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P A P E R S

PRESENTED TO PARLIAMENT BY HIS MAJESTY'S
COMMAND,

IN EXPLANATION OF THE MEASURES ADOPTED BY HIS
MAJESTY'S GOVERNMENT,

FOR THE MELIORATION OF THE CONDITION OF

THE SLAVE POPULATION

IN HIS MAJESTY'S POSSESSIONS IN THE

WEST INDIES, ON THE CONTINENT OF SOUTH AMERICA,

AND AT

THE MAURITIUS.

[In continuation of the Papers presented in the Year 1828.]

Ordered, by The House of Commons, to be Printed,
12 June 1829.

SCHEDULE

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SLAVE POPULATION
IN THE
WEST INDIES, SOUTH AMERICA,
AND
THE MAURITIUS.

J A M A I C A.

— No. 1. —

SIR,

King's House, Jamaica, 9th May 1828.

I HAVE had the honour to receive your despatch of the date stated in the margin, advertng in detail to the various remarks made by the House of Assembly upon your despatch of the 22d September last.

22d March.

It does not become me to offer any observations upon the subject, but it is impossible that any despatch could have been framed more likely to produce a candid and dispassionate re-consideration of the disallowed slave law on the part of the Assembly, than that which I have now the honour to acknowledge, and which points out, in the most clear and distinct manner, how the views of His Majesty's Government, and of the House of Assembly may be most conveniently reconciled.

You may confidently rely upon my zeal in endeavouring to remove any remaining irritation which the disallowance of the Slave Act may have excited; and I entertain the most sanguine hope, that the very mild and conciliatory terms in which your despatch is couched, will produce the most favourable effects upon the temper of the Council and Assembly, when this question is again brought before them.

I have, &c.

The Right Hon. Wm. Huskisson,
&c. &c. &c.

(signed) *John Keane.*

— No. 2. —

Sir,

Downing-street, 3d September 1828.

AMONG the subjects to which my notice has been called since I received the seals of the Colonial Department, there is none which has appeared to me more deserving of attention than that of the measures in progress for improving the condition of the slaves in the West India colonies.

During the late Session of Parliament, the Ministers of the Crown took occasion to express in their places the settled purpose of His Majesty's Government to adhere strictly to the resolutions which were passed unanimously in the House of Commons on the 15th May 1823, and unanimously adopted in the House of Peers on the 7th March 1826.

It is the object of this despatch to convey to your Excellency the strong sense which, in common with all my colleagues in office, I entertain of the obligations imposed upon His Majesty's Government by this solemn and reiterated engagement, and to call upon your Excellency assiduously to employ your endeavours to convey the like impressiou to the Legislative Council, and to the House of Assembly in the island of Jamaica.

JAMAICA.

The specific measures of improvement which it appeared most urgent should be adopted for ameliorating the condition of the slave population, have been already brought under the notice of the several colonial legislatures in so pointed a manner by the despatches of my predecessors in this office, that it might appear a needless work if I again recommend each of them separately to your particular attention; and it might seem even to imply my entertaining an opinion, either that the attention of the colonial legislature had at no time been sufficiently alive to the importance of these specific measures, or that there existed in the colonies so rooted an indisposition to the introduction of some of them, that no progress had been made towards their adoption.

It is my anxious desire, however, to admit no such unfavourable opinion of the disposition existing in the colonies, and I shall therefore confine myself in a great measure, at present, to calling back your attention to the resolutions of Parliament, adverted, incidentally only, to their specific application by particular enactments. And I adopt this course the more willingly, because I think it possible, that the protracted discussions which have occurred upon this important question may have generated an opposition, the result rather of diversity of opinion upon particular points, than arising from any want of a common assent to the principles laid down in the resolutions of the two Houses of Parliament, which must form the basis of all wise legislation upon the subject, and which reason and humanity equally recommend.

There are two objects, for the attainment of which it is necessary that effectual provision should be made. The first of them is the gradual elevation of the moral character of the slave population, and the second is, the due protection of all the just rights of property which existing laws have vested in the owners of the slaves.

I am perfectly aware that there may be found many very respectable persons, in whose minds the force of prejudice, or the influence of habit, and perhaps also a too restricted view of their own individual interests, may have established a conviction that the two objects above mentioned are wholly incompatible; and that a choice must at once be made between a positive sacrifice of the rights of property on the one hand, or a positive denial on the other of the advantages which humanity has sought to obtain for the slaves.

The steps, however, which have been already taken in several of the colonies, and the progress which has been so happily made in some of them towards the amelioration of the condition of the slaves, induce me to conclude that the extreme opinions which I have above adverted to are not very generally entertained, and lead me at the same time to form the expectation, I trust not too sanguine a one, that the example of those colonies which have advanced the furthest, without any detriment having resulted from their liberal line of policy, will persuade others that it is possible to imitate, without risk, these laudable proceedings.

But although I am disposed to believe, that motives of sound and enlightened policy, as well as those of a more sacred and more elevated character, will induce gentlemen holding the station of members of the local legislatures, as well as other individuals possessed of influence in the colonies, to lend a favourable ear to the repeated appeals which have been made to their judgment and to their feelings upon this important and interesting subject; it would be improper, however, to omit stating, that there are also other calls upon them, which render every day more and more urgent, as a measure of necessary policy, the ameliorating the condition of the slave population; for it can scarcely be doubted, that of the two alternatives, that of withholding amelioration, and that of effectually improving the condition and the character of the slaves, the latter is the one which holds out by far the best prospect, under the existing circumstances of the world, for general tranquillity, and for the security of property in the colonies.

Although it be my intention, as I have already stated to your Excellency, not to enter into a detailed review of each of the individual measures which have been already so often and so urgently pressed upon the attention of the colonial legislatures by my predecessors, I must advert pointedly, however, to a few which I deem to be of peculiar importance. The first of these is the religious instruction of the slaves.

It must be obvious to every man capable of reflection, that independently of the sacredness of the obligation which requires that no impediments should be placed in the way of their acquiring a knowledge of the great truths of religion, there is no more certain mode of advancing their civilization without detriment or danger to society at large, than by religious instruction. It is necessary, however, that this

this important object should not be entrusted solely to individuals, but that provision should likewise be made for it by law, in order to guard against the injury which society would sustain by the want, in any one, of a just sense of its importance. Amongst the enactments which will suggest themselves upon this subject, there is none which appears more proper, more becoming in itself, or which it is more incumbent upon the legislature of every Christian country to enforce, than the due observance of Sunday. It is most desirable, therefore, that Sunday should be, to the slave population in all the colonies, a day of entire relaxation from compulsory labour, and open to be devoted to religious duties and to moral instruction.

I am aware, however, that whilst provision is made for securing to the slave sufficient time and opportunity for religious instruction, and every latitude is allowed with respect to the mode of his instruction which the spirit of toleration demands, it is very fit, notwithstanding, that certain local regulations should be established, to guard against those abuses, and that misapplication to which the best institutions are liable, and to obviate those disorders which might be occasioned, or the apprehension of which might at least be reasonably entertained, if an unrestricted liberty were permitted to assemble considerable bodies of the slave population at unseasonable hours, or without the previous sanction of their owners.

The next object which I am desirous strongly to recommend to the favourable consideration of the colonial legislature is, the admission of the evidence of slaves.

This may appear to some of the colonies to be still too great a step to be at once taken, but the concessions already made upon this point by others of the colonial legislatures, induce me to hope that the principle is gradually gaining ground in the West Indies, and that it will ere long be generally felt, that, by elevating the slave to the rank of a person whose evidence is admitted under the same restrictions only under which that of free men is received, and by teaching him and his fellow subjects that the avenues of justice are not closed against his testimony in any case whatsoever, an important improvement will be effected, as well in the character of the slaves themselves, as in the general feeling and conduct of the population at large.

The only other object which I shall advert to is, the situation of that portion of society in the colonies which comes under the general denomination of people of colour.

It appears to me, that it would be wise to act with much liberality towards this class of individuals, and I am to direct, therefore, that your Excellency will strongly recommend their interests to the favourable consideration of the local legislature, a recommendation which it is but justice to the legislature of Jamaica to state, appears less to be required on my part than it has been invited on theirs, by the manner in which they have already acted on this head.

I have now gone through all the subjects which it was my intention particularly to touch upon in this despatch. Before I conclude, however, I must express, that notwithstanding the introduction of some objectionable clauses into the bill submitted from the legislature of Jamaica in 1826, which induced the Lords of the Privy Council to recommend that it should not be allowed by His Majesty, the principle of amelioration pervaded that bill generally to such a degree, as affords just grounds for the very gratifying expectation, that those measures for bettering the condition of the slave population, which have been at different times suggested under the pressing recommendations of the Crown, supported by the unanimous opinion of the two Houses of Parliament, and enforced by the general expression of opinion in the mother country, will ere long be adopted in that important colony.

I have, &c.

(signed)

G. MURRAY.

Major-General Sir John Keane, K.C.B.
&c. &c. &c.

JAMAICA.

(Circular.)

— No. 3. —

Sir,

Downing-street, 15th September 1828.

AS the season is now at hand when the Legislative Assembly of the colony under your government will probably resume its session, I wish to explain to you, somewhat more fully than in the public despatch transmitted to you by the last mail, the views which are taken by His Majesty's Government, on some of the leading topics relating to the slave population.

In legislating, as is recommended in that despatch, for the observance of Sunday, the principle which it will be essential to keep in view, is, that the labour of the six days shall not be so exclusively and rigidly allotted to the master's profit, as to leave the seventh day alone for the slave to labour for himself. The object is, that Sunday shall be a day wholly clear both from the demands of the master and from the necessities of the slave. The property of a master in his slave is a property, qualified, of course, by many conditions, amongst which is the obligation of fully maintaining him; and if, instead of his maintenance being provided for out of the labour of six days (which is all that, in any Christian country, a master can claim on the score of law, and of recognized property), that maintenance is to be provided for out of the labour of the seventh day, then the master, in effect, escapes from the performance of the condition, upon which alone society has permitted him to hold the slave as property.

It is in vain to say that the slave is not *compelled* to labour on the Sunday, if, without the Sunday's labour, the necessary support and reasonable comforts of his situation must be wanting to him. If the slave, when left a free agent on Sunday, shall choose to occupy a part of that day, after its proper duties shall have been performed, in agricultural or in other business, for his own benefit, and that of his family, in order to procure for himself or them such additional comforts as his master would not be bound to provide; that occupation, of course, will not fall within the description of labour which my despatch of the 3d instant purposes to exclude.

The other main topic to which I shall here advert, the admission of slave evidence, is one to which His Majesty's Government attach the utmost consequence; it is, in fact, one of the most important and influential steps which can be taken towards a system of improvement; it removes a general stigma from the whole body of the slaves, and must tend to raise them, not only in their own estimation, but even in that of the masters themselves.

While the courts of law exclude the slave from all participation in the means resorted to for the ends of justice, not scrutinizing his evidence to make sure of its truth, but rejecting it at once, on the presumption that it must be false, the local prejudices that exist against this class of men are fortified by a judicial sanction, and the law is made not merely to authorise their condition of slavery, but to acknowledge and even to certify their moral degradation.

This is the first consideration. The next is that of the safety with which this privilege, if it can be so called, may be conferred. It is a privilege which, though it raises the character of the whole class, will be actually exercised by comparatively very few; that exercise too will be occasional, and dependant on accident. It is a boon that bestows no power; it merely removes an universal brand of falsehood.

I am not insensible to the objection arising from the chances of perjury, but those are chances which accompany all trial by the testimony of witnesses; and interests as near, and prejudices as strong as any which can be supposed to influence the slave, either on behalf of his master or against him, have always existed in every society, without being found to endanger the general probabilities of truth. The evidence of the child is admitted in the cause of the parent, and the prosecutor is often the only witness on the trial of a quarrelsome neighbour by whom he has been assaulted. Nor are the peculiarities of West Indian society to be urged as a ground of exception from this general argument; on the contrary, they add reasons why the principle may be applied with especial safety. The courts, the judges, and the juries, are of a different class and colour from the proposed witnesses; acquainted, for the most part, with the habits and tendencies of the slave; accustomed to measure his understanding, his moral sense, and the accuracy of his perceptions; and protected by all these advantages against the danger of any undue

undue influence or impression from his testimony. The proposed alteration goes only to make that testimony admissible, not to make it conclusive. The law, when this change shall have been introduced, will only have rendered the witness competent; it will still have left to the particular tribunal to determine whether he be credible. Perjury, to be mischievous, must be consistent in all the circumstances of its fiction; and the lower the rate of the intellect employed in the contrivance, the less is that consistency to be apprehended. It will hardly be maintained, that the negroes, such as are found in the West Indian communities, are of so ingenious a turn of mind, so adroit in the fabrication of falsehood, and so fertile in resources for repairing it under the pressure of a public examination, as to baffle the search of truth more effectually than the practitioners of fraud in the great societies of Europe.

JAMAICA.

There is yet another reason which makes me peculiarly anxious for some colonial measure recognizing the competency of slaves as witnesses. A voluntary act of the local legislatures to this effect, would go far to satisfy the Parliament of this country, who, as well as the Government, are pledged to the resolutions of 1823, that the principles announced by those resolutions are really at work, and in progress in the colonies. Unless the local legislatures shall furnish their friends in this country with some such practical proof of their sincere concurrence in the principle of amelioration, it will soon become difficult and inadvisable, if not impossible, to stem the impatience of the people of these kingdoms, for some efficient and authoritative interference.

There are few circumstances which could occasion more regret to His Majesty's Government, than that the neglect of the colonists to exercise their right of legislating for the slave population, should at length induce the necessity of a legislative interposition from home.

These are the principal topics and considerations of which I am desirous to put you in possession, in order that you may urge them in those quarters where such a communication may appear to you likely to be advantageous. That any change in the habits and constitution of any part of the community may, in some instances, be resisted, or very reluctantly admitted, His Majesty's Government are of course prepared to expect; but they trust that, as these discussions become more familiar, the colonists will perceive, what indeed it is very material that you should take every convenient opportunity of impressing upon them in your private communications, that their own interests are very deeply involved in the proposed improvements. Upon a considerate view of the general progress which free institutions and opinions are making throughout the world, it must be clearly perceived that the present condition of society in the West Indies, is one which can scarcely be expected to endure much longer, without material modifications. It seems, therefore, to be the dictate of prudence, as it is also the desire and the expectation of the British people, very generally and very strongly expressed, that such relaxations as can be granted, consistently with the acknowledged rights of property, should not be withheld. In portions of the empire, isolated as our West India colonies are, where the free inhabitants form but a small proportion of the population, the minority might find themselves, at no distant period, in a very precarious position, unless their voluntary endeavours to comply with the just expectations of the mother country, with regard to the improvement of the condition of the slaves, should have founded for them such a claim to her approbation and support, as would incline her, in any season of difficulty, to furnish a prompt and effectual assistance.

This despatch, as your Excellency will perceive from its title, is a circular, and certain passages of it will therefore, in some of the colonies, be inapplicable, or applicable only in part, or with modifications; but I have thought it best, for many reasons, and especially as it is not intended that the Governor shall lay this despatch before the local assemblies, to put you in the fullest possession of the general principles which His Majesty's Government are most anxious at this juncture to promote, throughout the colonial system of the empire.

I have, &c.

Major-General Sir John Keane.

(signed)

G. MURRAY.

JAMAICA.

— No. 4. —

Extract from a Despatch from Sir John Keane to Sir George Murray,
dated Jamaica, 11th December 1828.

“ I HAVE already apprised you, that the slave law of 1826 had been brought into the House of Assembly ; and I am now to inform you that this bill, after a violent and continued opposition, passed the House precisely in the same words as the old law, with the difference of dates. The Council amended this bill, imperfectly perhaps, but still endeavouring to meet your suggestions, by omitting the names of sectarians or ministers of religion, and making the prohibition to attend nightly meetings general, and without any allusion to the purposes for which such meetings were supposed to be designed. The House have refused to adopt any one amendment, the consequence of which, I suppose will be, that the Board will recede from their amendments, and pass the bill.

“ I need not add, that I shall refuse my assent to it, expressing in strong terms my concern that the two leading objects which I had submitted to them, by the direction of His Majesty’s Government, had completely failed, and that those questions must now be decided by higher authority.

“ I hope you will approve of this proceeding, because I should consider it a mark of the highest disrespect to His Majesty to be the channel of laying before the Throne a bill, couched in the same language as that to which His Majesty had so recently refused the Royal Assent.”

BAHAMAS.

B A H A M A S.

— No. 5. —

Extract of a Despatch from Major-General Grant to Mr. Huskisson, dated
26th January 1828 ;—with Two Enclosures.

“ BY the same opportunity which conveys this, I have the honor to forward, ‘ An Act to amend an Act for fixing the mode of trying Questions relative to the Freedom of Negroes,’ &c. passed in December 1826.”

Enclosure 1, in No. 5.

BAHAMA ISLANDS :—An Act for fixing the mode of trying Questions relative to the Freedom of Negroes, and for suspending certain Acts therein mentioned.

Preamble.

WHEREAS many inconveniences have arisen from the mode of trying questions relative to the freedom of negroes and other persons of colour, as established in and by an Act passed in the twenty-eighth year of the reign of his late Majesty King George the Third, intituled, “ An Act for explaining and amending an Act passed in the twenty-fourth year of the reign of his late Majesty King George the Third, intituled an Act for governing negroes, mulattoes, mustees and Indians,” and for suspending several Acts therein mentioned ; may it therefore please Your Majesty, that it may be enacted and declared, and be it therefore enacted and declared by his Honour Wm. Vesey Munnings, Esquire, President and Commander-in-Chief, the Council and Assembly of Your Majesty’s said Bahama Islands, and it is hereby enacted and declared by the authority of the same, that the aforesaid first-mentioned Act, and all and every Act and Acts or clauses of Acts of the General Assembly, so far forth as the same do relate to the trial of questions concerning the freedom of negroes or other persons of colour, be suspended, and the same are hereby accordingly suspended during the continuance of this Act.

Act 28 Geo. 3,
suspended.

2. And

2. And be it enacted, that from and after the passing of this Act all questions relating to the freedom or slavery of negroes or other persons of colour, shall be tried and determined in His Majesty's General Court of these islands, and not elsewhere, any law, usage or custom to the contrary notwithstanding.

Questions relating to freedom of slaves to be tried in General Court.

3. And be it enacted, that in all cases in which application shall be made to the general court, or, in time of vacation, to any of the judges of the general court, or on any out-island to any two magistrates of the same, when they are four, and if less than four to any one magistrate, with the assistance and concurrence of any three or more freeholders, for and on behalf of any negro or other person of colour pretending to or claiming freedom, and praying that his or her claim may be inquired into; it shall and may be lawful for the court or judge, magistrate or magistrates and freeholders aforesaid, as the case may be, to direct the person so claiming his, her or their freedom, to state the grounds upon which he, she or they so claim; and if sufficient grounds shall appear in support of the claim or claims to freedom, then and in such case to appoint some fit person to be guardian of such negro or other person of colour, for the purpose of prosecuting a suit in the nature of an action of ravishment of ward, *homini replegiando*, or other fit action, to try his or her claim to freedom; in which suit the plaintiff shall be admitted to sue in *forma pauperis*, and the judgment therein given shall be binding against all and every person and persons who shall be a party or parties to the same.

Mode of trying questions of freedom.

4. And be it further enacted, that in case any claim to freedom shall arise in any out-island, and be supported on sufficient grounds as aforesaid, it shall and may be lawful for the said magistrates or magistrate, with the assistance and concurrence of three or more freeholders, to oblige the owner or person so holding the said negro or other person of colour in bondage, either to resign all right to the person so claiming his, her or their freedom, or to enter into sufficient security for the sending such person or persons to the general court at Nassau for trial, within six weeks after such examination; a copy of the proceedings of which either the plaintiff or defendant may demand, upon payment of a reasonable charge for the same; and in case of any neglect on the part of the judge, magistrates, or magistrate and freeholders, by refusing to examine and take cognizance of any such claim to freedom, he or they, as the case may be, shall for every such neglect be liable to a penalty of one hundred pounds of lawful money of the said islands, one moiety of which shall go to His Majesty, his heirs and successors, in aid of the support of this government, and the other moiety to the person suing for the same.

Mode of proceeding in out-islands where a claim of freedom may arise.

5. And be it further enacted, that any negro or other person of colour claiming his or her freedom as aforesaid, shall forthwith be committed to the common gaol, or other place of safe custody, at the discretion of the court or judge, magistrates, or magistrate and freeholders, as the case may be, there to remain so long as the suit shall be pending: provided always, that it shall and may be lawful for the court, or any of the judges thereof in time of vacation, or for the magistrates, or magistrate and freeholders, to make an order for delivering such negro or other person of colour to the custody of his or her guardian, or of any other indifferent person, taking security in a sufficient recognizance for the appearance of such negro or other person of colour, and for the payment of such reasonable wages as the court may award in case judgment shall be given for the defendant; and that the court or judge, magistrates, or magistrate and freeholders, may from time to time make such further order or orders respecting the safe custody of any such negro or other person of colour claiming his or her freedom as aforesaid, or respecting his or her labour, wages, support or maintenance, as may be for the benefit of the party in whose favour judgment may eventually be given; and that any person or persons disobeying any such order shall and may be proceeded against and punished as for a contempt.

Persons claiming freedom how to be dealt with while suit is pending.

6. And be it further enacted, that on any such action as aforesaid, the plaintiff's title to freedom only shall be insisted on, and nominal damages only shall be awarded: provided always, that it shall and may be lawful for any negro or other person of colour in whose favour judgment shall have been given in any such action, forthwith to have and maintain another suit, and recover reasonable wages or damages upon a *quantum meruit* from the defendant or defendants, for such time only as it shall appear that the said negro or other person of colour had made known his, her or their claim or title to freedom to such defendant or defendants so holding them in bondage.

Nominal damages to be awarded in actions for freedom.

Not to prejudice a suit for damages.

Person adjudged a slave not precluded from a new trial on new grounds.

7. And be it further enacted, that any one declared and adjudged a slave by the same or any other court as aforesaid, shall not therefore be precluded from another suit for freedom in the general court of these islands : provided such new suit shall be brought on grounds different from those on which the previous suit had been tried, and arising out of facts either occurring subsequent to the previous judgment, or not within the knowledge of the party applicant at the time of the previous trial.

Duration.

8. And be it further enacted, that this Act shall continue and be in force for and during the term of ten years from and after the passing thereof, and from thence to the end of the then next session of the General Assembly.

Passed the House of Assembly, 18th October 1826.

(signed) *L. Kerr*, Speaker.

Passed the Legislative Council, 25th October 1826.

(signed) *P. Brown*, President.

Assented to, the 22d day of December 1826.

(signed) *Wm. Vesey Munnings*.

Enclosure 2, in No. 5.

BAHAMA ISLANDS:—An Act to amend and explain an Act intituled “ An Act for fixing the mode of trying Questions relative to the Freedom of Negroes, and for suspending certain Acts therein mentioned.”

Preamble, reciting an enactment in the Act to which this is an explanatory amendment.

WHEREAS in and by the seventh section of an Act of the General Assembly of these islands, made and passed in the seventh year of Your Majesty's reign, intituled “ An Act for fixing the mode of trying Questions relative to the Freedom of Negroes, and for suspending certain Acts therein mentioned,” it is enacted, “ that any one being declared and adjudged a slave by the general court of the said islands, or any other court, should not therefore be precluded from another suit for freedom in the said general court, provided such new suit should be brought on grounds different from those on which the previous suit had been tried, and arising out of facts either occurring subsequent to the previous judgment, or not within the knowledge of the party applicant at the time of the previous trial :”

And whereas under and by virtue of the said proviso, it may be inferred (contrary to the true intent and meaning of the said Act) that if any person, claiming his or her freedom according to the mode therein prescribed, should fail to establish the same either by reason of any technical error in the proceedings or any mistake of the judgment had in every such case, should nevertheless be final and conclusive, any such error or mistake notwithstanding.

Nothing in the Act hereby amended to preclude an applicant for freedom from a new suit, even on the same grounds, in cases where such applicant has failed to establish his freedom from some technical error in the proceedings, or a mistake of the judge before whom the trial was.

May it therefore please Your Majesty, that it may be enacted and declared, and be it therefore enacted by his Excellency, Lewis Grant, esquire, Major-General of His Majesty's forces, Captain-General and Governor in Chief, the Council and Assembly of these islands, and it is hereby enacted by the authority of the same, that nothing in the said Act contained shall extend, or be construed to extend, to preclude the party applicant from a new suit (though on the same grounds) in cases where the person or persons claiming his, her or their freedom, shall nevertheless fail to establish the same by reason of any technical error in the proceedings, or any mistake of the judge or judges before whom any such cause may have been tried.

Passed the House of Assembly, 18th December 1827.

(signed) *L. Kerr*, Speaker.

Passed the Legislative Council, 19th December 1827.

(signed) *Wm. Vesey Munnings*, President.

Assented to, the 22d day of December 1827.

(signed) *Lewis Grant*.

A true copy from the original Act.

(signed) *C. B. Nesbitt*, Dep. Secretary.

— No. 6. —

BAHAMAS.

Extract of a Despatch addressed by the Right Honourable Sir George Murray to the Governor of the Bahamas, dated Downing-street, 9 June 1829.

“ HIS MAJESTY has been pleased to disallow the Act for trying questions relative to the freedom of negroes, and the Act in amendment of it, for the following reasons:—The first of these Acts is a revival of a similar statute, which has already been disallowed by His Majesty in Council; it was passed, however, when the fact of that disallowance was unknown in the colony.

