protection of SLAVES, in
the *Spanish Colonies*,

P R O C L A M A T I O N .

IN the code and other collection of Laws published in this kingdom; in the abridgement of the Statutes concerning the Indies; in the general and particular Orders communicated to My Dominions in America since the discovery of it; and in the Ordinances, which, being examined by My Council of the Indies, have merited My Royal approbation, the system of making Slaves useful has been established, observed, and constantly followed, and every thing necessary decreed, with respect to the education, treatment, and occupation which their Masters are obliged to give them, agreeable to the principles and rules that religion, humanity, and the good of the State dictate, consistent with slavery and the public tranquillity; **NEVERTHELESS**, As it is not an easy matter for all my subjects in America, who keep Slaves, to be sufficiently instructed in all the Laws of the said collection, and much less in the general and particular Orders and Ordinances approved of for different provinces; and considering that, on this account, notwithstanding what has been decreed by My august Predecessors with respect to the education, treatment, and occupation of Slaves, some abuses have been introduced by their Masters and the Stewards, which are not at all conformable, but on the contrary opposed to the system of the Legislation, and to the general and particular Orders decreed on the subject. **THEREFORE**, in order to remedy such abuses, and having in consideration, that, in consequence of the liberty granted to my subjects by My Royal Order of the 28th of last February, for carrying on the Slave Trade, the number of Slaves will be considerably augmented in America; and having a due attention to this class of individuals in the meantime that the general code of Laws which is forming for the dominions of America, is established, and that they are published; **I HAVE RESOLVED**, That, for the present, the following **INSTRUCTION** shall be punctually observed by all the Masters and Possessors of Slaves in My said Dominions.

Chapter 1.—Education.

EVERY one who has Slaves, of whatever class and condition he may be, is obliged to instruct them in the principles of the Roman Catholic Religion, and in the necessary truths, in order that they may be baptized within the year of their residence in My Dominions; taking care to explain to them the Christian Doctrine every holyday, on which they shall not be obliged nor permitted to work, neither for themselves nor for their masters, excepting at the time of the crop, when it is customary to grant them liberty to work on holydays. On those and other days, when they are obliged to hear mass, the owners of the estate shall be at the expense of maintaining a priest to say mass to them, and to explain to them the Christian Doctrine, as likewise to administer the Holy Sacraments, not only on such days when he is obliged to do it, but likewise whenever he is wanted; taking care that every day, as soon as their work is finished, they say the rosary in the presence of the master or of the steward, with the greatest composure and devotion.

Chapter 2.—Food and Clothes.

IT being manifest, that the masters of Slaves are under the obligation of feeding and clothing them, as likewise their wives and children, whether these be of the same condition or free, until they can earn their own bread, which it is presumed they are able

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to do when the females arrive at the age of twelve, and the males at that of fourteen; and not being able to give any fixed rule, with respect to the quantity and quality of the food and clothes which are to be given them, on account of the difference of climates, constitution, and other particular causes; it is ordered, that with respect to those matters, the justices of the districts in which the estates are situated, with the approbation of the magistrates, and syndic or recorder, as protector of the Slaves, shall fix upon and determine the quantity and quality of the food and clothes which are daily to be given them, according to their ages and sexes, and conformable to the custom of the country, and like those which are commonly given to day labourers; and linen, the same as the work people who are free have. Which determination, after having been approved of by the audience of the district, shall be fixed upon the door of the town-house, and of the churches of every place, and of the oratories or hermitages of the estates, that every one may know it, and that no one may plead ignorance.

Chapter 3.—Occupation of Slaves.

THE first and principal occupation of Slaves must be agriculture, and not those labours that require a sedentary life; and thus, in order that their masters and the State may be benefited by their work, and that they may perform it as they ought to do, the justices of towns and villages, in the same form as has been mentioned in the before-going chapter, shall regulate the work to be done in the course of the day, and they shall have two hours to themselves, to be employed in manufactures or other occupations; for their own advantage; neither the masters nor their stewards can oblige those Slaves to work who are sixty years old, or younger than seventeen; nor employ the women Slaves in any business which is not conformable to their sex, or in which they must be with the males; and the said masters shall contribute two dollars every year for their domestic service, as it is ordered in the 8th chapter of the Royal Order, published on the 28th of last February.

Chapter 4.—Diversions.

ON holydays, when masters cannot oblige nor permit their Slaves to work, after they have heard Mass and the Christian Doctrine explained to them, the said masters or their stewards shall allow the Slaves to divert themselves innocently in their presence, but they shall not allow them to be amongst those of the other estates, nor even with the females, hindering them from excess in drinking, and taking care that their diversions are ended before prayer time.