The second of these Acts is intended to obviate the objections stated by Lord Bathurst to the former law; but still restraints are imposed upon persons asserting in courts of justice a title to freedom, for which no sufficient cause has been, or probably could be suggested. It is not enough to say that neither technical errors nor mistakes of the judge shall prevent a new trial in such cases. As often as an action for freedom is brought, the plaintiff should be permitted to proceed to trial, unless it can be shown that the precise question at issue has been determined by a previous judgment. There is no apparent necessity why the general rules of law, respecting the effect of a former judgment in barring a new action, should not be applied to the case of actions for personal liberty; there is indeed a peculiar reason for indulgence to such suitors, because this Act subjects them to many unusual difficulties. The plaintiff must first obtain from the court permission to sue; he must then sue by a guardian; he is to be kept in custody pending the process, and cannot at last obtain more than nominal damages. A suitor, fettered by restraints of this nature, is but too likely to conduct his cause amiss; and ought not to be met, on the revival of his demand, by any difficulty from which other suitors are exempt.”

— No. 7. —

Sir,

Downing-street, 3d Sept. 1828.

AMONG the subjects to which my notice has been called since I received the seal of the Colonial Department, there is none which has appeared to me more deserving of attention than that of the measures in progress for improving the condition of the slaves in the West India colonies.

During the late session of Parliament the Ministers of the Crown took occasion to express, in their places, the settled purpose of His Majesty's Government to adhere strictly to the resolutions which were passed unanimously in the House of Commons on the 15th May 1823, and unanimously adopted in the House of Peers on the 7th March 1826.

It is the object of this despatch to convey to your Excellency the strong sense which, in common with all my colleagues in office, I entertain of the obligations imposed upon His Majesty's Government by this solemn and reiterated engagement, and to call upon your Excellency assiduously to employ your endeavours to convey the like impression to the Legislative Council and to the House of Assembly in the Bahama Islands.

The specific measures of improvement, which it appeared most urgent should be adopted for ameliorating the condition of the slave population, have been already brought under the notice of the several colonial legislatures in so pointed a manner by the despatches of my predecessors in this office, that it might appear a needless work if I again recommend each of them separately to your particular attention; and it might seem even to imply my entertaining an opinion either that the attention of the colonial legislature had at no time been sufficiently alive to the importance of these specific measures, or that there existed in the colonies so rooted an indisposition to the introduction of some of them, that no progress had been made towards their adoption.

It is my anxious desire, however, to admit no such unfavourable opinion of the disposition existing in the colonies, and I shall therefore confine myself, in a great measure at present, to calling back your attention to the resolutions of Parliament, advertng, incidentally only, to their specific application by particular enactments; and

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and I adopt this course the more willingly, because I think it possible that the protracted discussions which have occurred upon this important question may have generated an opposition, the result rather of diversity of opinion upon particular points, than arising from any want of a common assent to the principles laid down in the resolutions of the two Houses of Parliament, which must form the basis of all wise legislation upon the subject, and which reason and humanity equally recommend.

There are two objects, for the attainment of which it is necessary that effectual provision should be made. The first of them is the gradual elevation of the moral character of the slave population; and the second is the due protection of all the just rights of property which existing laws have vested in the owners of the slaves.

I am perfectly aware that there may be found many very respectable persons, in whose minds the force of prejudice or the influence of habit, and perhaps also a too restricted view of their own individual interests, may have established a conviction, that the two objects above-mentioned are wholly incompatible; and that a choice must at once be made between a positive sacrifice of the rights of property on the one hand, or a positive denial on the other, of the advantages which humanity has sought to obtain for the slaves.

The steps, however, which have been already taken in several of the colonies, and the progress which has been so happily made in some of them towards the amelioration of the condition of the slaves, induce me to conclude, that the extreme opinions which I have above adverted to are not very generally entertained, and lead me at the same time to form the expectation, I trust not too sanguine a one, that the example of those colonies which have advanced the furthest, without any detriment having resulted from their liberal line of policy, will persuade others that it is possible to imitate without risk these laudable proceedings.

But although I am disposed to believe that motives of sound and enlightened policy, as well as those of a more sacred and more elevated character, will induce gentlemen holding the station of members of the local legislatures, as well as other individuals possessed of influence in the colonies, to lend a favourable ear to the repeated appeals which have been made to their judgment and to their feelings upon this important and interesting subject, it would be improper, however, to omit stating, that there are also other calls upon them which render every day more and more urgent, as a measure of necessary policy, the ameliorating the condition of the slave population. For it can scarcely be doubted, that of the two alternatives that of withholding amelioration, and that of effectually improving the condition and the character of the slaves, the latter is the one which holds out by far the best prospect, under the existing circumstances of the world, for general tranquillity, and for the security of property in the colonies.

Although it be my intention, as I have already stated to your Excellency, not to enter into a detailed review of each of the individual measures which have been already so often and so urgently pressed upon the attention of the colonial legislatures by my predecessors, I must advert, pointedly however, to a few which I deem to be of peculiar importance. The first of these is the religious instruction of the slaves.

It must be obvious to every man capable of reflection, that independently of the sacredness of the obligation which requires that no impediments should be placed in the way of their acquiring a knowledge of the great truths of religion, there is no more certain mode of advancing their civilization without detriment or danger to society at large, than by religious instruction. It is necessary, however, that this important object should not be entrusted solely to individuals, but that provision should likewise be made for it by law, in order to guard against the injury which society would sustain by the want, in any one, of a just sense of its importance. Amongst the enactments which will suggest themselves upon this subject, there is none which appears more proper, more becoming in itself, or which it is more incumbent upon the legislature of every christian country to enforce, than the due observance of Sunday. It is most desirable therefore that Sunday should be to the slave population in all the colonies a day of entire relaxation from compulsory labour, and open to be devoted to religious duties and to moral instructions.

I am aware, however, that whilst provision is made for securing to the slave sufficient time and opportunity for religious instruction, and every latitude is allowed with respect to the mode of his instruction which the spirit of toleration demands, it is very fit, notwithstanding, that certain local regulations should be established to guard against these abuses, and that misapplication to which the

best

best institutions are liable, and to obviate those disorders which might be occasioned, or the apprehension of which might at least be reasonably entertained, if an unrestricted liberty were permitted, to assemble considerable bodies of the slave population at unseasonable hours, or without the previous sanction of their owners.

The next object which I am desirous strongly to recommend to the favourable consideration of the colonial legislature is, the admission of the evidence of slaves.

This may appear to some of the colonies to be still too great a step to be at once taken, but the concessions already made upon this point by others of the colonial legislatures, induce me to hope that the principle is gradually gaining ground in the West Indies, and that it will ere long be generally felt, that by elevating the slave to the rank of a person whose evidence is admitted under the same restrictions only under which that of free men is received, and by teaching him and his fellow subjects that the avenues of justice are not closed against his testimony in any case whatsoever, an important improvement will be effected, as well in the character of the slaves themselves, as in the general feeling and conduct of the population at large.

The only other object which I shall advert to is the situation of that portion of society in the colonies which comes under the general denomination of people of colour.

It appears to me that it would be wise to act with much liberality towards this class of individuals, and I am to direct, therefore, that your Excellency will strongly recommend their interests to the favourable consideration of the local legislature.

I have now gone through all the subjects which it was my intention particularly to touch upon in this despatch; before I conclude, however, I must express, which I do with much pleasure, the sense I entertain of the laudable conduct of the Legislative Council and of the House of Assembly of the Bahama Islands, in having already adopted several of those measures for the amelioration of the condition of the slave population, which have been at different times suggested to them under the pressing recommendation of the Crown, supported by the unanimous opinion of the two Houses of Parliament, and enforced by the general expression of public opinion in the mother country.

I have, &c.

(signed)

G. MURRAY.

Major General Grant.

&c. &c. &c.

— No. 8. —

Circular DESPATCH from Secretary Sir G. Murray, dated Downing-street, 15th September 1828, to Major General Grant. Similar to that addressed to the Lieutenant Governor of Jamaica. *Vide* page 8.

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B A R B A D O E S.

— No. 9. —

Sir,

Downing-street, 3d September 1828.

AMONG the subjects to which my notice has been called since I received the seals of the colonial department, there is none which has appeared to me more deserving of attention than that of the measures in progress for improving the condition of the slaves in the West India colonies.

During the late session of Parliament, the Ministers of the Crown took occasion to express in their places the settled purpose of His Majesty's Government to adhere strictly to the resolutions which were passed unanimously in the House of Commons on the 15th May 1823, and unanimously adopted in the House of Peers on the 7th March 1826.

It is the object of this despatch to convey to your Excellency the strong sense which in common with all my colleagues in office, I entertain of the obligations imposed upon His Majesty's Government by this solemn and reiterated engagement, and to call upon your Excellency assiduously to employ your endeavours to convey the like impression to the Legislative Council and to the House of Assembly in the island of Barbadoes.

The specific measures of improvement which it appeared most urgent should be adopted, for ameliorating the condition of the slave population, have been already brought under the notice of the several colonial legislatures in so pointed a manner, by the despatches of my predecessors in this office, that it might appear a needless work if I again recommend each of them separately to your particular attention, and it might seem even to imply my entertaining an opinion, either that the attention of the colonial legislatures had at no time been sufficiently alive to the importance of these specific measures, or that there existed in the colonies so rooted an indisposition to the introduction of some of them, that no progress had been made towards their adoption.

It is my anxious desire, however, to admit no such unfavourable opinion of the disposition existing in the colonies, and I shall, therefore, confine myself in a great measure at present, to calling back your attention to the resolutions of Parliament, adverted, incidentally only, to their specific application by particular enactments. And I adopt this course the more willingly, because I think it possible, that the protracted discussions which have occurred upon this important question may have generated an opposition, the result rather of diversity of opinion upon particular points, than arising from any want of a common assent to the principles laid down in the resolutions of the two Houses of Parliament, which must form the basis of all wise legislation upon the subject, and which reason and humanity equally recommend.

There are two objects, for the attainment of which it is necessary that effectual provision should be made. The first of them is the gradual elevation of the moral character of the slave population; and the second is the due protection of all the just rights of property which existing laws have vested in the owners of the slaves.

I am perfectly aware that there may be found many very respectable persons, in whose minds the force of prejudice, or the influence of habit, and perhaps also a too restricted view of their own individual interests, may have established a conviction that the two objects above-mentioned are wholly incompatible; and that a choice must at once be made between a positive sacrifice of the rights of property on the one hand, or a positive denial on the other, of the advantages which humanity has sought to obtain for the slaves.

The steps, however, which have been already taken in several of the colonies, and the progress which has been so happily made in some of them towards the amelioration of the condition of the slaves, induce me to conclude that the extreme opinions which I have above adverted to, are not very generally entertained, and lead me at the same time to form the expectation, I trust not too sanguine a one, that the example of those colonies which have advanced the furthest, without any
detriment

detriment having resulted from their liberal line of policy, will persuade others that it is possible to imitate, without risk, these laudable proceedings.

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But, although I am disposed to believe that motives of sound and enlightened policy, as well as those of a more sacred and elevated character, will induce gentlemen holding the station of members of the local legislatures, as well as other individuals possessed of influence in the colonies, to lend a favourable ear to the repeated appeals which have been made to their judgment and to their feelings upon this important and interesting subject; it would be improper, however, to omit stating, that there are also other calls upon them which render every day more and more urgent, as a measure of necessary policy, the ameliorating the condition of the slave population. For it can scarcely be doubted that of the two alternatives, that of withholding amelioration, and that of effectually improving the condition and the character of the slaves, the latter is the one which holds out by far the best prospect, under the existing circumstances of the world, for general tranquillity, and for the security of property in the colonies.

Although it be my intention, as I have already stated to your Excellency, not to enter into a detailed review of each of the individual measures which have been already so often and so urgently pressed upon the attention of the colonial legislatures by my predecessors, I must advert pointedly, however, to a few which I deem to be of peculiar importance. The first of these is the religious instruction of the slaves.

It must be obvious to every man capable of reflection, that independently of the sacredness of the obligation which requires that no impediments should be placed in the way of their acquiring a knowledge of the great truths of religion, there is no more certain mode of advancing their civilization, without detriment or danger to society at large, than by religious instruction. It is necessary, however, that this important object should not be entrusted solely to individuals, but that provision should likewise be made for it by law, in order to guard against the injury which society would sustain by the want, in any one, of a just sense of its importance. Amongst the enactments which will suggest themselves upon this subject, there is none which appears more proper, more becoming in itself, or which it is more incumbent on the legislature of every Christian country to enforce, than the due observance of Sunday. It is most desirable, therefore, that Sunday should be, to the slave population in all the colonies, a day of entire relaxation from compulsory labour, and open to be devoted to religious duties and to moral instruction.

I am aware, however, that whilst provision is made for securing to the slave sufficient time and opportunity for religious instruction, and every latitude is allowed with respect to the mode of his instruction which the spirit of toleration demands, it is very fit, notwithstanding, that certain local regulations should be established to guard against those abuses and that misapplication to which the best institutions are liable, and to obviate those disorders which might be occasioned, or the apprehension of which might at best be reasonably entertained, if an unrestricted liberty were permitted, to assemble considerable bodies of the slave population at unseasonable hours, or without the previous sanction of their owners.

The next object which I am desirous strongly to recommend to the favourable consideration of the colonial legislatures is, the admission of the evidence of slaves.

This may appear to some of the colonies to be still too great a step to be at once taken, but the concessions already made upon this point by others of the colonial legislatures, induce me to hope that the principle is gradually gaining ground in the West Indies, and that it will ere long be generally felt, that by elevating the slave to the rank of a person whose evidence is admitted under the same restrictions only under which that of freemen is received, and by teaching him and his fellow subjects that the avenues of justice are not closed against his testimony in any case whatsoever, an important improvement will be effected, as well in the character of the slaves themselves, as in the general feeling and conduct of the population at large.

The only other object which I shall advert to is, the situation of that portion of society in the colonies which comes under the general denomination of people of colour.

It appears to me, that it would be wise to act with much liberality towards this class of individuals, and I am to direct, therefore, that your Excellency will

strongly

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strongly recommend their interests to the favourable consideration of the local legislature.

I have now gone through all the subjects which it was my intention particularly to touch upon in this despatch ; before I conclude, however, I must express, which I do with much pleasure, the sense I entertain of the laudable conduct of the Legislative Council and of the House of Assembly of the island of Barbadoes, in having already adopted several of those measures for the amelioration of the condition of the slave population, which have been at different times suggested to them under the pressing recommendation of the Crown, supported by the unanimous opinion of the two Houses of Parliament, and enforced by the general expression of public opinion in the mother country.

I have, &c.

(signed) G. MURRAY.

To the Officer administering the Government
of Barbadoes.

— No. 10. —

Circular DESPTACH from Secretary Sir G. Murray, dated Downing-street, 15th September 1828, to the Officer administering the Government of Barbadoes. Similar to that addressed to the Lieutenant Governor of Jamaica. *Vide* page 8.

— No. 11. —

Sir, Government House, Barbadoes, 29th November 1828.

I HAVE the honour to acknowledge the receipt of your circular despatch of the 3d September. I lost no time in communicating by message the substance of it to the House of Assembly, and I now beg leave to transmit to you their answer.

I have, &c.

(signed) J. B. Skeete.

To the Right Hon. Sir George Murray, G.C.B.
&c. &c. &c.

Enclosure 1, in No. 11.

House of Assembly, 18th Nov. 1828.

THE House of Assembly respectfully acknowledge the receipt of his honor the President's message at the last meeting, notifying to them that " he had lately received a circular despatch from the Right honourable Sir George Murray, Secretary of State for the Colonial Department, and that his honor felt it his duty to take an early opportunity of putting the House in possession of the Right honourable Secretary's sentiments expressed therein."

The House, in reply, beg to assure his honor, that the subject adverted to in the despatch, and on which the Right honourable Secretary has been pleased to offer his sentiments, has ever been considered and treated by the House as one " of great moment" and importance. The House did not wait to have its attention called and directed to the consideration of it, by the resolutions of the Commons and Peers of the Imperial Parliament, alluded to in the despatch of the Right honourable Secretary, as the journals of the House show, that a bill for the revision and consolidation of the slave code, containing provisions greatly ameliorating the condition of the slave population, had been prepared and introduced into the House, and was in a state of progress long prior to the passing of those resolutions. The House, in its deliberations on that momentous subject, both prior and subsequent to the passing of those resolutions, was actuated by a just regard " to local circumstances, the safety of the inhabitants, the interest of their property, and the welfare of the slaves themselves ;" and having completed the code, it received the sanction

sanction of the other branches of the legislature, and was afterwards confirmed by His Majesty on the 18th October 1827. A reference to that code will show whether any rooted indisposition to ameliorate the condition of the slaves influenced the conduct of the House; and they trust that the Report of their Speaker in behalf of the House, which accompanied the code, (a copy of which is hereto annexed,) will satisfy the Right honourable Secretary that they went the "utmost length that prudence would allow in giving effect to the wishes of His Majesty's ministers;" and they had hoped that the reasons there assigned by the House for not "adopting certain of the recommendations contained in Lord Bathurst's despatch of the 9th July 1823," would have satisfied His Majesty's Government that they had not been wanting in "common assent to the principles laid down in the resolutions of the two Houses of Parliament," whilst those principles claim to "form the basis of all wise legislation on the subject, their polar star, the safety of the inhabitants, the interest of their property, and the welfare of the slaves themselves," must not be lost sight of; and until the test of experience is fairly applied to what has been already done by the Assembly towards ameliorating the condition of the slaves, they would be violating the sacred trust reposed in them were they to advance further.

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Laid before Parliament, in Part I. of Slave Papers, presented in 1827.

It is not by rapidity of legislation, and the mere adoption of imposing theories, that the great work of amelioration, and the "gradual elevation of the moral character of the slave population," are to be effected; time alone can ensure the accomplishment of those desirable objects, if the "due protection of all the just rights of property which existing laws have vested in the owners of slaves" are to be regarded.

Since the new slave code has taken effect in this island, which is not yet twelve months, the Assembly have anxiously watched its operation, with the honest and sincere intention of following up, by such further measures as may with safety be adopted in advancing the great object in view, which the Assembly assure the Right honourable Secretary they have as much at heart, and feel as much interested in, as His Majesty's Government; and as an earnest of their intention the Assembly beg to mention, that on the 19th August a bill was introduced into their House, and was finally passed at the last meeting, "for granting further protection and security to slaves, and for establishing a summary mode of proceeding for recovery of debts due and owing to and from slaves, &c." It is gratifying to the Assembly to notice the pleasure and sense entertained by the Right honourable Secretary of the conduct of the Legislative Council, and of this House, with reference to those measures which they have already adopted for the amelioration of the condition of the slave population; and the Assembly are bold to say, that if His Majesty's Government would rely with confidence on the experience, good feeling, and honest intentions of this House, the work of amelioration so happily begun will meet with its sure and certain reward, "the elevation of the moral character of the slave population."

The Assembly cannot omit this opportunity of remarking, which they do not less with candour than with regret, that however anxious and sincere their wishes for amelioration may be, yet the work must be retarded from the very impoverished condition generally of the landholders, occasioned by high duties and the admission of foreign produce into the British markets from places where the slave trade is still carried on. It is a fact not to be disputed, that the more opulent the planter the better are the moral and temporal wants of his slaves attended to and supplied; but it would be impossible to expect the same from those whose poverty will not admit of their own wants being attended to; it is therefore especially deserving the consideration of His Majesty's Government so to encourage the planters as to enable them with hands and means (hearts and inclination are not wanting) to go along with and support His Majesty's Government, and the government of this island, in the great work now in happy progress, and in which public opinion in the mother country has taken so active a part.

The situation of the people of colour, incidentally adverted to by the Right honourable Secretary, will always meet with every liberal and just attention on the part of this House.

By Order of the House,

(signed)

Robert Haynes,

Speaker.

To the Hon. J. B. Skeete,
&c. &c. &c.

D O M I N I C A.

DOMINICA.

— No. 12. —

Sir,

Downing-street, 3d September 1828.

AMONG the subjects to which my notice has been called since I received the seals of the colonial department, there is none which has appeared to me more deserving of attention than that of the measures in progress for improving the condition of the slaves in the West India colonies.

During the late session of Parliament, the Ministers of the Crown took occasion to express in their places the settled purpose of His Majesty's Government to adhere strictly to the resolutions which were passed unanimously in the House of Commons on the 15th May 1823, and unanimously adopted in the House of Peers on the 7th March 1826.

It is the object of this despatch to convey to your Excellency the strong sense which, in common with all my colleagues in office, I entertain of the obligations imposed upon His Majesty's Government by this solemn and reiterated engagement, and to call upon your Excellency assiduously to employ your endeavours to convey the like impression to the Legislative Council and to the House of Assembly in the island of Dominica.

The specific measures of improvement which it appeared most urgent should be adopted for ameliorating the condition of the slave population, have been already brought under the notice of the several colonial legislatures in so pointed a manner by the despatches of my predecessors in this office, that it might appear a needless work if I again recommend each of them separately to your particular attention; and it might seem even to imply my entertaining an opinion, either that the attention of the colonial legislatures had at no time been sufficiently alive to the importance of these specific measures; or that there existed in the colonies so rooted an indisposition to the introduction of some of them, that no progress had been made towards their adoption.

It is my anxious desire, however, to admit no such unfavourable opinion of the disposition existing in the colonies, and I shall therefore confine myself in a great measure, at present, to calling back your attention to the resolutions of Parliament, adverted, incidentally only, to their specific application by particular enactments. And I adopt this course the more willingly, because I think it possible, that the protracted discussions which have occurred upon this important question may have generated an opposition, the result rather of diversity of opinion upon particular points, than arising from any want of a common assent to the principles laid down in the resolutions of the two Houses of Parliament, which must form the basis of all wise legislation upon the subject, and which reason and humanity equally recommend.

There are two objects, for the attainment of which it is necessary that effectual provision should be made. The first of them is the gradual elevation of the moral character of the slave population; and the second is, the due protection of all the just rights of property which existing laws have vested in the owners of the slaves.

I am perfectly aware that there may be found many very respectable persons, in whose minds the force of prejudice or the influence of habit, and perhaps also a too restricted view of their own individual interests may have established a conviction that the two objects above mentioned are wholly incompatible, and that a choice must at once be made between a positive sacrifice of the rights of property on the one hand, or a positive denial on the other, of the advantages which humanity has sought to obtain for the slaves.

The steps, however, which have been already taken in several of the colonies, and the progress which has been so happily made in some of them towards the amelioration of the condition of the slaves, induce me to conclude that the extreme opinions which I have above adverted to are not very generally entertained, and lead me at the same time to form the expectation, I trust not too sanguine a one, that the example of those colonies which have advanced the furthest without any
detriment

detriment having resulted from their liberal line of policy, will persuade others that it is possible to imitate, without risk, these laudable proceedings.

But although I am disposed to believe that motives of sound and enlightened policy, as well as those of a more sacred and more elevated character, will induce gentlemen holding the station of members of the local legislatures, as well as other individuals possessed of influence in the colonies, to lend a favourable ear to the repeated appeals which have been made to their judgment, and to their feelings, upon this important and interesting subject; it would be improper however to omit stating, that there are also other calls upon them, which render every day more and more urgent, as a measure of necessary policy, the ameliorating the condition of the slave population; for it can scarcely be doubted, that of the two alternatives, that of withholding amelioration, and that of effectually improving the condition and the character of the slaves, the latter is the one which holds out by far the best prospect, under the existing circumstances of the world, for general tranquillity, and for the security of property in the colonies.

Although it be my intention, as I have already stated to your Excellency, not to enter into a detailed review of each of the individual measures which have been already so often and so urgently pressed upon the attention of the colonial legislatures by my predecessors, I must advert, pointedly however, to a few which I deem to be of peculiar importance. The first of these is the religious instruction of the slaves.

It must be obvious to every man capable of reflection that, independently of the sacredness of the obligation which requires that no impediments should be placed in the way of their acquiring a knowledge of the great truths of religion, there is no more certain mode of advancing their civilization without detriment or danger to society at large, than by religious instruction. It is necessary, however, that this important object should not be entrusted solely to individuals, but that provision should likewise be made for it by law, in order to guard against the injury which society would sustain by the want, in any one, of a just sense of its importance. Amongst the enactments which will suggest themselves upon this subject, there is none which appears more proper, more becoming in itself, or which it is more incumbent upon the legislature of every Christian country to enforce, than the due observance of Sunday. It is most desirable, therefore, that Sunday should be, to the slave population in all the colonies, a day of entire relaxation from compulsory labour, and open to be devoted to religious duties and to moral instruction.

I am aware, however, that whilst provision is made for securing to the slave sufficient time and opportunity for religious instruction, and every latitude is allowed with respect to the mode of his instruction which the spirit of toleration demands, it is very fit, notwithstanding, that certain local regulations should be established to guard against those abuses, and that misapplication to which the best institutions are liable, and to obviate those disorders which might be occasioned, or the apprehension of which might at least be reasonably entertained, if an unrestricted liberty were permitted, to assemble considerable bodies of the slave population at unseasonable hours, or without the previous sanction of their owners.

The next object which I am desirous strongly to recommend to the favourable consideration of the colonial legislatures is, the admission of the evidence of slaves.

This may appear to some of the colonies to be still too great a step to be at once taken, but the concessions already made upon this point by others of the colonial legislatures, induce me to hope that the principle is gradually gaining ground in the West Indies, and that it will ere long be generally felt, that by elevating the slave to the rank of a person whose evidence is admitted under the same restrictions only under which that of freemen is received, and by teaching him and his fellow-subjects that the avenues of justice are not closed against his testimony in any case whatsoever, an important improvement will be effected, as well in the character of the slaves themselves, as in the general feeling and conduct of the population at large.

The only other object which I shall advert to, is the situation of that portion of society in the colonies which comes under the general denomination of people of colour.

It appears to me that it would be wise to act with much liberality towards this class of individuals, and I am to direct, therefore, that your Excellency will strongly recommend their interests to the favourable consideration of the local legislature.

I have now gone through all the subjects which it was my intention particularly to touch upon in this despatch. It is my painful duty, however, before I conclude,

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to express to your Excellency the regret which has been felt by His Majesty at the extreme backwardness hitherto shown by the island of Dominica, in the adoption of those means for the amelioration of the condition of the slave population which have been at different times suggested to them under the pressing recommendation of the Crown, supported by the unanimous opinion of the two Houses of Parliament, and enforced by the general expression of the public opinion in the mother-country.

I have, &c.

(signed)

G. MURRAY.

Major-General Nicolay.

&c. &c. &c.

— No. 13. —

Circular DESPATCH from Secretary Sir G. Murray, dated Downing-street, 15th September 1828, to Major General Nicolay. Similar to that addressed to the Lieutenant Governor of Jamaica. *Vide* page 8.

— No. 14. —

Sir,

Government House, Dominica, 3d Nov. 1828.

I HAVE to acknowledge the receipt of your circular despatch of the 3d September last, relative to the measures in progress for improving the condition of the slave population in the West Indies.

I judged it best to communicate the contents to the Council and Assembly of this island, strongly recommending to their consideration the important objects to which you advert, as well as the detailed observations contained in Lord Bathurst's despatch of the 3d April 1827, wherein he minutely points out the amendments and additions still wanting, in order that the slave laws may meet the wishes of His Majesty's Government. Both branches have assured me that the subject shall receive due attention.

I have likewise received your despatch of the 15th September, explaining more fully than in the public one of the 3d September, the views of His Majesty's Government upon some of the leading topics relative to the slave population. I shall endeavour by every means in my power (and in the manner you desire) to effect the accomplishment of the objects therein alluded to.

On one subject of very great importance, that of extending religious instruction, your wishes have been anticipated by an Act of this legislature, (which I lately transmitted to you,) establishing a rector for the parish of St. Andrew. A school for the gratuitous education of children of all classes is also in fair progress.

I have, &c.

(signed)

Wm. Nicolay.

The Right Hon. Sir George Murray, G. C. B.

&c. &c. &c.

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—No. 15.—

Extract of a Despatch addressed by Major-General Sir James Campbell, K. C. B. to the Right Hon. William Huskisson, dated 1st July 1828.—With One Enclosure.

“ I HAVE the honor to transmit herewith copy of an Act which has passed the legislature of this island ; viz.

“ AN ACT to amend and explain an Act, intituled ‘ An Act to amend an Act intituled an Act to consolidate all the Laws now in force relative to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves.’ ”

Enclosure in No. 15.

An Act to amend and explain an Act, intituled “ An Act to amend an Act intituled an Act to consolidate all the Laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves.”

WHEREAS by an Act, intituled “ An Act to amend an Act intituled an Act to consolidate all the laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves,” it is enacted, “ that when any slave or slaves shall be charged or accused of the crime of murder, felony, misdemeanor, or other offence whatsoever, any slave or slaves shall be a competent witness or witnesses, to give evidence in any such case before any justice or justices of the peace, or before any court or other tribunal having cognizance of such crime of murder, felony, misdemeanor, or other offence as aforesaid, notwithstanding such slave or slaves shall not produce before any such justice or justices of the peace, or before such court or other tribunal as aforesaid, any of the certificates or extracts, or other documents required by the therein in part recited Act to be produced in other cases.” And whereas by recent decisions of the Supreme Court of Judicature, it hath been found that the provisions of the said Act are insufficient to meet the object of the legislature in passing the same, it being intended that the evidence of slaves for and against slaves should be admitted without any restriction : in order, therefore, to remove all doubts, and to remedy the insufficiency of the said recited Act, Be it enacted, by His Excellency the Governor, the Council and Assembly of the island of Grenada and its dependencies, and it is hereby enacted, by the authority of the same, that in all cases of trial or examination of slaves for any crime or offence whatsoever, before any court, judge, justice of the peace, or other tribunal or authority whatsoever, every slave shall be deemed a competent witness, and be admitted as such for and against any other slave, without being possessed of or ever having obtained or registered any of the certificates, extracts or documents required in and by the Act intituled “ An Act to consolidate all the Laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases;” and the production and registration of such certificates, extracts or documents as are required to be produced and registered in and by the said

Slaves declared competent witnesses for and against slaves, without the possession or registration of any of the certificates or documents required by the Consolidated Slave Act.

Production and registration of such documents de-

24 SLAVE POPULATION IN THE WEST INDIES :

- clared unnecessary. said last hereinbefore recited Act, shall, in all cases of the trial or examination of slaves, be deemed and are hereby declared unnecessary.
- Passed Council 18th March. Passed the Council, this 18th day of March in the year of our Lord 1828.
(signed) *W. A. Horne,*
Acting Clerk of Council.
- Passed Assembly 16th May 1828. Passed the Assembly, this 16th day of May in the year of our Lord 1828.
(signed) *John Ch. Ker,*
Clerk of Assembly.
- Dated, 19 May 1828. Dated at the town of Saint George in the said Island of Grenada, this 19th day of May, in the year of our Lord 1828, and of His Majesty's reign the ninth.
(signed) *John Hoyes,*
Speaker.
- Assented, 19th May 1828. Assented to by his Excellency the Governor, and Commander-in-Chief, this 19th day of May, in the year of our Lord 1828, and in the ninth year of His Majesty's reign.
(signed) *W. A. Horne,*
Acting Clerk of the Council.
- Published, 20th May 1828. Duly published in the town of Saint George, in the said island of Grenada, this 20th day of May, in the year of our Lord 1828, and in the ninth year of His Majesty's reign.
(signed) *John Douglas,*
Acting P. M. G.
(signed) JAMES (L.M.S.) CAMPBELL.

— No. 16. —

Sir,

Downing-street, 3d September 1828.

AMONG the subjects to which my notice has been called since I received the seals of the colonial department, there is none which has appeared to me more deserving of attention than that of the measures in progress for improving the condition of the slaves in the West India colonies.

During the late session of Parliament, the Ministers of the Crown took occasion to express in their places the settled purpose of His Majesty's Government to adhere strictly to the resolutions which were passed unanimously in the House of Commons on the 15th May 1823, and unanimously adopted in the House of Peers on the 7th March 1826.

It is the object of this despatch to convey to your Excellency the strong sense which, in common with all my colleagues in office, I entertain of the obligations imposed upon His Majesty's Government by this solemn and reiterated engagement, and to call upon your Excellency assiduously to employ your endeavours to convey the like impression to the Legislative Council, and to the House of Assembly, in the Island of Grenada.

The specific measures of improvement which it appeared most urgent should be adopted for ameliorating the condition of the slave population, have been already brought under the notice of the several colonial legislatures, in so pointed a manner by the despatches of my predecessors in this office, that it might appear a needless work if I again recommend each of them separately to your particular attention, and it might seem even to imply my entertaining an opinion either that the attention of the colonial legislatures had at no time been sufficiently alive to the importance of these specific measures; or that there existed in the colonies so rooted an indisposition to the introduction of some of them, that no progress had been made towards their adoption.

It is my anxious desire, however, to admit no such unfavourable opinion of the disposition existing in the colonies, and I shall therefore confine myself in a great measure at present, to calling back your attention to the resolutions of Parliament, adverting

adverting, incidentally only, to their specific application by particular enactments; and I adopt this course the more willingly, because I think it possible that the protracted discussions which have occurred upon this important question may have generated an opposition, the result rather of diversity of opinion upon particular points, than arising from any want of a common assent to the principles laid down in the resolutions of the two Houses of Parliament, which must form the basis of all wise legislation upon the subject, and which reason and humanity equally recommend.

There are two objects, for the attainment of which it is necessary that effectual provision should be made. The first of them is the gradual elevation of the moral character of the slave population; and the second is the due protection of all the just rights of property which existing laws have vested in the owners of the slaves.

I am perfectly aware that there may be found many very respectable persons in whose minds the force of prejudice, or the influence of habit, and perhaps also a too restricted view of their own individual interests, may have established a conviction, that the two objects above-mentioned are wholly incompatible, and that a choice must at once be made between a positive sacrifice of the rights of property on the one hand, or a positive denial on the other, of the advantages which humanity has sought to obtain for the slave.

The steps, however, which have been already taken in several of the colonies, and the progress which has been so happily made in some of them towards the amelioration of the condition of the slaves, induce me to conclude that the extreme opinions which I have above adverted to are not very generally entertained, and lead me at the same time to form the expectation, I trust not too sanguine a one, that the example of those colonies which have advanced the furthest without any detriment having resulted from their liberal line of policy, will persuade others that it is possible to imitate, without risk, these laudable proceedings.

But, although I am disposed to believe that motives of sound and enlightened policy, as well as those of a far more sacred and more elevated character, will induce gentlemen holding the station of members of the local legislatures, as well as other individuals possessed of influence in the colonies, to lend a favourable ear to the repeated appeals which have been made to their judgment and to their feelings, upon this important and interesting subject; it would be improper however to omit stating, that there are also other calls upon them, which render every day more and more urgent, as a measure of necessary policy, the ameliorating the condition of the slave population. For it can scarcely be doubted, that of the two alternatives, that of withholding amelioration and that of effectually improving the condition and the character of the slaves; the latter is the one which holds out by far the best prospect, under the existing circumstances of the world, for general tranquillity and for the security of property in the colonies.

Although it be my intention, as I have already stated to your Excellency, not to enter into a detailed review of each of the individual measures, which have been already so often and so urgently pressed upon the attention of the colonial legislatures by my predecessors, I must advert pointedly however to a few which I deem to be of peculiar importance. The first of these is, the religious instruction of the slaves.

It must be obvious to every man capable of reflection, that independently of the sacredness of the obligation which requires that no impediments should be placed in the way of their acquiring a knowledge of the great truths of religion, there is no more certain mode of advancing their civilization without detriment or danger to society at large, than by religious instruction. It is necessary, however, that this important object should not be entrusted solely to individuals, but that provision should likewise be made for it by law, in order to guard against the injury which society would sustain by the want, in any one, of a just sense of its importance. Amongst the enactments which will suggest themselves upon this subject, there is none which appears more proper, more becoming in itself, or which it is more incumbent upon the legislature of every Christian country to enforce, than the due observance of Sunday. It is most desirable, therefore, that Sunday should be to the slave population, in all the colonies, a day of entire relaxation from compulsory labour, and open to be devoted to religious duties and to moral instruction.

I am aware, however, that whilst provision is made for securing to the slave sufficient time and opportunity for religious instruction, and every latitude is allowed with respect to the mode of his instruction which the spirit of toleration demands, it is very fit notwithstanding, that certain local regulations should be established

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established to guard against those abuses, and that misapplication to which the best institutions are liable ; and to obviate those disorders which might be occasioned, or the apprehension of which might at least be reasonably entertained, if an unrestricted liberty were permitted, to assemble considerable bodies of the slave population at unseasonable hours, or without the previous sanction of their owners.

The next object which I am desirous strongly to recommend to the favourable consideration of the colonial legislatures is, the admission of the evidence of slaves.

This may appear to some of the colonies to be still too great a step to be at once taken ; but the concessions already made upon this point by others of the colonial legislatures, induce me to hope that the principle is gradually gaining ground in the West Indies, and that it will ere long be generally felt, that by elevating the slave to the rank of a person whose evidence is admitted under the same restrictions only under which that of free men is received, and by teaching him and his fellow subjects that the avenues of justice are not closed against his testimony in any case whatsoever, an important improvement will be effected as well in the character of the slaves themselves, as in the general feeling and conduct of the population at large.

The only other object which I shall advert to is, the situation of that portion of society in the colonies which comes under the general denomination of people of colour.

It appears to me, that it would be wise to act with much liberality towards this class of individuals, and I am to direct, therefore, that your Excellency will strongly recommend their interests to the favourable consideration of the local legislature.

I have now gone through all the subjects which it was my intention particularly to touch upon in this despatch ; before I conclude, however, I must express, which I do with much pleasure, the sense I entertain of the laudable conduct of the Legislative Council and of the House of Assembly of the Island of Grenada, in having already adopted several of those measures for the amelioration of the condition of the slave population, which have been at different times suggested to them under the pressing recommendation of the Crown, supported by the unanimous opinion of the two Houses of Parliament, and enforced by the general expression of public opinion in the mother country.

I have, &c.

(signed) G. MURRAY.

Major-General Sir James Campbell, K. C. B.

— No. 17. —

Circular DESPATCH from Secretary Sir G. Murray, dated Downing-street, 15th September 1828, to Major General Sir J. Campbell, K. C. B. Similar to that addressed to the Lieutenant Governor of Jamaica. *Vide* page 8.

— No. 18. —

Sir, Government House, Grenada, 1st November 1828.

I HAVE the honour to acknowledge the receipt of your circular despatches of the 3d and 15th September last, on the subject of the amelioration of the slave population of this colony. The legislature meets for the dispatch of public business on the 18th of the present month, when I shall lay the former of these despatches before them, and you may rely on my using every exertion in my power to forward the wishes of His Majesty's Government.

I shall not fail to communicate to you the result of the deliberations of the legislature on this most important subject.

I have, &c.

(signed) James Campbell.

To the Right Hon. Sir George Murray, G. C. B.
&c. &c. &c.

— No. 19. —

Sir, Government-house, Grenada, 1st December 1828.

I HAVE now the honour to transmit to you four Acts, which have passed the legislature of this colony at its late sitting, to which I beg to call your particular attention ; viz.

An Act to prevent the holding of markets on the Sabbath-day, and appointing Thursday and Saturday to be market days.

An Act for the admission of the testimony of slaves in all cases without restriction.

An Act for granting a salary to the Rev. Anthony O'Hannan, Roman Catholic clergyman in this government; and

An Act to enable all His Majesty's free-born coloured male British subjects to sit as jurors on all trials and coroner's inquests within these islands.

In my despatch of the 1st of last month, wherein I had the honour to acknowledge the receipt of your two several communications of the 3d and 15th September, I mentioned that the legislature was to meet for the dispatch of public business on the 18th instant.

In the intermediate time I availed myself of every opportunity of impressing upon the minds of the members of both branches of the legislature, the paramount necessity they were under of attending to the suggestions conveyed in your despatch, and which were so loudly called for not only by His Majesty's Government, but by the general voice of the mother country. I also, on the first day of their meeting, addressed both branches by message to the same effect, accompanied by a copy of your despatch of the 3d September. And I thought I could not do better than embody in that message some of the powerful arguments contained in your despatch of the 15th September, as proceeding directly from myself.

From these circumstances, as well as from the general desire which on all occasions I have observed to animate the legislature of this colony to attend to the wishes of His Majesty's Government, I am happy and proud to say they have passed three Acts in furtherance of the three objects particularly recommended in your communications.

The Act for the abolition of Sunday markets does not take effect until the 1st day of January next, that the slave population may have due notice of it.

The important Act for the admission of slave evidence without restrictions, which originated in His Majesty's Board of Council, contains two clauses (the second and third) which I understand have been adopted on the suggestion of Commissioner Dwarris, as you will perceive by the following extract from his Report on the admission of slave evidence.

"At all events I should certainly recommend that no execution should take place in any capital case where the conviction proceeded entirely upon slave evidence, without a careful review of the case before the Governor in Council (and I suppose the chancellor to be a member of the council), assisted by the attorney-general, having before them the notes of the judge who tried the prosecution, and requiring a certificate under his hand that *he* approved the finding of the jury."

The Act granting an additional privilege to the free-born coloured population, to whose general good conduct I am happy to bear testimony, will I am sure be duly appreciated by them.

The Act for granting a salary of £. 500 currency per annum to the Rev. Mr. O'Hannan, the Roman Catholic clergyman, will I trust be considered by His Majesty's Government as an additional instance of the liberality of the legislature of Grenada, and will obliterate any impression which may have been circulated or entertained of their not being desirous to extend the blessings of moral and religious instruction to all classes of His Majesty's subjects, whether bond or free.

While the legislature has been thus most anxious to meet the views of the British Government, I am happy at the same time to say that every exertion is making by the inhabitants of the colony generally, for the adoption of every possible measure for the instruction of the slave population. Two societies, the one for the promotion of Christian knowledge, and the other for the conversion of the negro population, have been established. Some catechists have also been appointed, who visit the different estates in their neighbourhood; but the great difficulty in procuring proper persons of this description has hitherto much retarded this desirable object; but all reports from these persons affirm that every kind of encouragement has been given, and every facility afforded by the proprietors to further the important object of the catechists, independent of the instruction afforded on very many estates by the different persons employed on them. I trust, however, the difficulty above mentioned will soon be removed, in which case, and when the erection of churches in the distant parishes of the island shall have been completed, towards which, I am informed by the Lord Bishop of Barbadoes, it is the intention of His Majesty's Government to afford 5,000*l.*, I have no hesitation in saying, the most ample means will then be afforded of giving to the
slave

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slave population, as well as to all classes of the community, the full benefits of religious instruction.

I beg to transmit to you copies of my messages, and the replies of the council and assembly on this occasion.

I shall wait with anxiety, though with great confidence, for the acknowledgment of the receipt of these important Acts, and His Majesty's Royal approbation of the same.

I have, &c.

(signed) *James Campbell.*

P. S.—Since writing this despatch, I have received the two Enclosures marked A. and B., which corroborate the statement I have made on the subject of the religious instruction of the negroes.

J. C.

To the Right Hon. Sir George Murray,
&c. &c. &c.

Enclosure 1, in No. 19.

AN ACT to prevent the holding of Markets on the Sabbath-day, and appointing Thursdays and Saturdays to be public Market-days.

Preamble.

WHEREAS by the second clause of an Act, intituled, "An Act to establish regular Markets in the different towns of this island, to fix the prices of fresh provisions and other commodities brought to such markets for sale, empowering the Captain-General or Commander-in-Chief to appoint clerks of such markets, who are at the same time to be keepers and inspectors of the public cages, empowering them to receive and confine therein, for a limited time, disorderly persons committed by justices of the peace; also to apprehend and confine negroes or other slaves coming from the country without tickets, appointing the mode of stamping and regulating all weights and measures in the said towns and parishes, and appointing the mode of altering the prices of provisions as occasion may require," it is amongst other things enacted, that the opening of the markets in the town of Saint George shall be by the ringing of a bell by the clerk of the market, which on Saturday shall be at five o'clock in the afternoon, and on that and every other day in the week at six o'clock in the morning, and not sooner; and in all the other towns on the days and at the times which shall hereafter be appointed by justices in their sessions, after which time the market shall be adjudged open and public: And whereas by the third clause of the said Act it is amongst other things enacted, that the clerk of the market for the town of Saint George shall attend the market for the said town every morning (Sundays excepted) from the opening thereof until nine o'clock, and every Sunday morning from six o'clock until eleven in the morning, and every Saturday evening until six o'clock; and the clerks of the markets for the other towns on the days and at the times which for that purpose shall be appointed: And whereas by the forty-sixth clause of an Act, intituled, "An Act to consolidate all the Laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases," it is enacted, that no shop or store in any of the towns in this island shall be kept open on Sundays under a penalty of ten pounds for every offence: And whereas the provisions of the said clause of the said last-mentioned Act have been found inadequate to the purposes thereby intended; and it is expedient that more effectual enactments should be made for preventing the holding such markets on Sundays, and to prevent the sale of goods in any shop or other place on those days:

Clause 1.

From and after 1st January next, so much of recited 1st and 2d clauses of Market Act as relate to the days and times of holding markets, and the 46th clause of the consolidated Slave Act repealed.

Be it therefore enacted by his Excellency the Governor, the Council and Assembly of the Island of Grenada and its dependencies, and it is hereby enacted and ordained by authority of the same, that from and after the first day of January next, so much and such parts of the said in part recited first and second clauses of the said first-mentioned Act as relate to the days and times of holding markets in any towns or places within these islands, and the forty-sixth clause of the said last-mentioned Act, shall be and the same are hereby repealed.

Clause 2.

All free persons who after the 1st Jan. 1829 shall upon the Sabbath-day expose for sale, or sell or buy, any goods,

And be it also enacted, that from and after the first day of January one thousand eight hundred and twenty-nine, all and every free person and persons whomsoever, who upon the Sabbath-day shall publicly expose for sale any goods, wares, merchandize or other articles whatsoever, save as is hereinafter excepted, or shall expose for sale in

in any shop, house, stall or place whatsoever, or shall buy or sell any such goods, wares, merchandize or other articles whatsoever upon the Sabbath-day, save as is hereinafter excepted, shall upon conviction, by the oath of any one or more credible witness or witnesses, before any justice or justices of the peace, forfeit and pay for each and every such offence the sum of five pounds currency, to be paid and applied as follows: that is to say, one half part thereof to the person or persons upon whose oath such conviction shall take place, and the other half part to the public treasurer for the uses of the colony; and in case of refusal to pay such penalty, such justice or justices is and are hereby authorized, by warrant under his or their hands and seals, to commit such offender to the common gaol or other public place of confinement for the term of five days; and all and every slave and slaves who upon the Sabbath-day shall publicly expose for sale any goods, wares, merchandize or other articles whatsoever, save as is hereinafter excepted, or shall expose for sale in any shop, house, stall or place whatsoever, or shall buy or sell any such goods, wares, merchandize or other articles whatsoever, save as is hereinafter excepted, upon the Sabbath-day, such slave or slaves shall upon conviction, upon the oath of one or more credible witness or witnesses, before any magistrate or justice of the peace, forfeit such goods, wares and merchandize or other articles so exposed for sale as aforesaid; and such goods, wares and merchandize so exposed to sale as aforesaid, shall and may be seized by the clerk of the market, or by any constable or other free person, and shall be taken by the person so seizing the same on the following day, or if such goods, wares and merchandize or other articles so exposed to sale as aforesaid be of a perishable nature, on the same day, before any justice or justices of the peace, who upon view thereof shall order the same to be sold forthwith; and the monies arising therefrom, or the articles in kind, shall be distributed and applied as follows; that is to say, one half part thereof to the informer, and the remainder to such pious or charitable purposes as such justice or justices shall in his or their discretion direct: Provided always, that nothing in this Act shall extend to prevent the buying and selling of bread, meat, poultry, fish and milk at any time before the hour of nine o'clock, nor shall prevent the sale of bread, or any article of actual necessity, or the dressing and selling of victuals in inns, cook's-shops or victualling-houses at any time.

wares, merchandize or other articles whatsoever, except as after excepted, upon conviction by the oath of any one or more witness or witnesses, before any justice of the peace, to forfeit and pay £. 5 currency, to be paid and applied one half to informer, and the other to treasurer for public uses of colony.

Upon refusal to pay penalty, justices authorized by warrant, to commit offenders to gaol or other public place of confinement, for five days.

Slaves guilty of foregoing offence, upon similar conviction, to forfeit articles exposed for sale or sold.

Such articles liable to be seized by clerk of market, or by any constable or other free person, to be by him or them taken on the following day, (or if articles be of a perishable nature, on the same day,) before any justice of the peace, who upon view to order same to be forthwith sold; and monies arising therefrom, or articles in kind to be distributed, and applied one half to informer, and remainder to such pious and charitable purposes as such justice may direct.

Proviso, That this Act shall not prevent the buying or selling of bread, meat or poultry, fish or milk, before nine o'clock, or the sale of bread or any article of actual necessity, or the dressing or selling of victuals in inns, &c. at any time.

And be it further enacted, that the markets throughout these islands on Sunday shall hereafter, and they are hereby, from and after the first day of January next, totally prohibited and declared illegal, and Thursday and Saturday in each and every week in the year shall and the same are hereby declared to be public market days; and all the said several markets throughout these islands shall and may be kept open on such days from sunrise until sunset.

Clause 3.
Markets on Sunday after the 1st January next, totally prohibited and declared illegal, and Thursdays and Saturdays in every week declared public market-days, to be kept open from sunrise to sunset.

Passed the Assembly this, 20th day of November 1828.

(signed) *John Ch. Ker,*
Clerk of Assembly.

Passed Assembly,
20th Nov. 1828.

Passed the Council, this 21st day of November 1828.

(signed) *W. A. Horne,*
Acting Clerk of Council.

Passed Council,
21st Nov. 1828.

Dated at the town of Saint George, in the island of Grenada, this 24th day of November, in the year of our Lord 1828, and of His Majesty's reign the ninth.

(signed) *Dan. Gibbs,* Speaker.

Dated,
24th Nov. 1828.

Assented to by His Excellency the Governor and Commander-in-Chief, this 24th day of November, in the year of our Lord 1828, and the ninth year of His Majesty's reign.

(signed) *W. A. Horne,*
Acting Clerk of Council.

Assent,
24th Nov. 1828.

Duly published in the town of Saint George, in the said island of Grenada, this 24th day of November, in the year of our Lord 1828, and the ninth year of His Majesty's reign.

(signed) *John Douglas,*
Acting P. M. G.

(signed) **JAMES (L.M.S.) CAMPBELL.**

GRENADA.

Enclosure 2, in No. 19.

AN ACT to repeal the Forty-seventh Clause of an Act, intituled " An Act to consolidate all the Laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases," and also two certain Acts, intituled " An Act to amend an Act, intituled, An Act to consolidate all the Laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of Slaves for and against Slaves ;" and " An Act to amend and explain an Act, intituled, An Act to amend an Act, intituled, An Act to consolidate all the Laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of Slaves for and against Slaves," and for the admission of the testimony of Slaves in all cases without restriction.

Preamble.