Chapter 5.—Habitations and Infirmary.

ALL masters of Slaves must give them habitations, distant those of the men from those of the women, if they are not married; and they must be commodious and sufficient to defend them from the inclemencies of the weather, with beds, blankets, and every thing necessary. Each man shall have his own bed, and there shall be no more than two in a room; another habitation separated from the rest, which must be warm and commodious, shall be destined for the sick, who must be assisted with every thing necessary by their masters; and in case that the latter, on account of not having room enough, or being near some town, do wish to send them to the hospital, they shall contribute a daily sum, which shall be determined by the justices, for their assistance, in the manner and form mentioned in the 2d chapter; and if any of them should die, it is the master's obligation to pay the charges of the funeral.

Chapter 6.—Old Men, and those who are constantly ill.

SLAVES who, on account of old age or illness, are not able to work, as likewise children of either of the two sexes, must be maintained by their masters; and these latter cannot give them their liberty in order to get rid of them, except by giving them a sufficient stock, which must be approved of by the justices and syndic, to maintain them without any other assistance.

Chapter 7.—Marriages of Slaves.

THE masters of Slaves must not allow the unlawful intercourse of the two sexes, but must encourage matrimony. Neither must he hinder them from marrying with Slaves of other masters; in which case, if the estates were distant from one another, so that the new-married couple cannot fulfil the object of marriage, the wife shall follow her husband, whose master shall buy her at a fair valuation, set upon her by skilful men, who shall be nominated by the two parties; and in case of disagreement, a third shall be appointed by the justice to fix a price. If the master of the husband does not agree to the purchase, the master of the wife shall have the same faculty.

Chapter 8.—Obligations and Punishment of Slaves.

AS masters of Slaves are obliged to maintain them, to educate and to employ them in useful work proportioned to their strength, age and sex, without forsaking their children and those who are old and sickly; so, on the other hand, there is an obligation on Slaves to obey and respect their masters and the stewards, to perform the work which is given them to do, conformable to their strength, and to venerate them as heads of the family. Thus he who will not fulfil any of those obligations must be punished, either by the master of the estate or by his steward, according to the nature of his offence, with prison, chains or lashes, which must not exceed the number of twenty-five, and those must be given them in such a manner as not to cause any contusion or effusion of blood; which punishments cannot be imposed on Slaves but by their masters or the stewards.

Chapter 9.—Of the Imposition of greater Punishments.

WHEN Slaves commit crimes against their masters, mistress, the children, stewards, or any other person, which require greater punishments than those mentioned in the before-going chapter, the master, his steward, or any one else who was present when the offence was committed, shall secure the delinquent, and inform the justice of it, that in the audience of the Slave's master and of the attorney who defends the cause of the former, a law suit may be commenced against him, and a punishment imposed upon him according to the importance and circumstances of the offence; observing, in every thing, what is ordered by the laws with respect to the causes of other delinquents in general. And if the Slave be sentenced to pay one third of the charges of the law suit, his master shall be responsible for it, besides the corporal punishment, which, according to the importance of the crime, the delinquent shall suffer, after having been approved of by the audience of the district, whether it be death or mutilation of members.

Chapter 10.—Defects or Excess of their Masters and their Stewards.

THE master, or his steward, who does not fulfil what is ordered in the before-going chapters, with respect to the education, aliments, clothes, diversions, habitations, &c. of Slaves, or who should forsake their children, and those that are old and sickly, shall be fined fifty dollars for the first time, one hundred for the second, and two hundred for the third; and those fines shall be paid by the master even in the case that the fault had been committed by his steward only, if the latter were not able to pay it, one third of which belongs to the informer, another to the judge, and the other is to be put into the fine chest, which will be treated of afterwards: and in case the before-mentioned fines should not produce the desired effect, and they should commit the same fault again, other greater punishments shall be inflicted upon them, as disobedient to My Royal Orders; and as soon as I am informed of their disobedience, I shall take my measures accordingly. When their masters or their stewards are guilty of excess in punishing the Slaves, causing them contusion, effusion of blood or mutilation of members, besides paying the before-mentioned fines, they

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they shall be prosecuted as criminals, and have a punishment inflicted upon them according to the crime which they had committed, and the Slave shall be confiscated and sold to another master, if he is able to work, putting the amount of him into the fine chest; and if he cannot be sold on account of being unable to work, he shall not be restored to his master, who shall be obliged to allow him a daily sum, which shall be fixed upon by the justice, for his maintenance and clothes during the remainder of his life, paying it every three months in advance.