WHEREAS by the forty-seventh clause of an Act, intituled, " An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases," it is enacted, " that when any person shall be charged or accused of the crimes of murder, felony, or other offence which, under the laws now in force, shall subject any person or persons to suffer death or transportation, it shall and may be lawful to examine as a witness or witnesses, on his her or their corporal oath or oaths, any slave or slaves before any judge, justice of the peace, grand jury or petty jury, in any court within these islands having cognizance of such crimes, provided that the slave or slaves produced as a witness or witnesses, shall produce before such judge, justice of the peace, or the court to which such grand jury or petty jury are summoned, a certificate of his her or their baptism, under the hand of the clergyman of the parish in which he she or they shall have been resident at the time of his her or their baptism, or an extract of the entry of such baptism from the registry of such parish or cure, and also a certificate under the hand of a clergyman, or of the proprietor, or attorney of the proprietor, of such slaves produced as a witness or witnesses, that such slave or slaves is or are of good character and repute, and that he she or they has or have been so far instructed in the principles of religion, as, in the judgment of the party certifying, adequately to understand the nature and obligation of an oath ; and provided also, that if, on examination by the court before which such slave or slaves is or are produced as a witness or witnesses, the court shall be satisfied with such certificates, and of the accuracy of the facts therein certified ; and provided also, and it is thereby expressly declared, that no white or free person shall be convicted of any of the crimes aforesaid, on the testimony of any slave or slaves, unless two of the slaves produced as witnesses shall clearly and consistently with each other depose to the same fact, act or circumstance ; and also unless such testimony shall be corroborated by circumstantial evidence, to the satisfaction of the court and jury ; and provided that no white or free person shall be convicted of any of the crimes aforesaid, on the testimony of any slave or slaves, unless the person or persons be charged and prosecuted for the same crime or crimes within twelve months after the commission thereof: And it is thereby also enacted, that the clergyman of each parish within these islands, and in the island of Carriacou, shall, under the penalty of ten pounds for each name omitted, enter into a book to be kept for the purpose, the names of such slave or slaves, and the estate or owner to whom such slave or slaves shall belong, as such clergyman shall baptize ; and shall and he is thereby required to give each slave so baptized a copy of such entry, which shall be lodged in the register's office for registration, in a book to be kept for that purpose ; and in default of such registration, no certificate shall be deemed valid ; and that each and every slave omitting to register the certificate shall, during the time the certificate remains unregistered, be disqualified to give evidence before any judge, justice of peace, grand jury, or petty jury, in any court within these islands : " And whereas by an Act, intituled, " An Act to amend an Act, intituled, an Act to consolidate all the laws now in force relating to the
slave

slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves," reciting the said forty-seventh clause of the said Act, and that it might happen that the crime of murder, felony, or other offences, might be committed by slaves when no other persons than slaves were present, who might be incompetent witnesses by reason of their not being able to produce such certificate or certificates, extract or extracts as aforesaid, by means whereof slaves, as well as other persons, might be exposed to many grievous wrongs, and justice might be evaded: for remedy whereof it is thereby enacted, that "when any slave or slaves shall be charged or accused of the crime of murder, felony, misdemeanor, or other offence whatsoever, any slave or slaves shall be a competent witness or witnesses to give evidence in any such case before any justice or justices of peace, or before any court or other tribunal having cognizance of such crime of murder, felony, misdemeanor, or other offence as aforesaid, notwithstanding such slave or slaves should not produce before such justice or justices of peace, or before such court or tribunal as aforesaid, any of the certificates or extracts, or other documents, required in and by the said in part recited Act, to be produced in other cases:" And whereas by an Act, intituled, "An Act to amend and explain an Act, intituled, An Act to amend an Act, intituled, An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves," it is enacted, that "in all cases of trial or examination of slaves for any crime or offence whatever, before any court, judge, justice of peace, or other tribunal or authority whatsoever, every slave shall be deemed a competent witness, and be admitted as such for and against any other slave, without being possessed of or ever having obtained or registered any of the certificates, extracts or documents, required in aid by the said Act, intituled, An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases," and the production and registration of such certificates, extracts or documents, as are required to be produced and registered in and by the said last hereinbefore recited Act, shall, in all cases of the trial and examination of slaves, be deemed and are thereby declared unnecessary:" And whereas it is advisable that the said forty-seventh clause of the said hereinbefore first recited Act, and the said last hereinbefore recited Acts, should be repealed, and that slaves should be admitted to be competent witnesses to be examined in all cases without any restriction:

Be it enacted therefore by his Excellency the Governor, the Members of His Majesty's Council, and the Representatives of the People of these Islands in General Assembly convened, and it is hereby enacted by the authority of the same, that from and after the publication of this Act, the said forty-seventh clause of the said Act, intituled "An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases;" and the said two several Acts, intituled respectively, "An Act to amend an Act, intituled, An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves;" and an Act, intituled, "An Act to amend and explain an Act, intituled, An Act to amend an Act, intituled, An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves;" and every matter and thing therein contained shall be and the same are hereby repealed, and declared null and void.

And be it enacted by the authority aforesaid, that in all trials and examinations whatsoever, whether in civil or criminal cases, it shall and may be lawful to examine as a witness or witnesses, upon his, her or their corporal oath or oaths, any slave or slaves within the said Island of Grenada and its dependencies, in any court, and before any judge, justice of the peace, grand jury or petit jury, or other tribunal or authority

Clause 1.

47th Clause of Consolidated Slave Act, and two Acts for amending and explaining same repealed.

Clause 2.

Evidence of slaves admitted on all trials and examinations whatsoever, whether in civil or criminal cases, in the same manner in every respect as free persons

are by law admitted as witnesses, without any restriction whatever arising from their being slaves.

Proviso, That no execution shall take place in any capital criminal case wherein conviction takes place on testimony of slaves alone until case be submitted to and receive approval of governor and council.

Clause 3.
Justices, before whom convictions shall take place required to report same to governor within 24 hours from time of passing sentence, together with their opinion as to finding of jury.

Clause 4.
In all cases where any person is charged with any capital crime where slaves are intended to be examined as witnesses for the Crown, person so charged to be furnished with list of such witnesses as are slaves, with their place of residence, description

authority whatever having cognizance of such cases, in the same manner in every respect as free persons are by law admitted and received as witnesses by and before any such courts, judges, justices, jurors, or other tribunals aforesaid, without any restriction whatever arising from their being slaves; any law, usage or custom to the contrary in anywise notwithstanding: Provided always, that no execution shall take place in any capital criminal case, wherein conviction hath taken place upon the testimony of a slave or slaves alone, until the said case shall have been laid before the Governor or Commander-in-Chief in Council, and shall have received his and their approval and confirmation.

And be it enacted by the authority aforesaid, that the chief justice or other justice or justices before whom such trial and conviction shall have taken place, shall report the same to the Governor or Commander-in-Chief for the time being, within twenty-four hours from the time of passing sentence of death or transportation on the person or persons so capitally convicted, together with his or their opinion as to the finding of the jury.

And be it also enacted by the authority aforesaid, that in all cases where any person shall be charged with any capital crime, where any slave or slaves is or are intended to be brought forward and examined as a witness or witnesses for the Crown, such person or persons so charged with such capital offence shall be furnished with a list of such witnesses as are slaves, with their place of residence, description, and owner's names or name, at least four days before any bill of indictment shall be presented to the grand jury upon such charge.

Passed Council,
19th Nov. 1828.

Passed the Council, this 19th day of November 1828.

(signed) *W. A. Horne,*
Acting Clerk of Council.

Passed Assembly,
21st Nov. 1828.

Passed the Assembly, this 21st day of November 1828.

(signed) *John Ch. Ker,*
Clerk of Assembly.

Dated,
24th Nov. 1828.

Dated at the town of St. George in the said Island of Grenada, this 24th day of November, in the year of our Lord 1828, and in the ninth year of His Majesty's reign.

(signed) *Dan. Gibbs,* Speaker.

Assent,
24th Nov. 1828.

Assented to by his Excellency the Governor and Commander-in-Chief, this 24th day of November, in the year of our Lord 1828, and in the ninth year of His Majesty's reign.

(signed) *W. A. Horne,*
Acting Clerk of Council.

Published,
24th Nov. 1828.

Duly published in the town of St. George in the said Island of Grenada, this 24th day of November, in the year of our Lord 1828, and in the ninth year of His Majesty's reign.

(signed) *John Douglas,*
Acting P. M. G.

(signed) **JAMES (L. M. S.) CAMPBELL.**

Enclosure 3, in No. 19.

AN ACT for granting a Salary to the Reverend Antony O'Hannan, Roman Catholic Clergyman in this Government.

Preamble,

WHEREAS many of the inhabitants of this colony, particularly a great portion of the slave population, profess the Roman Catholic religion, and it would consequently tend much to the benefit of this community, as well as to the good government of the slaves, if the permanent residence of a respectable clergyman or priest,

priest, as rector of the Roman Catholic church in this government, was insured to such said classes of the community; and whereas, in furtherance of such said object, the Reverend Antony O'Hannan has been appointed to the cure or rectory of the said church; and it has been considered proper and necessary, in order to enhance the respectability of such said situation, that some suitable and sufficient stipend or salary should be assigned for the due support thereof, from the public funds of this colony: to meet which end

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Be it enacted, by his Excellency the Governor, the Council and Assembly of the Island of Grenada and its dependencies, and it is hereby enacted and ordained, by authority of the same, that a stipend or salary at and after the rate of five hundred pounds currency per annum, shall be paid to the Reverend Antony O'Hannan of the Roman Catholic church in this government, in equal half-yearly payments, to commence upon the day of the date of his license, and to continue during his residence in and officiating as Roman Catholic clergyman of the government aforesaid.

Clause 1.
Stipend or salary of 500 L. currency per annum granted to the Rev. Antony O'Hannan, payable half yearly, to commence from the date of his licence, and to continue during his residence, and officiating as Roman Catholic clergyman of this Government.

And be it enacted, by the authority aforesaid, that the said salary or stipend shall be included in the Bill of Supply of each and every year during the continuance of this Act, and shall be made payable by the annual Money Bill, in the same manner as other salaries are included and made payable by the same; and the public treasurer is hereby authorized and directed to appropriate and pay in manner hereinbefore provided, or in such parts and proportion as may become due, the said salary or stipend.

Clause 2.
Stipend or salary to be included in the annual bill of supply during the continuance of this act, and be made payable by money bill in same manner as other salaries; and treasurer directed to pay same in manner before provided in such parts and portions as may become due.

And be it enacted, by the authority aforesaid, that during the continuance of this Act, the said Reverend Antony O'Hannan shall not take or accept, directly or indirectly either by himself or others, from any slave or slaves within this government, any fee, payment or remuneration whatsoever for any baptismal, marriage or burial rites, to be by him performed, nor for any other sacrament or matter or thing to be administered or done in his spiritual capacity aforesaid, to and for such slave or slaves; and he, the said Reverend Antony O'Hannan, shall not refuse on such account to administer and perform all such sacramental and other rites to and for the slave or slaves aforesaid.

Clause 3.
Rev. Antony O'Hannan restricted from taking or accepting, directly or indirectly, any fee, &c. for any baptismal, marriage, or burial rites, &c. to or for any slave or slaves by him to be administered or done, and from refusing to administer such in consequence thereof.

Passed the Assembly, this 18th day of November 1828.

(signed) *John Ch. Ker,*
Clerk of Assembly.

Passed Assembly,
18th Nov. 1828.

Passed the Council, this 20th day of November 1828.

(signed) *W. A. Horne,*
Acting Clerk of Council.

Passed Council,
20th Nov. 1828.

Dated at the town of Saint George, in the Island of Grenada aforesaid, this 24th day of November, in the year of our Lord 1828, and of His Majesty's reign the ninth.

(signed) *Dan. Gibbs,* Speaker.

Dated,
24th Nov. 1828.

Grenada:—Assented to by His Excellency the Governor and Commander-in-Chief, this 24th day of November, in the year of our Lord 1828, and of His Majesty's reign the ninth.

(signed) *W. A. Horne,*
Acting Clerk of Council.

Assent,
24th Nov. 1828.

Duly published in the town of Saint George, this 24th day of November, in the year of our Lord 1828, and in the ninth year of His Majesty's reign.

(signed) *John Douglas,*
Acting P. M. G.

(signed) **JAMES (L.M.S.) CAMPBELL.**

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Enclosure 4, in No. 19.

AN ACT to enable all His Majesty's free-born coloured Male British Subjects to sit as Jurors on all Trials and Coroners' Inquests within these Islands.

Preamble.

WHEREAS doubts have arisen how far the free coloured inhabitants of these islands are eligible to the discharge of certain duties and offices within this Government ; for remedy whereof be it enacted, by his Excellency Sir James Campbell, Knight Commander of the Most Honourable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Grenada and its dependencies, the members of His Majesty's Council, and the representatives of the people in General Assembly convened : and it is hereby enacted by authority of the same, that from and after the publication of this Act, all the free-born coloured male British subjects within these islands, being freeholders, merchants, traders, managers or chief overseers of plantations, or lessees of estates, shall be liable to serve as petty jurors in criminal cases, and as jurors in all trials between party and party in the supreme court of judicature and coroners' inquests. And the Provost Marshal-General, or his lawful deputy, is and are hereby directed and required to summon each and every of them, in the same manner as is prescribed by laws hitherto in force with regard to other jurors.

Clause 1.

All free born coloured male British subjects, under certain qualifications, liable to serve as petty jurors in criminal, and as common jurors in civil cases, and on coroners inquests ; and provost marshal directed and required to summon them in manner prescribed by law in regard to other jurors.

Passed Assembly,
24th Nov. 1828.

Passed the Assembly, this 24th day of November 1828.

(signed) *John Ch. Ker,*

Clerk of Assembly.

Passed Council
24th Nov. 1828.

Passed the Council, this 24th day of November 1828.

(signed) *W. A. Horne,*

Acting Clerk of Council.

Dated,
25th Nov. 1828.

Dated at Saint George's, in the said Island of Grenada, this 25th day of November, in the year of our Lord 1828, and of His Majesty's reign the ninth.

(signed) *Dan. Gibbs,* Speaker.

Assent,
25th Nov. 1828.

Assented to by his Excellency the Governor and Commander-in-Chief, this 25th day of November, in the year of our Lord 1828, and in the ninth year of His Majesty's reign.

(signed) *W. A. Horne,*

Acting Clerk of Council.

Published,
25th Nov. 1828.

Duly published in the town of Saint George, in the Island of Grenada, this 25th day of November, in the year of our Lord 1828, and in the ninth year of his Majesty's reign.

(signed) *John Douglas,*

Acting P. M. G.

(signed) **JAMES (L.M.S.) CAMPBELL.**

Enclosure 5, in No. 19.

To the Honourable the Speaker and Members of the House of Assembly.

THE Governor begs to transmit to the Honourable House of Assembly the copy of a letter he has received from the Right honourable Sir George Murray, His Majesty's principal Secretary of State for the Colonies, on the subject of the slave population.

In submitting this subject for the serious consideration of the Honourable House, the Governor, in addition to the observations contained in the Secretary of State's despatch, deems it necessary to make a few remarks. He submits to the Honourable House, that in legislating, as is recommended in that despatch, for the observance of Sunday, the principle which it will be essential to keep in view is, that the labour of the six days shall not be so exclusively and so rigidly allotted to the master's, profit as to leave the seventh day alone for the slave to labour for himself. The object of His Majesty's Government appears to be, that Sunday shall be a day wholly

wholly clear both from the demands of the master and the necessities of the slave. But should the slave, when left a free agent on Sunday, choose to occupy a part of that day, after its proper duties shall have been performed, in agriculture or other business for his own benefit and that of his family, in order to procure for himself or them such additional comforts as his master would not be bound to provide, that occupation, of course, will not fall within the description of labour it is intended to exclude.

On the subject of the admission of slave evidence, His Majesty's Government appears to attach the utmost consequence, as being one of the most important and influential steps which can be taken towards a system of improvement, as it will remove a general stigma from the whole body of slaves, and must tend to raise them not only in their own estimation, but even in that of the masters themselves. With regard to the safety with which this privilege may be conferred, it is one which, though it raises the character of the whole class, will be actually exercised by comparatively a very few; that exercise, too, will be occasional, and dependent on accidents. The House will also observe that it is a boon which bestows no power; it merely removes a universal brand of falsehood.

It may be objected, that the granting this privilege may produce chances of perjury, but it must be observed that these are chances which accompany all trials by testimony of witnesses; but in the present case, the court, the judges and the juries, are of a different class and colour from the proposed witnesses; acquainted for the most part with the habits and tendencies of the slave; accustomed to measure his understanding, his moral sense, and the accuracy of his perception; the community will be protected by all these advantages against the danger of any undue influence or impression from his testimony; the proposed alteration will go only to make their testimony admissible, not to make it conclusive. The law, when this change shall have been introduced, will only have rendered it competent; it will still have left it to the particular tribunal to determine whether it be credible.

The last point contained in the despatch of Sir George Murray relates to that portion of the society of this colony, the free people of colour; but as the Governor understands this subject is now before the Honourable House, he is satisfied it will meet with the favourable consideration it well deserves.

Of the importance of the matters now submitted for their deliberation, the House must be fully aware, and from the assurances which His Majesty's Government have given to Parliament and to the country, the Governor hopes for their adoption by the Honourable House.

(signed) *James Campbell.*

Government House, 17th November 1828.

P. S.—A similar message was sent to the Board of Council.

Enclosure 6, in No. 19.

To his Excellency Major-General Sir James Campbell, Knight Commander of the Most Honourable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Grenada, and its dependencies, Chancellor, Ordinary and Vice-Admiral of the same, &c. &c. &c.

May it please your Excellency,

WE, the President and Members of His Majesty's Council, beg leave to acknowledge the receipt of your Excellency's messages, accompanying copies of certain despatches from His Majesty's Secretary of State, on matters of deep colonial interest, which, together with the important suggestions of your Excellency relative thereto, have received our serious attention.

We have great satisfaction in stating, that the legislative enactments we have in conjunction with the honourable House of Assembly determined on, amount to further evidence of our earnest disposition to go to all practicable lengths in the amelioration of the slave code, and the improvement of the condition of the lower orders.

We trust that we do not assume too much, when we express a hope that they may demonstrate the prudence and policy of our being hereafter left to the fair and unfettered exercise of our discretion, in deciding on the time and mode of making any further innovations on long established laws and customs, which we emphatically

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tically submit to your Excellency, cannot be correctly judged of either as to immediate or ultimate effect, but by individuals or authorities possessing advantages of local information, and a personal acquaintance with the dispositions of the parties intended to be benefited.

We rejoice to find that the expectation so strongly held forth by his Lordship the Bishop of Barbadoes, as to a grant of 5,000*l.* in aid of our funds for the erection of churches, is about to be realized. The extension of the number of cures within the government, which took place about three years ago; the provision then made for an extra clergyman of the established church; the salary now voted for the support of a Roman Catholic clergyman; the bill now passed to enforce the observance of the Sabbath, and the exertions that are making by individuals, and by several societies established for the express purpose of diffusing religious instruction amongst all classes in the community, will, we trust, rescue us from the unmerited reflection cast upon us of being indisposed or indifferent to this momentous subject; and we respectfully request that your Excellency will be pleased to bring them, and such other facts as your Excellency may think conducive to the character and benefit of the colony, under the early notice of His Majesty's Government.

(signed) *Geo. Gun Munro,*
President pro tempore.

Council Chamber, 24th Nov. 1828.

Enclosure 7, in No. 19.

The Speaker and Members of the Assembly to his Excellency the Governor and Commander-in-Chief.

THIS House, in acknowledging your Excellency's communication, transmitting the despatch of the Right honourable the Secretary of State for the Colonies, upon the subject of further ameliorating the condition of the slave population, has much satisfaction in stating, that it has passed an Act to prevent holding markets on the Sabbath-day, and declaring Thursdays and Saturdays to be market days; an Act for admitting slave testimony in all cases; also an Act for providing a salary for the Reverend Antony O'Hannan, rector of the Roman Catholic church; and an Act to enable the free born coloured inhabitants to sit on juries: which this House trusts will be equally satisfactory to His Majesty's Government.

(signed) *Daniel Gibbs,*
Speaker.

House of Assembly, 22d Nov. 1828.

(signed) *John Ch. Ker,*
Clerk of Assembly.

Enclosure 8, in No. 19.

(A.)

Sir, Parsonage, St. George, Grenada, 2d Dec. 1828.

AT your Excellency's request, I have the honour to lay before you the following statement of the extent and mode of religious instruction within the colony of Grenada.

I shall commence with the parish of St. George. In the town of St. George the central schools, conducted upon Dr. Bell's system, and containing at present 3 whites, 86 coloured and 32 black children, in all 121, boys and girls, is supported by voluntary subscriptions and annual grants from the legislature, and is chiefly restricted to free children.

The slaves of the town, mostly domestic, are instructed in a Sunday-school recently instituted, from the hour of nine o'clock to half-past ten every Sabbath, by the catechist, the master and four monitors of the central schools; the monitor receiving a remuneration from the Grenada Branch Association of the Incorporated Society for the Religious Instruction of Slaves. The average number is 96 boys and

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and girls; of these, the upper class, chiefly young women, are perfect in the Church Catechism, and many can spell and read.

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In the parish of St. George, the catechist visits three estates on Monday, three on Wednesday, two on Friday and four on Saturday; and instructs such persons, chiefly children, as the manager assembles for that purpose. On some estates the negro children receive additional instruction, either from the manager, some one of his family, or some elder boy under his inspection. In all these cases the improvement of the young people is proportionably rapid.

In the united parishes of St. John and St. Mark, instruction has been for some time at a stand for want of a catechist. A young man, bringing the strongest recommendations, and who having been upon trial, has given Mr. Sealy, the present rector, the greatest satisfaction, will immediately resume the course of instruction which was formerly pursued. About a year and a half ago, when I was rector of those united parishes, the catechist kept a school in Charlotte-town three days in the week for all ranks and colours; and had under his charge 46 children. On the three other days of the week he visited the estates in the parish, and gave the usual instruction to the slaves.

In the united parishes of St. Andrew and St. David, no catechist has been resident for some time, owing to the extreme difficulty of finding a competent and respectable young man willing to undertake that office. About two years ago Mr. Mercer, who has since been promoted to the charge of a school at Antigua, discharged the office of catechist in the parish of St. Andrew with the greatest zeal and success. A Sunday-school has been kept in the place of worship in St. David, and the schoolmaster remunerated from the funds of the Branch Association.

In the parish of St. Patrick there is no catechist.

In the island and parish of Carriacou, a catechist paid by the bishop, keeps a school and gives the customary instruction to the slaves.

I have thus laid before your Excellency a short outline of the general instruction afforded to the slaves, yet I would beg to remark that the above statement will not by any means convey an adequate view of all that is done in that respect. On some estates which are not visited by any catechist, instruction is carried on to a very considerable extent, either by the proprietors, managers or some one of their families; and in two estates belonging to the Hon. G. G. Munro, chapels have been built and divine worship regularly observed.

I need not remind your Excellency of the many difficulties which in this colony impede the efficient instruction of the slaves, arising from the prevalence of the Roman Catholic religion, and of the almost universal use of the French language among that class of His Majesty's subjects. The latter is an obstacle which time only and the greatest attention can overcome, but which if it could be removed would tend more than any one circumstance to civilize the slaves, and to facilitate the means of making them good Christians and loyal subjects.

I have, &c.

(signed) *John Crawford Barker,*
Rector of St. George, and Rural Dean of Grenada.

His Excellency Sir James Campbell, K.C.B.
&c. &c. &c.

GRENADA.

Enclosure 9, in No. 19. - - - -

(B.)

A REPORT of the Roman Catholic Establishment in the Colony of Grenada;
ment of Moral and

TOTAL NUMBER of CONGREGATION.	DIVINE SERVICES and INSTRUCTIONS OF THE SABBATH.	SUNDAY SCHOOLS.
<p>The congregation comprises about four-fifths of the whole slave population, and two-thirds of the free black and coloured inhabitants. The latter are chiefly of the lower orders.</p>	<p>-- In order to convey instruction as extensively as possible to the general body of the congregation, the clergyman (there being but one in the island,) visits alternately the three most populous and central quarters of the colony, to perform Divine Service on the Sabbath. Two sermons (one in the French language and the other in English,) are delivered on the principal doctrines and moral precepts of the Gospel; in addition to which two hours are devoted to catechetical instructions, the pastor being aided therein by proper persons of his own appointment, and under his own immediate inspection.</p> <p>Divine Service, he is happy to say, is numerously attended on Sundays, there being generally from 1,500 to 2,000 slaves to receive instruction, whilst, by the above arrangements, the whole mass of the congregation is enabled to share in the blessings of religion. Fit persons are also appointed on the estates to keep the course of instruction in progress.</p>	<p>-- In the town of St. George, where the clergyman principally resides, there is an extensive Sunday school for boys and girls:—</p> <p>Number of Teachers employed:</p> <p>Males - - - 8 Females - - - 8</p> <p>Total - - - 16</p> <hr/> <p>Number of Scholars under the age of fourteen:</p> <p>Males - - - 156 Females - - - 148</p> <p>Total - - - 304</p> <hr/> <p>of which 84 are slaves.</p> <p>Many grown up slaves also attend. The instructions are given in French and English, and in the plainest language.</p>

Grenada,
1 December 1828. }

(signed)

Antony O'Hannan,
R. C. Rector.

Enclosure 9, in No. 19.

(B.)

showing the Number of Congregation, and the Measures adopted for the advance-
Religious Instruction.

FREE SCHOOLS FOR		REMARKS.
BOYS.	GIRLS.	
<p>-- In the town of St. George there is one free school for educating poor free and slave boys in reading, writing and arithmetic:—</p> <p>Number of Scholars:</p> <p>Poor free - - 46</p> <p>Slaves - - 28</p> <p>Total - - 74</p>	<p>-- There are four in which gratuitous instruction is given to poor free and slave girls:—</p> <p>Number of Scholars:</p> <p>Poor free - - 56</p> <p>Slaves - - 35</p> <p>Total - - 91</p>	<p>-- All the forenamed institutions are under the immediate superintendance of the pastor, who as far as the single exertions of an humble individual can go, does all in his power to uphold and advance them.</p> <p>It is humbly submitted, that it would tend much to forward the great cause of moral and religious instruction, if another clergyman could be procured and provided for to assist the present incumbent, as the congregation is so very numerous. In the event of which, well founded hopes are confidently entertained that a happy reformation and amelioration would, by the grace of God, be soon effected in the moral feelings and habits of the slaves and lower orders, and the general interests of religion much promoted in this colony.</p> <p>In concluding this Report we are happy to observe that every kind encouragement has been given by our benevolent Government, and every facility afforded by the proprietors, to further the important object of instruction.</p>
<p>Particular attention is paid to the moral and religious improvement of the scholars.</p> <p>This school is supported by the voluntary contributions of our poor congregation.</p>	<p>For this establishment we are indebted to the piety and benevolence of the teachers.</p>	

— No. 20. —

Extract of a Despatch addressed by the Right hon. Sir George Murray to the Governor of Grenada, dated Downing-street, 8 June 1829.

“HIS Majesty has been pleased to disallow the Act for amending the consolidated slavery law, because it repeals a restriction upon the evidence of slaves where given for or against each other, which is continued in force when such evidence is given on the trial of free persons.

“The recent amendment of the law of Grenada on the subject of slave evidence, renders the disallowance of this Act practically immaterial. It is not indeed without much regret that His Majesty’s Government have discharged the duty of advising the King to disallow any enactment proceeding from a colonial legislature which has so honourably distinguished itself in the improvement of the slave code.”

ANTIGUA.

A N T I G U A .

— No. 21. —

Sir,

Government House, Antigua, 3d June 1828.

WERE I to delay any longer to address you on the subject of the bills for the amelioration of slaves in the islands comprising this government, it might perhaps be conjectured that remissness on my part has been the cause that no satisfactory information has yet been transmitted by me to His Majesty's Government.

I have the honour therefore to submit copies of the several communications which have passed between myself and the legislature since the date of my last despatch to Earl Bathurst on this important question, and it is with much regret I feel compelled to repeat my apprehension, that few of the measures contemplated and recommended from England, will be speedily carried into effect in these islands.

There is now in slow progress in the House of Assembly of Antigua, a bill under the title of an "An Act to repeal certain Acts and clauses of Acts relating to slaves, with a view to amend and consolidate the slave laws of the island;" but this bill, however meritorious as more effectually consolidating the existing laws, and expunging therefrom many severe and obnoxious clauses which have long been a disgrace to the statutes, embraces, according to the information I have been able to obtain respecting it, but a small portion of the measures proposed in the eight bills which were submitted by me to the Council and Assembly in the year 1826; while I may be permitted at the same time, in justice to this island to observe, that its existing code of laws are considered to contain a greater number of enactments in favour of the slave population than that of any other legislative colony, with the exception of St. Christopher's, which by its late bill has taken the lead in colonial amelioration.

I have, &c.

The Right hon. W. Huskisson.

(signed) Patrick Ross.

Enclosure 1, in No. 21.

ANTIGUA :—Extract from the Speech of Sir Patrick Ross to the two Houses of Legislature on the meeting of a new Assembly in June 1827.

"IT is on my part an imperative duty to direct your attention in a more particular manner, to the early consideration of some of the measures which the dissolution of the late Assembly has unavoidably retarded. Amongst them the most prominent is the amelioration of the slaves; and I am to recommend to your serious and unprejudiced deliberation, the several points connected with this important question, the adoption of which His Majesty, the United Parliament, and the nation at large, have so long and so anxiously contemplated with undiminished solicitude.

This measure embraces the following points :—

First.—The appointment of an officer, to be denominated "Protector and Guardian of slaves."

Secondly.—The admission of the evidence of slaves in civil and criminal cases.

Thirdly.—The manumission of slaves.

Fourthly.—The intermarriage of slaves.

Fifthly.—The observance of the Sabbath-day, and the abolition of Sunday markets.

Sixthly.—The acquisition of property by slaves, and the establishment of savings banks for the better protection of such property.

Seventhly.—The separation of families under judicial process; and

Eighthly.—The punishment of slaves, with the record to be kept of such punishments, when inflicted by the authority of the owner.

I have

I have thus brought at once under your view the whole of the topics contemplated by His Majesty's Ministers, who are at the same time aware, that upon some of them the wishes of government have already been to a certain extent anticipated, by the existing laws of the island; and I am therefore commanded to add, that His Majesty will be ready to confirm any laws in which the legislature may effectually embody those principles, and give effect to those intentions, according to such forms as may be deemed most consistent with your constitutional privileges.

I shall permit myself therefore to indulge the hope, that I may be soon enabled to transmit for the Royal Assent, a bill so framed as will prove satisfactory to the King, beneficial to that class of the population for whose advantage it is intended, and creditable to yourselves."

ANTIGUA.

Enclosure 2, in No. 21.

ANTIGUA:—Extract from the reply of His Majesty's Council of Antigua to the address of His Excellency the Governor, of the 7th June 1827.

"WE come now to that grave and momentous part of your Excellency's speech which directs our attention to the various subjects proposed for meliorating the condition of our slave population, which have been submitted to the consideration of our colonial legislature by His Majesty's Government.

"We confidently assure your Excellency, that none of His Majesty's subjects can be more solicitous about the moral and religious improvement, personal protection and comfort of that class of our population, than those who now have the honour to address you; and we add with heartfelt satisfaction and pride, that in this feeling the inhabitants at large deeply participate.

"The many salutary and humane laws which form our slave code, ought sufficiently to satisfy your Excellency and His Majesty's Government that, as the time suited, every thing has been done to promote those objects which we all have in view, consistent with our inalienable rights, the preservation of our properties, and the safety of our families, and ought to be taken as an earnest of our present and future intentions.

"We accept with duty and humility the assurances of our good and enlightened King of confirming such bills as we may pass and transmit for His Royal Assent; and it is the summit of our hope, that after the faithful and conscientious discharge of our important trust, the result of our labours may be such as to merit our country's thanks, meet the Royal favour, and accomplish your Excellency's wishes."

Enclosure 3, in No. 21.

Extract from the reply of the Legislative Assembly to the address of his Excellency the Governor, of the 7th June 1827.

"WE beg to express our due sense of your Excellency's benevolent consideration, in recommending to our charge the "amelioration of the condition of our slaves," and we sincerely hope that your Excellency's having adverted to the subject so much in detail may not lead to misconception on the part of the ignorant, and misrepresentation on that of the evil disposed.

"The colony had indulged in the expectation, that the late Assembly would have lived to witness the completion of the great and important work which they had commenced, in the bill passed by them for the "Consolidation of our Slave Laws, and for the further amelioration of the condition of our Slaves," but the necessary and constitutional dissolution of that body disappointed those hopes.

"As the difficulties, however, naturally arising out of so complicated and important a subject as a revision of the slave code, have been removed, the delay which has been unavoidably created will not, we trust, be of long continuance.

"Consistently with those dispositions which have ever characterized this colony, we beg leave to tender our assurances, that this House will at the earliest moment give its attention to the subject, and we hope that the result of its labours will be such as to afford satisfaction to your Excellency, and to ensure for us the approbation of our most gracious Sovereign.

"As respects the particular subjects which your Excellency has brought under our view, very much has been already anticipated by the existing laws of the colony.

"From

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“ From an attentive inspection of our legislative history, it will be perceived that our ancestors, in far remote times, as well as our fathers of a more recent period, have been always sedulously engaged in studying by what means the condition of the slave population might be best ameliorated; and they never lost any opportunity of advancing that object where it might be accomplished without detriment to the general safety, and without injury to those interests which they were in duty bound to uphold. This colony may justly lay claim to the honour of having, on every occasion of this sort, led the way towards improvement, nor have the colonists of the present day evinced any deficiency in the duties of humanity and benevolence, as laws of very recent date will amply testify. We feel proud to say, that whatever our slaves enjoy of protection and privilege, has hitherto been derived by them from the spontaneous effusions of our own philanthropic feelings, which have led in almost every individual case to more even of indulgence and kindness than the laws could have enacted; and of this your Excellency has no doubt witnessed many instances. This colony can boldly aver, that it has never needed to be stimulated to the consideration of the situation of its slaves; and those feelings which did honour to our progenitors we can assure your Excellency are not extinguished in us. Our deliberations, therefore, on any “ Slave Law Consolidation Bill ” your Excellency may rely shall be conducted in the most unprejudiced and dispassionate manner; but the subject is of too high importance to be viewed except in connection with the safety and security of the colony, the preservation of peace and good order, and of the rights, privileges and property of His Majesty’s loyal subjects therein; all which it is our bounden duty to watch over, as well as to be assured that what we may do therein may be in our humble opinions consistent with the real welfare and prosperity of the British empire, to the support of which we have so largely contributed, and in whose interests we feel our own so deeply involved.

“ This House has deemed it necessary respectfully and with due deference to submit these observations, that your Excellency may not be led to entertain any erroneous impressions as to the principles by which alone we must be governed in the discussion of this, to us at least, momentous question.

“ We can offer to your Excellency no other or distinct assurances on the several points submitted to us, except the assurance of our grateful sense of the royal condescension and goodness in the declaration of His Majesty’s readiness to confirm any laws of our legislature on this subject, “ according to such forms as may be deemed most consistent with our constitutional privileges; ” and we beg to observe, that this gracious declaration does greatly strengthen in us that confidence with which we constantly have and still continue to commit ourselves to His Majesty’s paternal care.”

 Enclosure 4, in No. 21.

Honourable Sirs,

Government House, Antigua 6th May 1828.

A PERIOD of more than ten months having elapsed since I had last the honour of receiving any communication on the subject of the Slave Amelioration Bills; and that communication which was contained in the addresses in reply to my speech at the opening of the new Assembly in June last having led me to hope, and to give His Majesty’s Government reason to expect, that various legislative enactments on the subject would have been long before this time submitted for my assent; I am compelled, from the high and responsible situation in which I stand, to call to your attention the propriety of further progress being made by your honourable Houses on this most important question.

After all that has already passed since the introduction of the several melioration bills in the year 1826, it is unnecessary for me to do more at present than to express my reliance that the legislature, taking into consideration the period which has already been permitted to elapse, will be induced to bring the subject without more delay to a speedy, and I shall still permit myself to hope, inasmuch as may be found practicable, to a satisfactory termination.

I have, &c.

(signed) Patrick Ross.

The Honourable the President of the Council, and
the Speaker of the Assembly, Antigua.

Note.—To the foregoing address, no answer has been returned by the Council or Assembly.

Enclosure 5, in No. 21.

MONTSERRAT:—Extract from the Speech of Sir Patrick Ross to the two Houses of Legislature of Mountserrat, 12th May 1828.

“**THAT** to which it is my duty more particularly to advert, and which ought to be considered paramount to every other, both as regards the mother country and yourselves, is the question of slave amelioration, the several bills relating to which were by my directions laid upon your tables in the year 1826.

“Of these it has not yet been in my power to communicate to His Majesty’s Government any favourable report; but notwithstanding this delay, which doubtless is much to be regretted, I still feel strongly persuaded that your honourable Houses will not permit any longer time to elapse without entering fully into the consideration of those several measures, and passing all such as will in a great degree meet the wishes and expectations of His Majesty and the British Parliament.

“Your having for some time put in force the dormant law which existed in the colony for the abolition of the markets throughout the whole of Sunday, is a circumstance which, while it reflects great credit on the island at large, may be fairly considered as an earnest of your favourable intentions as to the other measures recommended to you.”

Enclosure 6, in No. 21.

Extract from the Reply of His Majesty’s Council of Montserrat to the Address of Sir Patrick Ross, the 12th May 1828.

“**WE** are not insensible of the great and general importance of the measures to which you have invited our attention, particularly to the question of slave amelioration and the several bills relating thereto, which were long since submitted to us by your Excellency’s directions. To those bills, we beg to assure you, we have not failed to give our most serious attention; in the progress of which (for we will disguise no circumstances from your Excellency) we found them in their nature so intricate and perplexing, and surrounded with such insurmountable difficulties, as induced us to pause before we came to any conclusive determination, whereby we might not only have endangered our properties, by any sudden or hasty adoption of them, but eventually have involved our posterity in inextricable ruin. As far, Sir, as we can reasonably and practically go, we can declare with the utmost sincerity, that we are most desirous to meet the wishes of His Majesty and the British Parliament, and that, too, in strict accordance with the resolutions of the House of Commons of May 1823, steadily keeping in our view that equitable consideration for the rights and interests of all parties concerned.

The Act of 1738, for disallowing the Sunday markets, having long fallen into disuse, is now in active operation, and the total abolition of markets on Sunday throughout the whole of the island is a circumstance, we are pleased to observe, which merits your Excellency’s approbation.”

Enclosure 7, in No. 21.

Extract from the Reply of the House of Assembly of Montserrat to the Address of Sir Patrick Ross, the 12th May 1828.

“Fully persuaded of your Excellency’s benevolent intentions, we shall on all occasions give immediate attention to any suggestion with which you may honour us; nor do we arrogate too much to ourselves in saying that we do not yield to His Majesty’s Government or the Imperial Parliament in any views to promote the happiness and religious instruction of the slaves. The bills, which by your Excellency’s command were laid on our table in 1826, being surrounded with innumerable difficulties, are not as yet in that state of forwardness which might have been expected, nor have we felt ourselves, under existing circumstances, justified in giving them legislative enactment. Still the work of amelioration has not been impeded. By the rigorous enforcement of a dormant law, the Sunday market has
been

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been totally suppressed ; and by a late Act, the slave has the full benefit of trial by jury, which has always been held in such high and deserved estimation among Englishmen, that we did not feel ourselves justified in withholding it."

(True extracts.)

(signed)

C. Taylor, P. S.

— No. 22. —

Sir,

Government House, Antigua, 6th August 1828.

IN my letter of the 3d June last, I reported to Mr. Huskisson that nothing had yet been done on the subject of slave amelioration in the colonies under my government, and it is with regret I have now to transmit an extract from the minutes of the House of Assembly of Antigua, at their sitting on the 10th July, by which you will observe that the whole of the bills relating to this subject were, on the motion of Mr. Beger Otto, struck off the order of the day, or in other words totally rejected.

I have, &c.

(signed)

Patrick Ross.

The Right Hon. Sir George Murray, G.C.B.
&c. &c. &c.

Enclosure in No. 22.

Extract from the Minutes of Proceedings of the House of Assembly of Antigua, at an adjourned Meeting held the 10th of July 1828.

" MR. OTTO moved, and was seconded, that the following items be struck off the order of the day, viz.

" The first reading of the bill for establishing within the Island of Antigua an officer to be called 'The Protector and Guardian of Slaves.'

" The first reading of the bill to regulate proceedings for obtaining the manumission of slaves, and to enable slaves, under certain restrictions, to purchase their own freedom.

" The first reading of the bill to enable slaves to acquire property, and to make provision for the safe keeping of such property, by the establishment of banks for savings.

" The first reading of the bill to admit and regulate the evidence of slaves in civil and criminal cases in this Island, Antigua.

" The first reading of the bill for further regulating the punishment of slaves, whether inflicted by due course of law, or by the authority of the owner.

" The first reading of the bill for the suppression of public markets on Sunday, and for preventing slaves being compelled to labour on that day.

" The first reading of the bill for regulating the celebration of marriages among slaves, and for declaring such marriages valid and effectual in the law ;—and

" The first reading of the bill to prevent the separation of slaves, being members of the same family, by virtue of any legal process.

" Which motion being put from the chair, was opposed, when the House divided, and it was carried to strike off the said items from the order of the day."

(A true copy,)

(signed)

C. Taylor, P. S.

— No. 23. —

Sir,

Downing-street, 3d September 1828.

AMONG the subjects to which my notice has been called since I received the seals of the colonial department, there is none which has appeared to me more deserving of attention than that of the measures in progress for improving the condition of the slaves in the West India colonies.

During

During the late session of Parliament, the Ministers of the Crown took occasion to express in their places the settled purpose of His Majesty's Government to adhere strictly to the resolutions which were passed unanimously in the House of Commons on the 15th May 1823, and unanimously adopted in the House of Peers on the 7th March 1826.

It is the object of this despatch to convey to your Excellency the strong sense which, in common with all my colleagues in office, I entertain of the obligations imposed upon His Majesty's Government by this solemn and reiterated engagement, and to call upon your Excellency assiduously to employ your endeavours to convey the like impression to the Legislative Council, and to the House of Assembly in the Islands of Antigua and Montserrat.

The specific measures of improvement which it appeared most urgent should be adopted, for ameliorating the condition of the slave population, have been already brought under the notice of the several colonial legislatures, in so pointed a manner, by the despatches of my predecessors in this office, that it might appear a needless work if I again recommend each of them separately to your particular attention, and it might seem even to imply my entertaining an opinion, either that the attention of the colonial legislatures had at no time been sufficiently alive to the importance of these specific measures, or that there existed in the colonies so rooted an indisposition to the introduction of some of them, that no progress had been made towards their adoption.

It is my anxious desire, however, to admit no such unfavourable opinion of the disposition existing in the colonies, and I shall therefore confine myself, in a great measure, at present, to calling back your attention to the resolutions of Parliament, adverted, incidentally only, to their specific application by particular enactments; and I adopt this course the more willingly, because I think it possible that the protracted discussions which have occurred upon this important question may have generated an opposition, the result rather of diversity of opinion upon particular points, than arising from any want of a common assent to the principles laid down in the resolutions of the two Houses of Parliament, which must form the basis of all wise legislation upon the subject, and which reason and humanity equally recommend.

There are two objects, for the attainment of which it is necessary that effectual provision should be made. The first of them is the gradual elevation of the moral character of the slave population, and the second is the due protection of all the just rights of property which existing laws have vested in the owners of the slaves.

I am perfectly aware, that there may be found many very respectable persons, in whose minds the force of prejudice, or the influence of habit, and perhaps also a too restricted view of their own individual interests, may have established a conviction that the two objects above mentioned are wholly incompatible, and that a choice must at once be made between a positive sacrifice of the rights of property on the one hand, or a positive denial on the other of the advantages which humanity has sought to obtain for the slaves.

The steps, however, which have been already taken in several of the colonies, and the progress which has been so happily made in some of them towards the amelioration of the condition of the slaves, induce me to conclude that the extreme opinions which I have above adverted to are not very generally entertained, and lead me at the same time to form the expectation, I trust not too sanguine a one, that the example of those colonies which have advanced the furthest without any detriment having resulted from their liberal line of policy, will persuade others that it is possible to imitate, without risk, these laudable proceedings.

But although I am disposed to believe that motives of sound and enlightened policy, as well as those of a more sacred and more elevated character, will induce gentlemen holding the station of members of the local legislatures, as well as other individuals possessed of influence in the colonies, to lend a favourable ear to the repeated appeals which have been made to their judgment and to their feelings upon this important and interesting subject. It would be improper, however, to omit stating, that there are also other calls upon them which render every day more and more urgent, as a measure of necessary policy, the ameliorating the condition of the slave population; for it can scarcely be doubted, that of the two alternatives, that of withholding amelioration, and that of effectually improving the condition and the character of the slaves, the latter is the one which holds out by far the best prospect, under the existing circumstances of the world, for general tranquillity, and for the security of property in the colonies.

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Although it be my intention, as I have already stated to your Excellency, not to enter into a detailed review of each of the individual measures which have been already so often and so urgently pressed upon the attention of the colonial legislatures by my predecessors, I must advert pointedly, however, to a few which I deem to be of peculiar importance. The first of these is, the religious instruction of the slaves.

It must be obvious to every man capable of reflection, that independently of the sacredness of the obligation, which requires that no impediment should be placed in the way of their acquiring a knowledge of the great truths of religion, there is no more certain mode of advancing their civilization without detriment or danger to society at large, than by religious instruction. It is necessary, however, that this important object should not be entrusted solely to individuals, but that provision should likewise be made for it by law, in order to guard against the injury which society would sustain by the want, in any one, of a just sense of its importance. Amongst the enactments which will suggest themselves upon this subject, there is none which appears more proper, more becoming in itself, or which it is more incumbent upon the legislature of every Christian country to enforce, than the due observance of Sunday. It is most desirable, therefore, that Sunday should be to the slave population, in all the colonies, a day of entire relaxation from compulsory labour, and open to be devoted to religious duties and to moral instruction.

I am aware, however, that whilst provision is made for securing to the slave sufficient time and opportunity for religious instruction, and every latitude is allowed with respect to the mode of his instruction which the spirit of toleration demands, it is very fit notwithstanding that certain local regulations should be established, to guard against those abuses and that misapplication to which the best institutions are liable, and to obviate those disorders which might be occasioned, or the apprehension of which might at best be reasonably entertained, if an unrestricted liberty were permitted, to assemble considerable bodies of the slave population at unseasonable hours, or without the previous sanction of their owners.

The next object which I am desirous strongly to recommend to the favourable consideration of the colonial legislature, is the admission of the evidence of slaves.

This may appear to some of the colonies to be still too great a step to be at once taken; but the concessions already made upon this point by others of the colonial legislatures, induce me to hope that the principle is gradually gaining ground in the West Indies, and that it will ere long be generally felt, that by elevating the slave to the rank of a person whose evidence is admitted, under the same restrictions only under which that of freemen is received, and by teaching him and his fellow subjects that the avenues of justice are not closed against his testimony in any case whatsoever, an important improvement will be effected, as well in the character of the slaves themselves as in the general feeling and conduct of the population at large.

The only other object which I shall advert to is the situation of that portion of society in the colonies which comes under the general denomination of people of colour.

It appears to me, that it would be wise to act with much liberality towards this class of individuals, and I am to direct therefore that your Excellency will strongly recommend their interests to the favourable consideration of the local legislature.

I have now gone through all the subjects which it was my intention particularly to touch upon in this despatch. It is my painful duty, however, before I conclude, to express to your Excellency the regret which has been felt by His Majesty at the extreme backwardness hitherto shown by the Islands of Antigua and Montserrat, in the adoption of those measures for the amelioration of the condition of the slave population which have been at different times suggested to them under the pressing recommendation of the Crown, supported by the unanimous opinion of the two Houses of Parliament, and enforced by the general expression of the public opinion in the mother country.

I have, &c.

Major-General Sir P. Ross,
&c. &c. &c.

(signed) G. MURRAY.

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— No. 24. —

Circular DESPATCH from Secretary Sir G. Murray, dated Downing-street, 15th September 1828, to Major General Sir P. Ross. Similar to that addressed to the Lieutenant Governor of Jamaica. *Vide* page 8.

— No. 25. —

Sir, Government House, Antigua, 24th Sept. 1828.

WITH the view of preventing or correcting any erroneous opinion which may be formed from the wording of my letter of the 6th August last, on the subject of slave amelioration; viz. "That the whole of the bills relating to this subject were struck off the order of the day, &c." it may be necessary to observe, that this statement has no reference to the *Consolidated Act*, mentioned in my letter of the 3d June last, which Act is still in progress in the House of Assembly, but to the eight bills which were submitted by me to the legislature in July 1826, and again at the meeting of the new Assembly in June 1827.

I have, &c.

(signed) *Patrick Ross.*

The Right hon. Sir George Murray, G. C. B.
&c. &c. &c.

— No. 26. —

Extract of a Despatch addressed by the Governor of Antigua to the Right Honourable Sir G. Murray, dated Government House, Antigua, 27th December 1828,—with two Enclosures.

"I HAVE the honour to transmit copies of my letters to the Board of Council and House of Assembly of this island, which accompanied your circular despatch of the 3d September last, and of the reply from the House of Assembly.

"The Consolidated Act, which I stated in my letter of the 3d of last June to be before the House of Assembly, has been, I regret to say, very little advanced since that time; it is now, however, in its third reading, and I am induced to hope that I shall ere long be able to forward it for His Majesty's gracious approbation.

"It is much to be lamented that Antigua has been so remiss to herself as to have permitted a period of several years to elapse without satisfying His Majesty's government and the country, that her statute books have long contained so many humane and liberal enactments in favour of her slave population, a circumstance which, until the publication of the Consolidated Bill, now in progress, cannot be so generally known and appreciated as it deserves."

Enclosure 1, in No. 26.

Government House, Antigua,
11th November 1828.

Honourable Sir,

IN a despatch from Sir George Murray, dated the 3d of September last, I am instructed to convey to the Houses of Legislature of Antigua, the views and expectations of His Majesty's Government, on a subject of the first importance to the colonies, and one which has already so largely occupied public attention, viz. that of the measures in progress for improving the condition of the slaves.

It is the object of the Secretary of State in the present despatch to convey through me to the Board of Council and House of Assembly, the strong sense which he, in common with His Majesty's Ministers, entertains of the obligations imposed upon Government by the solemn and reiterated engagements comprehended in the resolutions of the House of Commons, on the 15th of May 1823, and unanimously adopted in the House of Peers on the 7th of March 1826. The accompanying

extract

ANTIGUA.

extract from this despatch, while it explains the sentiments of Ministers on the subject at large, adverts in particular to certain points which are deemed of more especial importance, and to these points I feel a confidence that the legislature will not fail to give its earliest attention.

The marked moderation, and the considerate regard for the welfare and interests of the colonists, which is so apparent throughout this communication, cannot I am persuaded, fail to make the most favourable impression on the minds of your honours and of the legislature, in the course of your deliberations on this very important question; and I may be permitted to express the sincere gratification I shall personally derive, when enabled to transmit for the royal assent, previously I hope, if practicable, to the approaching sessions of Parliament, the Consolidated Bill, which, from the last communication on that subject I had the honour to receive from the House of Assembly, is now in progress, and which, when promulgated, will, I trust, satisfy our most gracious Sovereign, the Imperial Parliament, and the nation at large, that this island, both on a review of her existing laws, and of those enactments now about to be incorporated with them, has not hitherto been, nor will allow herself at any time to appear less forward than any of her sister colonies, in promoting the religious and moral instruction, and in the general improvement of her negro population.