Chapter 11.—Of those who injure Slaves.

AS masters and stewards can only alone chastise Slaves with that moderation which is required, no other person, who is not their master, or his steward, shall injure, chastise, wound or kill them, without incurring the punishment enacted by the laws against those who commit the like excesses towards free people; and the master of the Slave who has been injured, chastised or killed, shall commence a law suit against the criminal, and the attorney, as protector of Slaves, shall defend his cause.

Chapter 12.—List of Slaves.

THE master of Slaves shall be obliged every year to deliver in to the justice of the town or village, in the district of which their estates are situated, a List signed and sworn to by them, of all the Slaves which they have, with distinction of sexes and ages, in order that the notary of the town-house may take account of them in a separate book which is to be kept for this purpose at the said town-house, together with the List presented by the master, who, whenever any of his Slaves die or absent themselves from his estate, must inform the justice of it, within the term of three days, that by order of the attorney general it may be noted in the book, in order to avoid all suspicion of having been killed; and if the master does not fulfil this, he shall be obliged fully to prove either the absence of the Slave or his natural death, for on the contrary, a law suit will be commenced against him.

Chapter 13.—Method of investigating the Excesses of Masters or Stewards.

THE distance of some estates from the towns; the inconvenience which would result from permitting Slaves to go out without an order from their master, under the pretext of complaining; and the just regulations of the law, which orders that no fugitive Slave shall be assisted, protected or concealed; require that means be facilitated which are proportioned to all those circumstances, in order that it may be known how they are treated by their masters; and one of those is, that the priests who go to the estates to explain to them the Christian Doctrine and to say Mass, do obtain information from the said Slaves how they are treated by their masters and the stewards, and if every thing be observed which is ordered in the before-going chapters, in order that they may give a secret and reserved notice of it to the attorney general, and that he may cause it to be investigated, whether the masters or their stewards are wanting in the whole or in part to their respective obligations; and the said priests, who, by reason of their ministry, do give the said secret notice, shall not be answerable for any thing, even if supposing that the complaints of the slaves were not just; for this notice is only given to the attorney general that he may demand from the justice to nominate an individual of the town-house, or another person of approved conduct, who is to investigate the business, and to form the first proceeding, which he is to deliver in to the justice, who shall pursue the proceedings and determine the cause according to the law, giving information of it to the audience of the district, and admitting of appeals in all such cases as they are authorized by the laws.

Besides those means, it will be necessary that people of good characters and conduct be appointed by the justices and magistrates to visit the estates three times a year, and to make enquiry whether every thing be observed which is ordered in the foregoing chapters, informing the said justices of it, who must apply the remedy; and it is likewise declared to be a popular action, that of informing against a master or his steward for not having fulfilled one or the whole of the said chapters, as the

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name of the informer shall not be made known, and he shall have the part of the fine which he is entitled to, without being responsible in any other case than in that where it is proved that the information is false. And lastly, it is likewise declared, that the justices and attorney general, as protectors of Slaves, will be made answerable for any neglect of theirs in not having made use of the necessary means to have My Royal Resolutions put into execution.

Chapter 14.—Chest of Fines.

IN the towns and villages where the before-mentioned regulations are to be formed, and where the Courts of Justice are, a chest with three keys shall be made and kept in the town-house, one of which keys shall be delivered to the justice of the peace, another to the governor, and the third to the attorney general, in order to keep in the said chest the produce of the fines which are to be laid on those who do not fulfil My Royal Orders; and the said produce shall be employed in the necessary means of making them to be observed, neither can there be a single maravedis taken out of it for any other purpose, without an order signed by the three who keep the keys, expressing its destination, and they shall remain responsible, and under the obligation of restoring what has been spent or employed to other purposes, for fear, that for those reasons, or for others, their accounts, which must be remitted every year to the intendant of the province, together with the attestation of the produce of fines, may not be approved of by him.

IN order that all the Rules prescribed in the before-going Chapters may be fulfilled, I annul every law, royal order and custom, which are opposed to them; and I command My Supreme Council of the Indies, Viceroy, Presidents, Audiences, Governors, Intendants, Justices, Ministers, &c. that they fulfil and cause to be executed, whatever is decreed in this My Royal Order; for this is My Will.

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(African Slaves in Spanish America.)

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for the

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of

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