I have, &c.

(signed) *Patrick Ross.*

(A true copy.)

(signed) *C. Taylor, P. S.*

To the President of the Council, and
the Speaker of the Assembly, Antigua,
&c. &c. &c.

Enclosure 2, in No. 26.

Sir,

November 27, 1828.

I HAVE been directed by the House of Assembly to return the respectful acknowledgment of the House for your Excellency's communication of the 11th instant, containing an extract from a despatch from Sir George Murray, His Majesty's principal Secretary of State for the Colonies, of the 3d September last, relative to certain measures proposed, with a view to an amelioration of the condition of the Slave Population, and at the same time to acquaint your Excellency that such communication will receive all due attention on the part of the House of Assembly, and that a bill is now before it, embracing such farther points of improvement as are deemed expedient and compatible at once with the well-being of the slaves themselves, and the just rights and interests of the proprietors.

I have, &c.

(signed) *Nicholas Nugent,*
Speaker of the House of Assembly.

His Excellency Major-Gen. Sir P. Ross,
&c. &c. &c.

S T. K I T T' S.

ST. KITTS.

— No. 27. —

Sir,

St. Christopher, May 10th, 1828.

I HAVE the honour to acknowledge the receipt of your despatch of the 7th March last, conveying to me His Majesty's gracious approval of the Act which had been lately passed by the legislature of this colony, to meliorate the condition of the slave population, and containing several suggestions which you deemed requisite for perfecting this Act.

I lost no time in laying copies of this despatch before the Council and Assembly, with an earnest appeal to them to give immediate attention to your suggestions, and which I have no doubt will be met by them with every respectful consideration.

It is to me, Sir, a source of high gratification that an Act of so important a nature, and which has received the approbation of our gracious Sovereign and his Government, should have been passed during my temporary administration of the command of these islands, and I shall not fail to urge, by every interest in my power, the completion of so good a work.

I have, &c.

(signed) *Stedman Rawlins.*

To the Right Hon. William Huskisson.

— No. 28. —

Sir,

Downing-street, 3d September 1828.

AMONG the subjects to which my notice has been called since I received the seals of the colonial department, there is none which has appeared to me more deserving of attention than that of the measures in progress for improving the condition of the slaves in the West India colonies.

During the late session of Parliament, the Ministers of the Crown took occasion to express in their places the settled purpose of His Majesty's Government to adhere strictly to the resolutions which were passed unanimously in the House of Commons on the 15th May 1823, and unanimously adopted in the House of Peers on the 7th March 1826.

It is the object of this despatch to convey to your Excellency the strong sense which, in common with all my colleagues in office, I entertain of the obligations imposed upon His Majesty's Government by this solemn and reiterated engagement; and to call upon your Excellency assiduously to employ your endeavours to convey the like impression to the Legislative Council and to the House of Assembly in the island of St. Christopher.

The specific measures of improvement which it appeared most urgent should be adopted for ameliorating the condition of the slave population, have been already brought under the notice of the several colonial legislatures in so pointed a manner by the despatches of my predecessors in this office, that it might appear a needless work if I again recommend each of them separately to your particular attention, and it might seem even to imply my entertaining an opinion, either that the attention of the colonial legislatures had at no time been sufficiently alive to the importance of these specific measures; or that there existed in the colonies so rooted an indisposition to the introduction of some of them, that no progress had been made towards their adoption.

It is my anxious desire however, to admit no such unfavourable opinion of the disposition existing in the colonies, and I shall therefore confine myself in a great measure, at present, to calling back your attention to the resolutions of Parliament, adverting, incidentally only, to their specific application by particular enactments. And I adopt this course the more willingly, because I think it possible that the protracted discussions which have occurred upon this important ques-

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tion may have generated an opposition, the result rather of diversity of opinion upon particular points, than arising from any want of a common assent to the principles laid down in the Resolutions of the Houses of Parliament, which must form the basis of all wise legislation upon the subject, and which reason and humanity equally recommend.

There are two objects, for the attainment of which it is necessary that effectual provision should be made. The first of them is the gradual elevation of the moral character of the slave population, and the second is the due protection of all the just rights of property which existing laws have vested in the owners of the slaves.

I am perfectly aware that there may be found very many respectable persons, in whose minds the force of prejudice, or the influence of habit, and perhaps, also, a too restricted view of their own individual interests may have established a conviction that the two objects above-mentioned are wholly incompatible; and that a choice must at once be made between a positive sacrifice of the rights of property on the one hand, or a positive denial, on the other, of the advantages which humanity has sought to obtain for the slaves.

The steps, however, which have been already taken in several of the colonies, and the progress which has been so happily made in some of them towards the amelioration of the condition of the slaves, induce me to conclude that the extreme opinions which I have above adverted to are not very generally entertained; and lead me at the same time to form the expectation, I trust not too sanguine a one, that the example of those colonies which have advanced the furthest without any detriment having resulted from their liberal line of policy, will persuade others that it is possible to imitate, without risk, these laudable proceedings.

But although I am disposed to believe that motives of sound and enlightened policy, as well as those of a more sacred and more elevated character, will induce gentlemen holding the station of members of the local legislatures, as well as other individuals possessed of influence in the colonies, to lend a favourable ear to the repeated appeals which have been made to their judgment and to their feelings upon this important and interesting subject. It would be improper, however, to omit stating that there are also other calls upon them, which render every day more and more urgent, as a measure of necessary policy, the ameliorating the condition of the slave population; for it can scarcely be doubted that of the two alternatives, that of withholding amelioration, and that of effectually improving the condition and the character of the slaves, the latter is the one which holds out by far the best prospect, under the existing circumstances of the world, for general tranquillity, and for the security of property in the colonies.

Although it be my intention, as I have already stated to your Excellency, not to enter into a detailed review of each of the individual measures which have been already so often and so urgently pressed upon the attention of the colonial legislatures by my predecessors, I must advert, pointedly however, to a few which I deem to be of peculiar importance. The first of these is, the religious instruction of the slaves.

It must be obvious to every man capable of reflection, that, independently of the sacredness of the obligation which requires that no impediments should be placed in the way of their acquiring a knowledge of the great truths of religion, there is no more certain mode of advancing their civilization, without detriment or danger to society at large, than by religious instruction. It is necessary, however, that this important object should not be entrusted solely to individuals, but that provision should likewise be made for it by law, in order to guard against the injury which society would sustain by the want, in any one, of a just sense of its importance. Amongst the enactments which will suggest themselves upon this subject there is none which appears more proper, more becoming in itself, or which it is more incumbent upon the legislature of every Christian country to enforce, than the due observance of Sunday. It is most desirable, therefore, that Sunday should be to the slave population, in all the colonies, a day of entire relaxation from compulsory labour, and open to be devoted to religious duties and to moral instruction.

I am aware, however, that whilst provision is made for securing to the slave sufficient time and opportunity for religious instruction, and every latitude is allowed with respect to the mode of his instruction which the spirit of toleration demands, it is very fit, notwithstanding, that certain local regulations should be established to guard against those abuses, and that misapplication, to which the best institutions are liable, and to obviate those disorders which might be occasioned, or the apprehension

hension of which might at least be reasonably entertained, if an unrestricted liberty were permitted, to assemble considerable bodies of the slave population at unseasonable hours, or without the previous sanction of their owners.

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The next object which I am desirous strongly to recommend to the favourable consideration of the colonial legislature is, the admission of the evidence of slaves.

This may appear to some of the colonies to be still too great a step to be at once taken; but the concessions already made upon this point by others of the colonial legislatures, induce me to hope that the principle is gradually gaining ground in the West Indies, and that it will ere long be generally felt, that by elevating the slave to the rank of a person whose evidence is admitted under the same restrictions only under which that of freemen is received, and by teaching him and his fellow subjects that the avenues of justice are not closed against his testimony in any case whatsoever, an important improvement will be effected, as well in the character of the slaves themselves, as in the general feeling and conduct of the population at large.

The only other object which I shall advert to is, the situation of that portion of society in the colonies which comes under the general denomination of people of colour.

It appears to me that it would be wise to act with much liberality towards this class of individuals; and I am to direct, therefore, that your Excellency will strongly recommend their interests to the favourable consideration of the local legislature.

I have now gone through all the subjects which it is was my intention particularly to touch upon in this despatch; before I conclude, however, I must express, which I do with much pleasure, the sense I entertain of the laudable conduct of the Legislative Council and of the House of Assembly of the Island of St. Christopher, in having already adopted several of those measures for the amelioration of the condition of the slave population, which have been at different times suggested to them under the pressing recommendation of the Crown, supported by the unanimous opinion of the two Houses of Parliament, and enforced by the general expression of public opinion in the mother country.

I have, &c.

(signed)

G. MURRAY.

Mr. President Rawlings,
&c. &c. &c.

— No. 29. —

Circular DESPATCH from Secretary Sir G. Murray, dated Downing-street, 15th September 1828, to Mr. President Rawlins, similar to that addressed to the Lieutenant Governor of Jamaica. *Vide* page 8.

— No. 30. —

Sir,

Downing-street, 17th September 1828.

SINCE the last mail went out, my attention has been called to the circumstance, that the Assembly of Nevis, in the year 1826, made some endeavours to improve the condition of the slaves, which were disappointed without any fault of theirs. This places them in a more favourable light than that in which they appeared to me to stand when I wrote my despatch of the 3d instant; and I trust that the good disposition which they manifested in 1826, will evince itself in an early attention to the recommendations of the British Crown and Parliament.

I have, &c.

(signed)

G. MURRAY.

The Officer administering the
Government of St. Christopher.

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— No. 31. —

Sir,

St. Christopher, 13th October 1828.

THE Council and Assembly of the Island of Nevis have been lately engaged in passing some of the bills recommended by His Majesty's Government, for the improvement of the condition of the slave population; and I have now the honour to enclose copies of the two first, intituled "An Act to establish and vest in the Magistracy of this Island the protection and guardianship of Slaves," and "An Act to regulate the admission of the evidence of Slaves in this Island," which I hope will meet with His Majesty's gracious approbation.

They have also passed four other bills, and to which I have given my assent, but they cannot be copied in time to be forwarded by this packet; their titles are,

"An Act for regulating the solemnization of Marriages among Slaves, and for declaring such Marriages valid and effectual in the Law."

"An Act for regulating Markets on Sundays, and for preventing the employment of Slaves in work or labour on that day."

"An Act to enable Slaves to acquire, possess and alienate property."

"An Act to prevent the separation of Slaves by sale or transfer in certain cases, without their consent."

I have, &c.

(signed)

Stedman Rawlins.

To the Right Hon. Sir George Murray, G.C.B.
&c. &c. &c.

Enclosure 1, in No. 31.

NEVIS:—An Act to establish and vest in the Magistracy of this Island the Protection and Guardianship of Slaves.

"WHEREAS it is expedient that the protection and guardianship of slaves should be vested officially in such persons as are duly appointed and solemnly sworn to administer justice in this island: And whereas the magistrates thereof have been and are upon all occasions most fully competent to support and maintain the rights and interests of the slave population; May it therefore please Your most excellent Majesty that it may be enacted, and be it, and it is hereby enacted, by the Commander-in-Chief for the time being of Your Majesty's Islands of Saint Christopher, Nevis, Anguilla and the Virgin Islands, and the Council of Assembly of this Island of Nevis, and by the authority of the same, that all and singular the justices named and appointed for the time being, or hereafter to be named and appointed in and by the general commission of the peace for this island, shall be, and they and every of them are hereby declared and constituted to be jointly and severally public protectors and guardians of slaves, and they and every of them are enjoined and required, under the penalty hereinafter mentioned, to hear and investigate all complaints whatsoever which may be made to them by any slave; and if such complainant shall charge any person whatsoever with an offence or injury of a felonious nature, the justice or justices before whom the complaint shall be made, shall forthwith issue his or their warrant to cause the person charged with such offence to be apprehended and brought before him or them, and shall proceed to investigate such charge and complaint, and if such charge or complaint shall appear upon such investigation to be well founded, the justice or justices aforesaid shall forthwith commit the offender for trial, or take bail for his appearance according to law, and shall issue such process, and do and perform all such things, as may be lawful and necessary for bringing the offending party to justice; and if any such slave shall charge any person whatsoever with a civil wrong or a criminal misdemeanor, by him done to, or committed against such complainant, the justice or justices before whom the complaint shall have been made, shall proceed, within three days, to investigate or to try and finally determine the same, in such manner, and by such ways and means, as in such cases now are or hereafter may be by law provided.

And

And be it further enacted, that if any justice shall, without lawful and sufficient cause, neglect or refuse to hear and investigate the complaint of any slave against any person whomsoever, or shall wilfully or maliciously refuse in such cases to remedy oppression and enforce the laws, as to justice and right may appertain, he shall be subject to the penalty to His Majesty of any sum not exceeding two hundred pounds, to be recovered by indictment in the Court of King's Bench and Common Pleas of this island, such penalty to be paid to the treasurer of this island, or his lawful deputy, for the public uses thereof.

And be it further enacted, that if any action, suit or prosecution shall be commenced or prosecuted against any justice or officer, or any other person, for any matter or thing by him done or performed by virtue of this Act, it shall and may be lawful for the defendant, in any such action, suit or prosecution, to plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff in such action or suit shall be nonsuited, or shall discontinue such action or suit, or if judgment shall be given against such plaintiff, or if the defendant in such prosecution shall be acquitted, or if judgment be given in his favour, then, and in every such case, the person who shall have caused such prosecution, not being His Majesty's attorney-general, solicitor-general, or other Crown lawyer, acting *bonâ fide* officially, and such plaintiff respectively shall pay to such defendant treble costs of suit, for which such defendant shall have the like remedy, as in other the like cases: Provided always, and be it further enacted, that any prosecution for any penalty under this Act, or any action, suit or prosecution, for any thing done under or by virtue thereof, shall be instituted or brought respectively within twelve calendar months next after incurring such penalty or doing such thing, and not afterwards.

Dated at St. Christopher, this 2d day of October, in the ninth year of the reign of Our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1828.

(signed) *William Pemberton,*
Speaker.

Enclosure 2, in No. 31.

NEVIS:—An Act to regulate the admission of the Evidence of Slaves in this Island.

WHEREAS it is expedient and necessary for the pure and equitable administration of justice, that slaves, under certain restrictions and limitations, should be admitted as competent witnesses in the civil and criminal courts in this island: And whereas such admissibility will eminently contribute to the security of their rights, and tend to the furtherance of their improvement in morals and civilization; May it therefore please Your most excellent Majesty, that it may be enacted, and be it and it is hereby enacted by the Commander-in-Chief for the time being in and over Your Majesty's Islands of St. Christopher, Nevis, Anguilla and the Virgin Islands, and the Council and Assembly of this Island of Nevis, and by the authority of the same, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal jurisdiction, or otherwise, in the said island by reason of his or her being in a state of slavery, but the testimony of such person, except as hereinafter excepted, shall be taken and received in the same form and manner, and subject to the same rules and exceptions, as the evidence of a person of free condition would be or by law ought to be: Provided always, that no slave shall be admitted or be competent to give evidence of or relating to any matter or thing concerning a white or free person which may have taken place antecedently to the passing and publishing of this Act; and that no person who may have been in a state of slavery but who may have become free prior to the passing and publishing of this Act, shall be competent to give evidence of or relating to any matter or thing touching any white or free person which may have taken place antecedently to the time of his manumission; and that no slave shall be competent to give evidence of or relating to any matter or thing in any case where the master, mistress, owner, renter, manager or director of any such slave, or where any other person having the immediate authority or control over such slave, may

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may be charged with or prosecuted for any capital offence without the benefit of clergy, or a second time after a former conviction for any clergyable felony, any law, usage or custom to the contrary thereof in anywise notwithstanding.

And be it further enacted, that in all cases wherein a slave shall give any false evidence, or commit wilful and corrupt perjury, upon any trial, civil or criminal, or upon the investigation of any charge or complaint, such slave being duly convicted thereof shall be subject and liable to such lawful corporal punishment as the court shall think fitting; and such slave being convicted of wilful and corrupt perjury shall be rendered thereafter for ever incapable of becoming a witness.

And be it further enacted, that in all cases where the attendance of any slave shall henceforth be required in any court, or before any magistrate, or for any purpose relating to the administration of justice, the same process shall and may issue as shall or might be used in the case of a white or free person; but such process not being to apprehend or commit to gaol the body of any slave, shall be directed to and served upon the master, mistress, owner, renter, manager or director, or other person having the immediate authority or control over such slave, and shall name the slave and express the purpose for which such slave may be required, commanding such persons respectively to procure the attendance of such slave according to the exigency of the process; and whosoever shall not duly obey such process accordingly, shall be liable to and suffer the same pains, penalties and forfeitures as any person now by law would be liable to and suffer if such process had issued out of the court of King's Bench and Common Pleas of this island, and were directed to him requiring his personal appearance or attendance in that court.

And be it further enacted, that this Act shall be in force for the space of five years from the time of publishing the same in Charles-town, in the said Island of Nevis, and until the expiration or dissolution of the then sitting House of Assembly of this island.

Dated at St. Christopher, this 2d day of October, in the ninth year of the reign of Our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1828.

(signed) *Wm. Pemberton,*
Speaker.

— No. 32. —

Sir,

St. Christopher, 7th November 1828.

I HAVE the honour to acknowledge the receipt of your despatch of the 17th September, and in consequence of what had been done by the Council and Assembly of Nevis, as referred to in my despatch by the last packet, dated 13th October 1828, I did not transmit to them a copy of your circular letter of the 3d September. A copy has been forwarded to the Council and Assembly of the Virgin Islands.

In addition to the bills transmitted with my above-mentioned despatch, I have now the honour of forwarding herewith copies of four other Acts mentioned in that despatch, and entitled as follows; viz.

“ An Act for regulating the Solemnization of Marriages, &c.”

“ An Act for regulating Markets on Sunday.”

“ An Act to enable Slaves to acquire, possess and alienate Property.”

“ An Act to prevent the separation of Slaves, &c.”

All which I hope will meet with His Majesty's approbation.

I have, &c.

(signed) *Stedman Rawlins.*

To the Right Hon. Sir George Murray, G.C.B.
&c. &c. &c.

Enclosure 1, in No. 32.

NEVIS:—An Act for regulating the Solemnization of Marriages among Slaves, and for declaring such Marriages valid and effectual in the Law.

ST. KITTS.

WHEREAS it is expedient to encourage lawful marriages among the slaves of this island, and as far as can be to abolish the irreligious mode of living together between the sexes; May it therefore please Your most excellent Majesty, that it may be enacted, and be it and it is hereby enacted, by the Commander-in-Chief for the time being of Your Majesty's Islands of Saint Christopher, Nevis, Anguilla and the Virgin Islands, and the Council and Assembly of this Island of Nevis, and by the authority of the same, that if any slave shall hereafter be desirous of entering into the holy state of matrimony with any other slave, or with any free person, it is hereby declared to be lawful for him or her or them so to do: Provided always, that such slave or slaves shall first obtain and produce to the proper minister the consent thereto in writing of the owner, lawful possessor, manager or director of such slave, or both parties being slaves, of each of them respectively; but in case the owner, lawful possessor, manager or director of any such slave or slaves shall refuse or omit to give his or her consent as aforesaid, then and in such case it shall and may be lawful for such slave or slaves, or for any magistrate to whom such slave shall or may complain, to represent the same to the ordinary or the deputy ordinary of this island for the time being; and such ordinary or deputy ordinary is hereby authorized and required to summon to appear before him, within three days after such representation shall have been made, the owner, lawful possessor, manager or director so refusing or omitting as aforesaid; and if thereupon such owner, lawful possessor, manager or director shall fail to appear, or appearing shall not show just, reasonable and lawful cause for withholding his or her consent to such intended marriage, then and in every such case the said ordinary or deputy ordinary shall grant a license under his hand and seal, thereby authorizing any minister of the United Church of England and Ireland, or of the Kirk of Scotland, to solemnize such marriage after due publication of banns, notwithstanding such license in the same form, mode and manner as he would and should do if the parties were of free condition; provided nevertheless, that nothing herein contained shall extend, or be construed to extend, in any manner whatsoever, by means or reason of any intermarriage with a slave or between slaves, to take away, alter or annul any right, title or property which the owner or master of such slave or slaves might or could have in or to them, or either of them, or in or to their issue, or in or to their services, by any law or custom of this island heretofore established, or give any authority to the husband over the wife or her children, or to endow the wife with any property of the husband, or to give any rights whatsoever, to either of them except those of a religious nature, or to confer on any such slaves or their issue any rights whatsoever inconsistent with the duties which such slaves and their issue owe to their owner, lawful possessor, manager or director, or to the government, or which may be at variance with those rights and authorities which the owner and the government respectively are by law entitled to assert and exercise over such slaves and their progeny, or to render any such marriage valid or effectual which would be illegal or void if the parties thereto were of free condition; or render any marriage, in like cases heretofore solemnized within this island, valid or effectual which was illegal or void before the passing of this Act; anything in this Act contained, or any law, custom or usage to the contrary thereof, in anywise notwithstanding.

And be it further enacted, that no marriage henceforth to be solemnized within this island, wherein a slave shall be a party, shall be lawful or valid, or be deemed or taken so to be unless the same shall be solemnized by a minister of the United Church of England and Ireland, or of the Kirk of Scotland.

And be it further enacted, that any magistrate, ordinary, deputy ordinary or other person shall not receive any fee or reward for any thing done by virtue of this Act relating to any marriage under the same, and not any fee or reward shall be demanded by any minister for solemnizing any such marriage.

Dated at St. Christopher this 9th day of October, in the ninth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1828.

(signed)

Wm. Pemberton,
Speaker.

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Enclosure 2, in No. 32.

NEVIS:—An Act for regulating markets on Sundays, and for preventing the employment of slaves in work or labour on that day.

WHEREAS it is expedient that the long established usage of holding markets in this island on Sundays should be regulated by law, and that the said markets should be prohibited and cease during and after the celebration of divine service in the several parish churches of this island; May it therefore please Your most excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Commander-in-Chief for the time being of Your Majesty's Islands of St. Christopher, Nevis, Anguilla and the Virgin Islands, and the Council and Assembly of this Island of Nevis, and by the authority of the same, that from and after the expiration of one calendar month from the time of passing and publishing this Act, and until the enlarged resources of the slaves population of this island and their improvement in religion and morals, shall render it expedient and practicable wholly to prohibit by law the holding of markets on Sundays within this island, such markets shall be and the same are hereby tolerated to be holden until the hour of eleven in the forenoon of the Lord's-day.

And be it further enacted, that markets tolerated by virtue of this Act shall be concluded and closed at the hour of eleven in the forenoon, and that the ringing of the usual ten o'clock bells at the several parish churches in this island, or of any other bells established or to be established for this purpose by the magistrates or vestries of the several parishes respectively, which they are hereby authorized so to establish, shall be sufficient warning to all persons to prepare to depart from the said markets, and for all marketing to cease, and that if any person whosoever shall publicly show forth or expose to sale, or publicly sell or buy (except as hereinafter provided) after the hour of eleven in the forenoon of the Lord's-day, any article whatsoever in any of the said markets or elsewhere in the said island, such articles shall be forfeited, and shall or may be seized by any constable or peace officer and shall be taken forthwith before any justice of the peace, who upon view thereof shall dispose of such article, or order the same to be sold by any constable, and shall apply the produce thereof in such manner as he the said justice may in his discretion think fitting: And further, that in case the party who shall offend herein be a white or free person, he shall on a summary conviction by the oath of one or more credible witnesses before such justice, be fined in any sum not exceeding fifty shillings, current gold and silver money, or be imprisonment in the common gaol, without bail or mainprize, for any time not exceeding forty-eight hours.

And be it further enacted, that from and after the expiration of one calendar month after the passing and publishing of this Act, no shop, store, warehouse or other building or place for the sale of any article whatsoever except as hereinafter expressed, nor any punch-house, grog-shop or place where any kind of strong or spirituous liquor mixed or unmixed with any liquid or thing, shall be sold or repositied for sale, shall be kept open during the Sabbath-day, nor shall any strong or spirituous liquor mixed or unmixed with any liquid or thing, be sold or distributed or in anywise exposed for sale on such day by any person whomsoever: And if any person shall offend herein, such person being a white or free person, shall for each and every offence upon conviction in a summary way, by the oath of one or more credible witnesses before any two or more magistrates, be fined in any sum not less than one pound nor exceeding ten pounds current gold and silver money, to be levied in case of non-payment by warrant under the hands and seals of the said magistrates, and paid over to the treasurer of this island for the public uses thereof; or being a slave, shall for each and every offence, upon being duly convicted thereof as aforesaid before any two or more magistrates, suffer such lawful corporal punishment not exceeding thirty-nine lashes, or six days imprisonment in the common gaol, as such magistrates in their discretion shall adjudge and direct: Provided always, that nothing in this Act contained shall extend or be construed, deemed or taken to extend to prevent the keeping open any tavern, hotel, victualling or boarding-house, or the house or shop of any apothecary, druggist or surgeon in the due exercise of their several callings or professions respectively, nor to the preventing of milk, turtle, butcher's-meat, fresh fish and other such like perishable animal food from being carried or cried about for sale, or exposed for sale in any shop, stall or place on the Lord's-day, except during the hours appointed and set apart for the celebration of divine service in the parish churches of this island respectively.

And

And be it further enacted, that it shall not be lawful for any person whomsoever to employ any slave in any work or labour during any part of the Lord's-day, excepting only in such work as is ordinarily and absolutely necessary and indispensable, or in such work and labour as may become requisite by reason of any imperative necessity or unavoidable emergency, under the penalty of any sum not exceeding ten pounds nor less than one pound current gold and silver money for each and every offence, which penalty recovered by summary conviction of the offender before any two or more magistrates as hereinbefore provided, and be paid to the treasurer of this island for the public uses thereof: Provided always nevertheless, and be it further enacted, that nothing in this Act contained shall extend or be construed, deemed or taken to extend to prevent the employing of any slave being a watchman, waterman, porter, stock-keeper, messenger or domestic slave, in the usual way of the calling or occupation of such slave on any and every necessary occasion, in such manner as is hereinbefore excepted or provided for in the case of slaves in general.

ST. KITTS.

Dated at St. Christopher, this 10th day of October, in the ninth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1828.

(signed) *W^m. Pemberton,*
Speaker.

Enclosure 3, in No. 32.

NEVIS :—An Act to enable Slaves to acquire, possess and alienate Property.

WHEREAS by long continued and undisputed custom persons in a state of slavery in this island have always been permitted to acquire, possess, enjoy and dispose of property, free from the control of their owners; and whereas it is expedient that such possession, enjoyment and power of disposing of property should be recognized, established and secured by law; May it therefore please Your most excellent Majesty, that it may be enacted, and be it and it is hereby enacted by the Commander-in-Chief for the time being of your Majesty's Islands of St. Christopher, Nevis, Anguilla and the Virgin Islands, and the Council and Assembly of this Island of Nevis, and by the authority of the same, that no person in this island being in a state of slavery, shall on account of such his condition be or be deemed to be incompetent to acquire, possess, enjoy, alienate or dispose of any kind of property, save and except as hereinafter provided, but every such person shall be and is hereby declared to be competent to purchase, acquire, possess, enjoy, alienate or dispose of any kind of property, save and except as hereinafter provided, either by sale, gift or bequest, and to bring, maintain, prosecute and defend any suit or action in any court of justice for or in respect thereof, as fully and amply, to all intents and purposes, as if such person were of free condition: Provided always, that this Act shall not extend to revoke or alter any law now in force in this island respecting the manner in which, or the means whereby, slaves may obtain redress for any civil wrong or criminal misdemeanor, nor to render the body of any slave in any manner liable to avert a levy on execution for any debts contracted by such slave, nor for any cause matter or thing relating to any civil suit at law or case in equity wherein such slave shall or may be a party, nor to authorize or render competent any slave to purchase, acquire, possess or hold, directly or indirectly, any lands, chattels real, leasehold property, houses, tenements or hereditaments, slaves, boats or vessels of any description, and gunpowder, fire arms or other munitions of war, nor to render any slave competent to become a juror in any case whatever.

And be it further enacted, that if at the time of passing and publishing this Act any slave shall be possessed or seized of any property which such slave is hereinbefore declared incompetent to possess or to hold, such property shall within six calendar months from and after the time aforesaid, be absolutely sold and conveyed by such slave, which he is hereby authorized and empowered to do, to any person competent to possess or hold the same; but in default of such sale by such slave, it shall be lawful for the owner of such slave, or for such owner's representative, to sell or cause such property to be sold or not at his discretion, to the best advantage, for the benefit of such slave, and pay over the amount thereof to the person entitled thereto,

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thereto, within three months after receiving the same, under the penalty of three times that amount; and such sale and any conveyance consequent thereon, in the name of such owner for the slave, is hereby declared to be valid and effectual in the law; and further, if at the time aforesaid, or at any time thereafter, any slave be or shall become entitled to any such property as such slave is hereby declared to be incompetent to hold or possess, the owner of such slave, or such owner's lawful representative, shall be and he is hereby declared to be competent to sue if need be, as the *prochain ami* of such slave in any court of justice for the same, and upon recovery thereof shall cause such property to be sold and conveyed as hereinbefore directed for the benefit of such slave, or upon the recovery or the receipt of the value thereof, shall pay over the amount within three months to such slave, or to such person as may be entitled to receive the same, under the penalty of three times the value or three times the amount aforesaid.

And be it further enacted, that if any slave possessed of or entitled to any kind of property whatever shall happen to die intestate, such property shall be distributed according to the provisions of the statutes of distribution of intestates estates, now or hereafter in force within this island; provided nevertheless, that in case such slave shall die intestate without any next of kin, the property of such intestate slave shall go to the owner of such slave for the sole purpose of being recovered and appropriated by such owner or his lawful representative, to or be distributed at his discretion among the reputed kindred of such intestate slave.

And be it further enacted, that if any slave possessed of property shall be convicted or attainted of any crime whereby such property would be forfeited to our Sovereign Lord the King, such property shall from and after the passing and publishing of this Act not be forfeited to His Majesty, but shall go to and be appropriated or distributed as hereinbefore provided in cases of intestacy.

And be it further enacted, that any contract by or between any slave and his or her owner, shall be and is hereby declared to be lawful and mutually binding between the parties thereto, in like manner as such contract would be in the case of free persons, and the same shall not affect or in any manner whatever annul, abridge or prejudice the proprietary or other rights of such owner over such slave, otherwise than according to the express terms of such contract, and the legal and equitable construction of such terms.

And be it further enacted, that all civil wrongs or criminal offences done to or committed against any slave by the owner of such slave, shall be investigated, tried and redressed, and such offender punished by the same means, and in the same manner as in the case of any indifferent white or free persons, except where such investigation, trial, redress or means of punishment may have been or may be expressly provided for by any positive law in force within this island.

And be it further enacted, that any person except a slave who shall or may offend against this Act, except as hereinbefore provided, shall or may be prosecuted by indictment in the Court of King's Bench and Common Pleas of this island, provided such prosecution be commenced within twelve calendar months next after the commission of the offence, and not afterwards.

Dated at St. Christopher, this 10th day of October, in the ninth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1828.

(signed) *Wm. Pemberton*, Speaker.

Enclosure 4, in No. 32.

NEVIS :—An Act to prevent the Separation of Slaves by Sale or Transfer in certain cases, without their Consent.

WHEREAS the hardships or inconveniences imputable to the separation of slaves, being husband and wife, or parent and child, or reputed parent and child, and members of one and the same family, or belonging to one and the same owner, or to the same owners, by sale or transfer, in large colonies, can scarcely arise in this small island, yet it being expedient to prevent the possibility of such occurrence, by means or by virtue of any legal process, except in criminal cases, without the consent of the slaves; May it please Your most excellent Majesty, that it may be

be enacted, and be it and it is hereby enacted, by the Commander-in-Chief for the time being of His Majesty's Islands of St. Christopher, Nevis, Anguilla, and the Virgin Islands, and the Council and Assembly of this Island of Nevis, and by the authority of the same, that after the passing and publishing of this Act, it shall not be lawful to separate, by means of sale or transfer under or by virtue of any legal process, except in criminal cases, any slaves being lawful husband and wife, and belonging to one and the same owner, or to the same owners, and living upon one and the same plantation or establishment in this island, nor any child or children under the age of twelve years, from the father and mother, or from the reputed father or the reputed mother, under like circumstances, unless it be with the free will and consent of such parent or parents, as the case may be, or of such husband and wife respectively, but that such slave shall, unless with such free will and consent as aforesaid, be levied upon, and except in criminal cases, be sold respectively together, and to one and the same purchaser, or to the same purchasers; and every sale made contrary to the true intent and meaning of this Act, shall be and the same is hereby declared to be absolutely null and void, to all intents, constructions and purposes whatsoever.

And be it further enacted, that if the provost marshal of this island, or his lawful deputy, or any other ministerial officer making any levy upon any slave or slaves, under or by virtue of any writ of execution, or judgment or process in any civil suit, shall not, before the time appointed for sale, be able to ascertain whether any such slave or slaves have or have not a lawful husband or wife, or any child under the age of twelve years, as the case may be, and under the circumstances hereinbefore mentioned, it shall be the duty of such provost marshal, or his deputy, or other ministerial officer aforesaid, to make a special return of any and every such matter to the court out of which such writ or process may have issued, or to any judge or justice thereof; and the judges or justices of such court, or any two or more of them, shall, either in or out of court, forthwith examine into the same, and decide thereon according to law, and to this Act; whereupon such court, or such judges or justices thereof as aforesaid, shall make or grant a rule upon such provost marshal, or his deputy, or on such other ministerial officer, requiring him either to proceed to the sale of the slave or slaves levied upon, or finally and absolutely to stay the same, as the case may require, by virtue of this Act.

And it be further enacted, that it shall be also the duty of any such provost marshal, or his deputy, or any ministerial officer levying as aforesaid upon any slave, to insert or cause to be inserted, in the usual notice, advertisement or publication of sale, a clause, calling upon all persons who may have or know of any claim of affinity or kindred within the meaning of this Act, with respect to such slave, to declare and show the same, and also to interrogate such slave touching such affinity and kindred, and to enter in his book of sales a memorandum thereof, and of the substance, being material of the answers, and to sign his name to such memorandum in the presence of the persons who may attend at such sale, and to govern himself thereupon, according to the circumstances and to the regulations prescribed by this Act; and such memorandum, so entered and signed, shall be deemed and taken to be sufficient evidence of such interrogation and answers having been made and entered.

And be it further enacted, that if after such notice, advertisement or publication of sale as aforesaid, any such claim as aforesaid shall not have been declared, and if after such interrogation as aforesaid, any affinity or kindred as aforesaid shall not have been made known, and a sale thereupon shall have ensued, and it shall be afterwards discovered that a separation was thereby occasioned, which it is intended by this Act to prevent, such sale nevertheless shall be and is hereby declared to be valid and effectual, anything in this Act contained to the contrary thereof in anywise notwithstanding: Provided always, that such provost marshal, or his deputy, or other ministerial officer, shall not otherwise have had *bonâ fide* any knowledge or information directly or indirectly of the existence of such claim, affinity or kindred.

And be it further enacted, that if such provost marshal, or his deputy, or other ministerial officer as aforesaid, shall wilfully and knowingly omit to insert, or to cause to be inserted in the usual notice, advertisement or publication of sale, a clause as aforesaid, or to enter and sign such memorandum as is hereinbefore directed to be entered and signed, or shall wilfully and knowingly make any false entry concerning the matters hereinbefore specified, or any of them, or if such provost marshal, or his deputy, or other ministerial officer or other person whoso-

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ever, shall wilfully and fraudulently erase, alter, obliterate, cancel or destroy any such memorandum, after it shall have been entered and signed as aforesaid, such provost marshal, or his deputy, or other ministerial officer or other person, shall be deemed and taken to be guilty of a misdemeanor, and being duly convicted thereof as hereinafter mentioned, shall be liable to such penalty or imprisonment, or both, as hereinafter prescribed.

And be it further enacted, that if any officer or person whosoever, such person being of free condition, shall offend against any provision of this Act, such officer or person so offending shall be liable to be prosecuted by indictment in the Court of King's Bench and Common Pleas of this island for each and every offence, and upon conviction, to be fined at the discretion of the court, in any sum not exceeding fifty pounds, current money, or imprisoned in the common gaol for any time not exceeding twenty days, or shall be both fined and imprisoned as aforesaid, and such fine or imprisonment shall not be a bar to any action or suit, nor allowed to be any mitigation of damages to or by the party grieved; and if such offender shall be a slave, such slave shall be proceeded against, prosecuted and punished in such manner as the law directs in the case of misdemeanors committed by slaves: Provided always, that such indictment, or suit or action or prosecution, be instituted, commenced or prosecuted respectively, within twelve calendar months next after the commission of such offence, and not afterwards.

Dated at St. Christopher, this 10th day of October, in the ninth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1828.

(signed) *Wm. Pemberton,*
Speaker.

— No. 33. —

Sir,

St. Christopher, 8th November 1828.

I HAVE the honour to acknowledge the receipt of your circular despatch of the 3d September, accompanied with a letter of instructions respecting it, which have been duly attended to.

I have also had the honour to receive your circular despatch of the 15th September, explaining more fully than in the former letter, the views which are taken by His Majesty's Government on some of the leading topics relating to the slave population.

I shall take the earliest opportunity of conveying to the leading members of the respective houses of legislature, the general sentiment of His Majesty's Government upon the great outline of the important questions which relate to the slave population. In this island, and in Nevis, I entertain great hopes that the views of Government on this important subject will be met with candour, and with an anxiety to carry them generally into effect. In Tortola, from the very diminished state of the population, it has become difficult to form an Assembly, which very much retards the public business. In Anguilla, I think the inhabitants will be very much governed by the proceedings of this island.

Regarding the free people of colour, to whose situation reference is had towards the close of your first despatch, I would beg leave to observe, that in this colony they are not debarred by law from any privilege except a seat in the House of Assembly. The elective franchise has lately been granted to them by an Act passed for the purpose. They are treated with respect and attention, and I firmly believe they live as happily here as in any part of his Majesty's dominions.

I have, &c.

(signed) *Stedman Rawlins.*

To the Right Honourable Sir George Murray, G.C.B.
&c. &c. &c.

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— No. 34. —

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Sir,

St. Christopher, 13 March 1829.

I HAVE the honour to enclose a copy of an Act passed by the Legislature of Nevis, intituled "An Act more effectually to facilitate the Manumission of Slaves in the Island of Nevis, and to repeal all Acts and Clauses of Acts relating thereto."

I have, &c.

(signed) *Chas. W. Maxwell.*

The Right Honourable Sir George Murray,
&c. &c. &c.

Enclosure in No. 34.

AN ACT more effectually to facilitate the Manumission of Slaves in the Island of Nevis, and to repeal all Acts and Clauses of Acts relating thereto.

WHEREAS it is expedient to afford every facility to the manumission of slaves in this island, which may be consistent with the general welfare, and with a due regard to the rights and interests of private property; May it therefore please Your most excellent Majesty that it may be enacted, and be it and it is hereby enacted, by his Excellency the Captain-General and Governor-in-Chief of Your Majesty's Islands of Saint Christopher, Nevis, Anguilla, and the Virgin Islands, and the Council and Assembly of this Island of Nevis, and by the authority of the same, that for the time to come it shall be lawful, as it always hath been, for the owner or owners of any slave of, within or belonging to this island, to manumit and make free any slave, either by deed for a valuable consideration, or as a voluntary act of benevolence, or by last will and testament, to direct the same to be done, whether such will and testament be or be not executed and attested, or made so as to pass real estate, unless such manumission be fraudulent by the common law or by force of any law or statute: Provided always, that before any such manumission shall be allowed to be recorded or shall be deemed to make free any such slave, such slave shall be produced before any three or more justices of the peace, who shall examine such slave so as to be satisfied as to the identity of the same, and whether such slave be or be not incapacitated by reason of infancy, old age, or mental or bodily infirmity, or disease, or other cause, from earning or procuring a competent maintenance, or be or be not likely to become chargeable to any parish, or to the public of this island by reason thereof, or whether such slave be or be not possessed actually and *bonâ fide* of the means of sustaining himself; and if such justices of the peace shall be satisfied that such slave be not incapacitated as aforesaid, or be not likely to become chargeable as aforesaid, or be either capable of earning his livelihood or have the means of sustaining himself, then and in every such case such justices shall certify the same in writing under their hands and seals: But if the said justices shall be satisfied that such slave be incapacitated as aforesaid, or be likely to become chargeable as aforesaid, or be not capable of earning his livelihood, or have not the means of sustaining himself, then and in every such case such justices of the peace shall require the owner or owners of such slave, or the lawful representative of such owner or owners, or some person whom they the said justices shall approve, for or on behalf of such slave, to give security, either alone or with sureties, as they the said justices shall judge requisite, by recognizance to our Sovereign Lord the King, in the usual form, and for such sum of money as they the said justices shall deem right, and to be acknowledged before them or one of them, to indemnify and save harmless any and every parish of this island, and the public thereof, against such slave becoming after manumission chargeable thereto by reason of either or any of the causes or matters aforesaid, and to keep such slave after manumission in medical attendance, care and medicine, and in necessary and sufficient food, raiment and support; and thereupon such justices shall grant a certificate according to the fact, in like manner as hereinbefore directed, and shall cause such recognizance to be recorded in the secretary's office

Clause 1.

Slave may be manumitted by owner if not likely to become chargeable to the public; or if likely to become so chargeable the owner to enter into a recognizance for such sum of money as three or more magistrates shall require, to indemnify the island.

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office at the public expense, and after such record to be deposited with the treasurer of this island or his lawful deputy for the purposes hereinafter mentioned, and any certificate required by this Act, together with the deed of manumission, which shall in every case be executed within thirty days after the date of the certificate shall be duly proved and deposited for being recorded as aforesaid; and any slave manumitted or intended to be manumitted in manner aforesaid, shall not be nor be deemed or taken to be free until from and after the time when such deed of manumission and certificate shall have been actually deposited as aforesaid.

Clause 2.
Secretary to record deed of manumission, &c. upon payment of his fees.

And be it further enacted, that the secretary of this island or his lawful deputy shall immediately receive and deposit, and regularly record any and every deed of manumission, with the certificate thereto belonging, which shall be presented to him for those purposes duly proved, and shall thereupon give a certificate under his hand gratis, which shall specify the names of the parties to such deed, and the date thereof, and also the hour of the day and date, in words at length, when the same shall have been so presented; provided that at the time of such presentation the fees established by law for registering, recording and certifying such deed, probate and certificate be tendered to him in money, or the payment thereof secured to his satisfaction.

Clause 3.
In cases where freedom is bequeathed to a slave by will, executor, &c. to complete such manumission if testator shall leave sufficient assets or real estate.

And be it further enacted, that where any freedom may have been or shall be bequeathed or devised or directed by any such last will and testament as hereinbefore mentioned, the executor or administrator, next of kin, or heir-at-law or devisee, as the case may be, shall prove the said last will and testament, and shall confirm or complete such intended manumission by the means and in the manner hereinbefore directed, if such executor, administrator or next of kin shall have assets sufficient, or the heir-at-law or devisee shall take or inherit from the testator sufficient real estate; but that no executor or administrator, nor heir-at-law or devisee shall be bound to confirm or complete such manumission unless such executor or administrator, heir at-law or devisee shall receive sufficient assets, or inherit or take sufficient real estate, clear of debt, to enable him or them to confirm or complete such manumission as aforesaid: Provided always, that any slave to whom freedom may have been or shall be bequeathed, or intended or directed as aforesaid, shall not be assets in the hands of the executors or administrators for the purpose of raising money to pay any legacy.

Slaves shall not be deemed assets to raise money to pay a legacy.

Clause 4.
Mode of redress for slave in cases where difficulty shall be raised by executors, &c.

And be it further enacted, that where any difficulty shall arise or be made by any executor, administrator, next of kin, heir-at-law or devisee, or any person claiming or pretending to any right or control over the property of any testator, who shall have by will manumitted, or intended or directed to have manumitted any slave, it shall be lawful for the slave intended by such will to be made free or manumitted who shall consider himself aggrieved, to apply to any magistrate, which magistrate is hereby authorized to present, either by himself or by counsel, to the chancellor or to the chief judge, or in case of his absence or disability, to any other judge of the Court of King's Bench and Common Pleas of this island, at the option of such magistrate, but at the charge and expense of such slave, a petition in the name of such slave, in which shall be stated briefly the case of such slave, and shall contain a prayer for redress; and the party complained of shall answer thereto upon oath, to be taken before a master in Chancery or such justice as aforesaid, or before the secretary of this island, or his lawful deputy for the time being, and briefly set forth the reasons or excuse for not complying with the will of such testator, and why the prayer of the petitioner should not be granted; and the chancellor or justice aforesaid may receive affidavits, sworn to as aforesaid on both sides, and on hearing shall make such order as to him shall appear just and equitable, which order shall be final and without appeal; and for doing and performing the several matters and things hereinbefore required, or such other matters and things as may be requisite and necessary by them to be done and performed, the chancellor or justice, officers of the court, counsel and solicitors, shall be entitled to receive the fees set down in the docket hereunto annexed, and no more, which the chancellor or justice shall or may direct to be paid by either party, or by and between both, as he shall deem right; and if he shall fix the costs on the complaining party, he shall or may, at his discretion, make an order in such case on the treasurer of the island for the payment of the costs, not exceeding the sum of twenty pounds current gold and silver money; and the amount of such order the said treasurer is hereby authorized and required to pay in cash, out of any public monies which may be in the treasury,

to the solicitor for the complainant, who shall distribute the amount received as by the docket aforesaid is directed, or in proportion thereto.

And be it further enacted, that if at the time of passing and publishing this Act, or at any time thereafter, any impediment to effecting any manumission according to the true intent and meaning of this Act shall or may exist or arise by reason of the owner of any slave desirous of purchasing his freedom being a minor or married woman, or idiot or lunatic, or being under any legal or other disability, or by reason of the owner of such slave not being known, or by reason of any suit or action depending in any court of justice in this island or elsewhere, in which the title to such slave, or the right to the services of such slave, be in controversy, then and in every such case any such slave, or any person on his behalf, who may wish for redress may complain of such impediment to any magistrate, being a justice of the quorum, who shall immediately thereupon, or within ten days, associate with himself two or more magistrates, (also of the quorum,) and any such three or more justices shall by any lawful ways and means, without unnecessary delay, investigate the case, and if upon such investigation duly had, any such three or more justices shall be satisfied that such impediment as aforesaid doth absolutely and *bonâ fide* exist, then and in every such case any such three or more justices shall distinctly state and specify in writing such impediment according to the fact, and shall fully, fairly and justly, to the best of their skill and judgment, appraise such slave, and shall, without unreasonable delay, certify in writing under their hands and seals the amount of such appraisal, and of the particulars of such impediment, to the treasurer of this island or his lawful deputy; and such treasurer or deputy is hereby authorized and required to receive the amount of such appraisal when tendered to him in money, provided that in the meantime the owner shall not be discovered or his legal representative appear, and upon receipt thereof, and of such last-mentioned certificate, and on the production to him of such other certificate, or certificate and recognizance, as the case may be, as are hereinbefore directed respectively to be obtained and entered into previously to the execution of any deed of manumission, such treasurer or deputy is hereby authorized, empowered and commanded to execute in his own name, agreeably to the form set forth in the Schedule to this Act annexed, a deed of manumission in favour of such slave; and by force of such deed, and by virtue of this Act, such slave as last aforesaid shall be and he is hereby declared to be free, to all intents, constructions and purposes whatever, from and after the time of depositing such last-mentioned deed of manumission with the secretary of this island as hereinbefore prescribed, and not sooner nor otherwise.

And be it further enacted, that every sum of money which shall be paid into the treasury of this island in consideration of any manumission as last above mentioned, shall there remain and be a lien upon the public revenues thereof, and shall bear interest at and after the rate of four pounds per centum per annum, for the benefit of the person, or the heirs, executors, administrators, devisee or assigns of such person as shall or may have been lawfully or equitably entitled to the slave manumitted as hereinbefore last mentioned, and shall be under and subject to all such and the same claims and demands, of what nature or kind soever, as such slave was under and subject unto at the time of such manumission; and that every such sum and sums of money in every case, together with such interest as aforesaid which shall have accrued thereon respectively, shall be paid over by the treasurer of this island or his lawful deputy, upon summary application, to such person as shall produce to him an office copy of any judgment of a court of law, or exemplification of any decree or order of a court of equity, or any other authenticated document which shall show such person to be entitled to receive such money: Provided always, and be it further enacted, that as soon as any of the disabilities hereinbefore mentioned or intended shall be known to the treasurer of this island or his lawful deputy to have been removed, in the case of the manumission of any slave, pursuant to this Act, wherein the consideration money shall have been paid into the treasury of this island as hereinbefore directed, such treasurer or his deputy shall give notice to the person whose disability shall have been removed to receive such money, and interest accrued thereon, and that from and after such notice all interest shall utterly cease.

And be it further enacted, that if any person manumitted as hereinbefore directed shall, after such manumission and such security taken as hereinbefore required, become chargeable to any parish or to the public of this island, or if the cognizor shall not keep such person in medical attendance, care and medicine, and in neces-

Clause 5.
In cases of difficulty arising from owner being a minor, &c. or under any legal disability, slave to be appraised, the treasurer to receive the amount, and execute a deed of manumission according to the form in Schedule.

Clause 6.
Money so paid to the treasurer to be a lien upon the revenues of the country at 4l. per cent for the benefit of the slave's owner, &c. but upon removal of disabilities, treasurer to give notice to the party entitled to the money, and interest to cease.

Clause 7.
If manumitted person, on account of whom a recognizance shall have

been taken, become chargeable, treasurer shall put the recognizance in suit, and apply the money recovered from the cognizor to indemnify the public.

Clause 8.
If any person be excepted to, in or out of court, as being a slave, *onus probandi* to be upon the person challenging.

But nothing herein contained to annul the 24th clause of the Registry Act.

Clause 9.
This Act not to compel the manumissions of slaves against consent of owners.

Clause 10.
No fee to be taken except as provided by this Act.

Clause 11.
General indemnity clause.

Clause 12.
Certain Acts cited, and all Acts now in force relating to the manumission of slaves repealed.

sary and sufficient food, raiment and support, the treasurer of this island or his lawful deputy shall, and he is hereby authorized and enjoined to put in suit the recognizance which may have been taken by virtue of this Act, and shall use His Majesty's name for that purpose; and upon recovery and receipt of the debt shall apply the amount towards the indemnification of the parish, or of the public of this island to which such manumitted person may have become chargeable; and if any surplus shall remain, then such surplus shall be applied towards the future maintenance and support of such manumitted person.

And be it further Enacted, That if any black or coloured person now or hereafter within this island shall be excepted to, or challenged in or out of court on the ground that such person be not free, and it shall happen that such person shall not have any authenticated voucher of his or her freedom or lawful manumission, it shall rest upon the person taking such exception or challenge to prove that such black or coloured person be a slave: Provided always nevertheless, that nothing herein contained shall be deemed, taken or construed to extend to the annulling or abrogating of the twenty-fourth clause of an Act, intituled, "An Act for establishing a Registry of Negro and other Slaves in the Island of Nevis," relating to the arrival in this island from other parts of every negro or person of colour professing himself or pretending to be free.

And be it further enacted, that this Act shall not extend, nor be deemed, taken or construed to extend, in any manner or degree whatsoever, to compel or enforce the manumission of any slave against the free will and consent of the owner or of the guardian, trustee or committee of such owner, as the case may be, except in the cases which are hereinbefore expressly provided for.

And be it further enacted, that any judge, justice, officer or person whosoever doing or performing any matter or thing by this Act required of or by him in relation to manumissions to be done and performed, shall not demand any fee, reward or remuneration for the same, otherwise than as may be expressly provided for in and by this Act.

And be it further enacted, that if any action, suit or prosecution shall be commenced or instituted against any judge, justice, officer or any person whomsoever, for any matter or thing done or performed under or by virtue of this Act, it shall and may be lawful to and for the defendant in such action, suit or prosecution, to plead, over and above the protection provided in and by an Act of this island, intituled, "An Act for rendering Justices of the Peace more safe in the execution of their office, and for indemnifying Constables and others acting in obedience to their warrants," and which Act is hereby extended to all and every such judges, justices, officers or persons as aforesaid, the general issue, and to give this Act and the special matter in evidence; and if the plaintiff in such action or suit shall discontinue such action or suit, or shall be nonsuited, or if judgment be given against him, or if the defendant in any such prosecution shall be acquitted, or if judgment be given in his favour, then and in every such case every such plaintiff, and every person who shall have caused such prosecution respectively, other than His Majesty's attorney-general, solicitor-general or counsel, acting *bonâ fide* officially, shall pay to such defendant treble costs, for which such defendant shall have the like remedy as he might have in any other the like cases.

And be it further enacted, that as soon as this Act shall be in force, an Act intituled, "An Act for regulating the Manumission of Slaves," and the Act intituled, "An Act to repeal an Act intituled an Act to regulate the Manumission of Slaves," which by the repeal of the first-cited Act would be revived, shall be, and the same is and are hereby declared to be repealed; and also all and every Act relating to the manumitting of slaves, and all, every and any clause or clauses of any other Act whatsoever which relate thereto, and which may be in force within this island if any such there be, shall be and the same is and are hereby declared to be null and void within this island, to all constructions and purposes whatsoever, from and after the passing and publishing of this Act.

Dated at St. Christopher this 18th day of December, in the ninth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1828.

(signed) Wm. Pemberton,
Speaker.

SCHEDULE referred to in and by the foregoing Act.

Docket of FEES, to be paid in current gold and silver money.

CHANCELLOR, CHIEF JUDGE or other Judge:		£.	s.	d.
For receiving petition, fixing court or making order for party to appear or answer	- - - - -	1	-	-
For attending, hearing and making the necessary order or orders	- -	1	17	6
For signing order or orders	- - - - -	1	-	-
In case of contempt, costs, as usual, payable by party who offends.				
MASTER or SECRETARY:				
For administering each oath required in the cause on both sides	- -	-	2	-
In case of contempts as above.				
REGISTRAR or SECRETARY:				
For attending court or judge, and minuting all orders and directions	-	1	-	-
And for a fair copy of such papers as are required, 2s. per folio of 90 words.				
In case of contempts, costs as above.				
MARSHALL:				
For his attendance, &c. when required	- - - - -	1	-	-
In case of contempts as above.				
COUNSEL:				
Fees on the whole matter	- - - - -	6	12	-
SOLICITOR or ATTORNEY:				
Fees on the whole matter	- - - - -	3	6	-

Form: Deed of Manumission by Treasurer or his Deputy.

"KNOW all men by these presents, that I, _____ treasurer (or deputy treasurer) of the Island of Nevis, for and in consideration of the sum of (*in words at length*), current money of the said island, into my hands well and truly paid at or before the sealing and delivery of these presents by (*name and condition of payer*), for the manumission of (*name and particularly describe the slave and the owner, &c. as the case may be*), pursuant to the Act of the said Island of Nevis in such case made and provided; the payment and receipt of which said sum of money is and are hereby acknowledged, have manumitted, enfranchised and set free, and by the power and authority in me vested by the said Act do, to all intents, constructions and purposes whatever by these presents manumit, enfranchise and set free the said (*name and describe the slave only*), for ever. In witness whereof I, the said (*treasurer or deputy treasurer, as the case may be*), have hereunto set my hand and seal the (*words at length*) day of (*name the month*), in the year of our Lord (*words at length*).

Signed, sealed and delivered in the presence of

(L. S.)

— No. 35. —

Sir,

Downing-street, 8th June 1829.

WITH reference to Mr. Huskisson's despatch dated the 7th March 1828, I have the honour herewith to transmit to you an Order of His Majesty in Council, leaving to its operation an Act passed by the Legislature of the Island of St. Christopher, on the 3d of January 1828, intituled "An Act for further improving the condition of the Slave Population of the Island of St. Christopher."

18th March 1829.
No. 225.

I have, &c.

(signed) GEORGE MURRAY.

Governor Maxwell,
St. Christopher.

ST. VINCENT.

S T. V I N C E N T.

— No. 36. —

Extract of a Despatch addressed by Sir C. Brisbane to the Right Honourable William Huskisson, dated 9th February 1828.

“ I HAVE the honour to transmit herewith copy of an Act of the Legislature of this Island, bearing date the 6th day of September 1827.”

Enclosure in No. 36.

AN ACT to alter and amend an Act, intituled “ An Act to repeal an Act intituled, An Act for making Slaves real estate,” and the first clause of an Act intituled “ An Act to appoint Commissioners for the purpose of obtaining an exact account of the number of the Coloured Free People and number of Negroes within this government and its dependencies, and to ameliorate the condition of the Slaves, and for other purposes.”

WHEREAS, by the sixty-sixth clause of the Act of the legislature of this Island, passed in the sixth year of His Majesty's reign, intituled “ An Act to repeal an Act, intituled, An Act for making Slaves real estate,” and the first clause of an Act intituled “ An Act to appoint Commissioners for the purpose of obtaining an exact account of the number of the Coloured Free People and number of Negroes within this government and its dependencies, and to ameliorate the condition of the Slaves, and for other purposes,” it is enacted, “ that no person should from thenceforth be rejected as a witness, or considered as incompetent to give evidence, in any cases of murder, felony or any other offence which shall subject the party or parties guilty thereof to suffer death or transportation, by reason of the said witness being in a state of slavery: Provided always, that the slave or slaves produced as a witness or witnesses, shall at the same time produce before the judge, justice of the peace, or court to which any grand jury or petty jury are summoned, a certificate of his her or their baptisms, under the hand of the clergyman of the parish in which he she or they shall have been resident at the time of his her or their baptism, or an extract of the entry of such baptism, from the registry of such parish or cure, and also a certificate under the hand of a clergyman, or of the proprietor or the attorney of the proprietor of such slave or slaves so produced as a witness or witnesses, that such slave or slaves is or are of good character and repute, and that he she or they have been sufficiently instructed in the principles of religion, as in the judgment and belief of the party so certifying, to understand the nature and obligation of an oath; and provided also, that the court before which such slave or slaves is or are produced as a witness or witnesses, shall be satisfied on examination with such certificate, and of the accuracy of the facts therein certified:” And whereas it is expedient that the said clause should be altered and amended, so as to exempt slaves produced as witnesses against slaves for any of the offences therein mentioned, from the operation thereof, and to restore the advantages which had been previously secured to them by the laws of these Islands. We, therefore, Your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief of this Island and its dependencies, and the Council and Assembly of the same, pray Your most excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid, that from and after the publication of this Act, in all cases where any slave or slaves shall be produced as a witness or witnesses, before any judge, justice of the peace, or court, against any other slave or slaves, charged with the commission of offences mentioned in the said clause, or any other offence whatsoever, it shall not be necessary to produce the certificates in the said clause mentioned and required; but that the competency of such witness or witnesses shall be left to the judgment and discretion of the judge, justice of the peace or court before whom such witness or witnesses shall or may

Reciting 66th
clause former Act.

Repealing same.

Evidence of one
slave good against
another without
certificates.

Competency of
witnesses left to
the judge.

may be so produced, anything in the said recited Act to the contrary notwithstanding.

ST. VINCENT.

Dated at Kingstown, this fifth day of September, in the eighth year of the reign of our Sovereign Lord George the Fourth, by the Grace of God of United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1827.

(signed) *John Dalzell*, Speaker.

— No. 37. —

Sir,

Downing-street, 3d September 1828.

AMONG the subjects to which my notice has been called since I received the seals of the colonial department, there is none which has appeared to me more deserving of attention than that of the measures in progress for improving the condition of the slaves in the West India colonies.

During the late session of Parliament, the Ministers of the Crown took occasion to express in their places the settled purpose of His Majesty's Government to adhere strictly to the resolutions which were passed unanimously in the House of Commons on the 15th May 1823, and unanimously adopted in the House of Peers on the 7th March 1826.

It is the object of this despatch to convey to your Excellency the strong sense which, in common with all my colleagues in office, I entertain of the obligations imposed upon His Majesty's Government by this solemn and reiterated engagement, and to call upon your Excellency assiduously to employ your endeavours to convey the like impression to the Legislative Council and to the House of Assembly in the island of Saint Vincent.

The specific measures of improvement which it appeared most urgent should be adopted for ameliorating the condition of the slave population, have been already brought under the notice of the several colonial legislatures in so pointed a manner by the despatches of my predecessors in this office, that it might appear a needless work if I again recommend each of them separately to your particular attention; and it might seem even to imply my entertaining an opinion, either that the attention of the colonial legislatures had at no time been sufficiently alive to the importance of these specific measures, or that there existed in the colonies so rooted an indisposition to the introduction of some of them, that no progress has been made towards their adoption.

It is my anxious desire, however, to admit no such unfavourable opinion of the disposition existing in the colonies, and I shall therefore confine myself in a great measure, at present, to calling back your attention to the resolutions of Parliament, adverted, incidentally only, to their specific application by particular enactments. And I adopt this course the more willingly, because I think it possible, that the protracted discussions which have occurred upon this important question may have generated an opposition, the result rather of diversity of opinion upon particular points, than arising from any want of a common assent to the principles laid down in the resolutions of the two Houses of Parliament, which must form the basis of all wise legislation upon the subject, and which reason and humanity equally recommend.

There are two objects, for the attainment of which it is necessary that effectual provision should be made. The first of them is, the gradual elevation of the moral character of the slave population; and the second is, the due protection of all the just rights of property which existing laws have vested in the owners of the slaves.

I am perfectly aware that there may be found many very respectable persons, in whose minds the force of prejudice or the influence of habit, and perhaps also a too restricted view of their own individual interests may have established a conviction that the two objects above mentioned are wholly incompatible, and that a choice must at once be made between a positive sacrifice of the rights of property on the one hand, or a positive denial on the other, of the advantages which humanity has sought to obtain for the slaves.

The steps, however, which have been already taken in several of the colonies, and the progress which has been so happily made in some of them towards the amelioration

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amelioration of the condition of the slaves, induce me to conclude, that the extreme opinions which I have above adverted to are not very generally entertained, and lead me at the same time to form the expectation, I trust not too sanguine a one, that the example of those colonies which have advanced the furthest without any detriment having resulted from their liberal line of policy, will persuade others that it is possible to imitate, without risk, these laudable proceedings.

But although I am disposed to believe that motives of sound and enlightened policy, as well as those of a more sacred and more elevated character, will induce gentlemen holding the station of members of the local legislatures, as well as other individuals possessed of influence in the colonies, to lend a favourable ear to the repeated appeals which have been made to their judgment, and to their feelings, upon this important and interesting subject; it would be improper however to omit stating, that there are also other calls upon them, which render every day more and more urgent, as a measure of necessary policy, the ameliorating the condition of the slave population; for it can scarcely be doubted, that of the two alternatives, that of withholding amelioration, and that of effectually improving the condition and the character of the slaves, the latter is the one which holds out by far the best prospect, under the existing circumstances of the world, for general tranquillity, and for the security of property in the colonies.

Although it be my intention, as I have already stated to your Excellency, not to enter into a detailed review of each of the individual measures which have been already so often and so urgently pressed upon the attention of the colonial legislatures by my predecessors, I must advert pointedly, however, to a few which I deem to be of peculiar importance. The first of these is, the religious instruction of the slaves.

It must be obvious to every man capable of reflection, that independently of the sacredness of the obligation which requires that no impediments should be placed in the way of their acquiring a knowledge of the great truths of religion, there is no more certain mode of advancing their civilization without detriment or danger to society at large, than by religious instruction. It is necessary, however, that this important object should not be entrusted solely to individuals, but that provision should likewise be made for it by law, in order to guard against the injury which society would sustain by the want, in any one, of a just sense of its importance. Amongst the enactments which will suggest themselves upon this subject, there is none which appears more proper, more becoming in itself, or which it is more incumbent upon the legislature of every Christian country to enforce than the due observance of Sunday. It is most desirable, therefore, that Sunday should be to the slave population in all the colonies, a day of entire relaxation from compulsory labour, and open to be devoted to religious duties and to moral instruction.

I am aware, however, that whilst provision is made for securing to the slave sufficient time and opportunity for religious instruction, and every latitude is allowed with respect to the mode of his instruction which the spirit of toleration demands, it is very fit notwithstanding that certain local regulations should be established, to guard against those abuses and that misapplication to which the best institutions are liable, and to obviate those disorders which might be occasioned, or the apprehension of which might at best be reasonably entertained if an unrestricted liberty were permitted, to assemble considerable bodies of the slave population at unseasonable hours, or without the previous sanction of their owners.

The next object which I am desirous strongly to recommend to the favourable consideration of the colonial legislatures, is the admission of the evidence of slaves.

This may appear to some of the colonies to be still too great a step to be at once taken; but the concessions already made upon this point by others of the colonial legislatures, induce me to hope that the principle is gradually gaining ground in the West Indies, and that it will ere long be generally felt, that by elevating the slave to the rank of a person whose evidence is admitted under the same restrictions only under which that of free men is received, and by teaching him and his fellow subjects that the avenues of justice are not closed against his testimony in any case whatsoever, an important improvement will be effected, as well in the character of the slaves themselves, as in the general feeling and conduct of the population at large.

The only other object which I shall advert to is the situation of that portion of society in the colonies which comes under the general denomination of people of colour.

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It appears to me that it would be wise to act with much liberality towards this class of individuals; and I am to direct, therefore, that your Excellency will strongly recommend their interests to the favourable consideration of the local legislature.

I have now gone through all the subjects which it was my intention particularly to touch upon in this despatch. It is my painful duty, however, before I conclude, to express to your Excellency the regret which has been felt by His Majesty, at the little comparative progress hitherto made in the Island of St. Vincent, towards the adoption of these measures.

I have, &c.

(signed) G. MURRAY.

Rear-Admiral Sir C. Brisbane, K.C.B.
&c. &c. &c.

ST. VINCENT.

— No. 38. —

Circular DESPATCH from Secretary Sir G. Murray, dated Downing-street, 15th September 1828, to Rear Admiral Sir C. Brisbane, similar to that addressed to the Lieutenant Governor of Jamaica. *Vide* page 8.

— No. 39. —

Sir, Government House, St. Vincent, 15th October 1828.

I HAVE had the honour to receive your circular of the 3d September last, and will embrace an early opportunity of directing the attention of the legislature to the importance of the measures therein so impressively detailed; and I trust you will have no reason to be dissatisfied with the liberal and progressive advance of this government, in the melioration of the condition of its slave population.

I have, &c.

(signed) C. Brisbane.

The Right Honourable Sir George Murray, G.C.B.
&c. &c. &c.

— No. 40. —

Sir, Government House, St. Vincent, 27th October 1828.

I HAD the honour to receive your circular of the 15th September last, this morning; and hope to have an early opportunity of reporting favourably to you on the various important subjects which it embraces.

I have, &c.

(signed) C. Brisbane.

The Right Honourable Sir George Murray, G.C.B.
&c. &c. &c.

No. 41. —

Sir, Government House, St. Vincent, 26th November 1828.

I HAVE now the honour to reply to your despatches of the 3d and 15th September, which I shall make as concise as possible, because I consider the subject, to which they so pressingly refer, to be nearly exhausted, as far as regards argument or explanation. It is admitted on all hands to be the most important question in its various bearings that has ever been agitated relative to our West India possessions, in a mere political point of view, and of the very last importance to their inhabitants of every description, whether in a state of freedom or bondage. It is therefore natural to suppose that where such vast and delicate interests are at stake, not only that the greatest diversity of opinion will prevail, but that great caution, nay, great dread and hesitation will be manifest on the part of those who hold all or nearly all the property, and consequently think they have the most at stake in the colonies. For my own part, I have been long enough resident in them,

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them, and I hope sufficiently acquainted with many of the important bearings of this great question to feel myself equally free from the precipitation and zeal manifest on the one hand, as I am from the prejudice and possibly the unnecessary apprehension entertained on the other.

The legislature of this colony, which is almost without exception composed of men of large estates in it, has within the last four years made repeated communications to me on the subject, and those communications have been as regularly transmitted to His Majesty's Government. I regret to add, that those communications bear so many marks of determination on the part of the Legislative Council and Assembly, and to my knowledge this decision is so completely fortified by public opinion in the colony, that I should neither act a candid part nor discharge my duty faithfully to His Majesty, if I did not deliver my opinion that no further steps will be taken here for some time to come, towards ameliorating the condition of slavery, always reminding you that I consider some of the most important measures lately adopted as constantly progressive. In support of this conclusion, permit me, Sir, to refer His Majesty's Government to the joint communications of the Council and Assembly to myself, of the 4th September 1823, and 5th September 1826, published in the volumes of Parliamentary Papers connected with this subject. They were transmitted by me at the time to your noble predecessor in office, the Earl Bathurst, and accompanied by short statements of my own. You will there find embodied the sentiments of those men of property whom I have already mentioned; and they develop some important opinions in my estimation on many of the propositions submitted by Earl Bathurst generally for the amelioration of slavery. I may truly add, that time does not appear to have influenced in any material degree the sentiments conveyed in those communications; or to have altered the determination therein expressed to watch for seven years from the date of the last communication the operation of the measures enacted by the Amelioration Law of this colony, passed in 1825, and now in force by His Majesty's Royal permission. This Act, no doubt, comprehends many humane and valuable improvements, and embraces some of those propositions which His Majesty's Government thought of the greatest importance, although in other points it falls far short of their expectations.

In St. Vincent, however, I can safely and truly declare, that Sunday is, in the fullest sense of the expression, a day of rest, and that the slaves are as completely exempt as they can be from compulsory labour on that day. No such thing is known, nor do the masters so rigidly exact the labour of the slaves on the other six days, as to render labour on their part on Sunday necessary for affording the means of subsistence. In support of this fact, I refer you to the 13th section of the Act in question, from which you will see that 26 days in every year are allowed, between the months of May and January, to the slaves, exclusive of Sundays and holydays, for the purpose of cultivating provisions for themselves; and I speak without fear of contradiction when I say, that not only does that time granted during the wet or growing season of the year, fully enable the industrious and well-disposed slave to provide himself amply with food, but leaves him a very considerable surplus of roots, vegetables, and small live stock for sale in the market. I believe, from continued observation on my part, that there is no object more interesting to the proprietor than to cheer on and encourage his slaves in the cultivation of their provision grounds. He knows, and he endeavours to impress that knowledge on the slaves, that this is the only sure method of making them comfortable, and I may add, of making them rich; therefore, the steady application of their labour on those 26 days becomes equally the object and the interest of the master and the slave; and I know that, in many instances, 30 days are allowed, because it is known that no sugar plantation can prove a productive concern to the proprietor, unless the negroes have ample grounds to cultivate, and sufficient time to cultivate them. My observations on this subject must however be understood to apply exclusively to the colony under my government.

But to return to the Sunday. I repeat, that it is really a day of rest and relaxation from labour; and it is expressly provided by law that it should be so, under a heavy penalty; but I am bound, in justice to the legislature, to say, that the penalty was uncalled for, and was enacted purely in deference to the wishes of Government; for in my long residence here I have never known or heard of any instance in which the proprietor had attempted to compel his slaves to work on Sunday. The very sailors who navigate the island craft or coasting vessels, who sometimes from the state of the weather are necessarily employed on Sunday,

day, always receive a handsome compensation in money from their masters. Tradesmen likewise, when accidents befall the machinery, or in other cases of emergency when called on to work on Sunday, always have another day allowed them, or receive a remuneration in money. ST. VINCENT.

As regards religious instruction, I am sure there are no impediments thrown in the way of it by any, and many are zealous in promoting it; it is rapidly making its way in every quarter. The ministers and catechists of the Established Church and the Wesleyan Missionaries are actively and earnestly engaged in the good work, and the latter are permitted to preach in their chapels, both in town and country, at all times and at all hours, but generally till eight o'clock, which at all seasons is several hours after sunset, the time when plantation labour ceases. The masters, in no instances I believe, interfere with the slaves in the choice of their place of worship; the church and the methodist chapel are equally at their own option.

The rights of property are recognized, and the property itself secured and protected to the slaves, by the fifth and sixth section of the Consolidated Slave Law; and marriage is encouraged by the tenth section.

On the more important, and I apprehend, diversified question of slave evidence, I cannot speak so decisively, although I have reason to believe this colony has, by the sixty-sixth section of the Act referred to, gone further in this subject than most of the other legislative colonies. I cannot refrain from again referring you to the communication from the Council and Assembly, of the 5th September 1826, where this subject is treated at some length, and where you will find an implied pledge, that when sufficient time shall have been allowed for them to judge from the working of the principle, so far as they have adopted it, then further approximation will be made towards its perfection, and to the satisfaction of Government, in all criminal matters. I press the reference of His Majesty's Government to those communications, because I am convinced, in the present state of public feeling here, no other answer can be obtained to the most pressing manner in which it is possible for me again to bring these matters under the consideration of the Council and Assembly.

On my part no exertions have been withheld; I may almost say, no entreaty has been spared to further the views of Government, and to promote the great cause of humanity. In public places, and in the most private and confidential parties of the most influential and important persons in the island, I have equally exerted myself to attain those objects; but what can we expect from men who apprehend they are walking on a precipice, with every thing they possess in this world on their backs? Can we wonder that, under such circumstances, their steps should be hesitating and slow? Any attempt to hasten their movements by force will at once render them immovable.

Allowances must be made for their fears and apprehensions, whether well founded or not; but I firmly believe there is a sincere desire, on the part of every intelligent proprietor here, to render the condition, both moral and physical, of the slaves as comfortable as possible; and in reality, in this favoured island, as to soil and seasonable weather, I believe few labouring classes in any part of the world enjoy a larger share of the real comforts of life than falls to the lot of the well disposed and industrious slaves in St. Vincent.

I have, &c.

The Right Hon. Sir George Murray, G. C. B.
&c. &c. &c.

(signed) C. Brisbane.

— No. 42. —

Sir,

Government House, St. Vincent, 14th April 1829.

ON the 27th November last, I had the honour of addressing you on the receipt of your circular of the 3d September preceding, expressing such opinions as a long residence and intimate acquaintance with that particular class of persons who are the subject of your communication enabled me to offer, as the result of my own observations.

I have now to acquaint you that, in pursuance of the commands of His Majesty's Government, I submitted your despatch to the legislature, and herewith transmit for your information copies of the answers sent me. Much as I regret the failure of this appeal, yet the letter from the Assembly warrants the conclusion, that at the expiration of the existing slave law now in full force under the sanction of His Majesty,

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Majesty, and in its operation highly satisfactory, that the legislature of this colony will then proceed to grant further and more extensive rights to the slave, as he becomes more sensible of, and can duly appreciate the benefit of such advantages.

I have, &c.

(signed) *C. Brisbane.*

The Right Hon. Lieutenant-General Sir George Murray, G.C.B.
&c. &c. &c.

Enclosure 1, in No. 42.

Sir,

Council Chamber, Saint Vincent, March 3d, 1829.

THIS Board has received your Excellency's communication of yesterday's date, enclosing copy of a circular despatch from the Colonial Office of the 3d September last, in which the Minister has advised further alterations in our slave code, and a liberal policy towards another class of our population.

In reply to the first, we beg to refer your Excellency to the joint address which this Board and the honourable House of Assembly offered to your Excellency, on the 5th of September 1826, embodying the views of these branches of the legislature; as well as to our Slave Act of the 15th of December of the previous year, which has received the Royal Assent.

A perusal of these will show that St. Vincent is amongst the most prominent in its enactments for the amelioration of the one class. To the other, the laws of this colony have long since shown a favourable feature; and such is the disposition felt throughout the community towards these persons, that there are no doubts on the minds of this Board, that they may individually, by a proper test of their past conduct, and proofs of their present respectability consequent thereon, attain by separate legislative enactments, to the possession of such privileges as they may reasonably require.

By command,

(signed) *John Beresford,*
Clerk of the Council.

His Excellency Rear Admiral Sir C. Brisbane, K.C.B.
&c. &c. &c.

Enclosure 2, in No. 42.

Sir,

House of Assembly, 5th March 1829.

I HAVE received the instructions of the House to thank your Excellency for your communication of the 3d instant, accompanied by a despatch from Sir George Murray, dated the 3d September 1828, pressing upon the legislature the further consideration of measures which it seems, in England, are still deemed necessary for the amelioration of the condition of our slave population, who, considering all the circumstances that influence and govern these people, are perhaps the most comfortable peasantry in the civilized world.

The House of Assembly will always be disposed however to listen with an attentive ear to the suggestions of his Majesty's Government on this delicate and important subject; particularly when supported, as in the present instance, by the powerful recommendation of your Excellency, whose great experience, constant observation and long government of the colony, eminently qualify you to judge of every subject that may prove expedient, or be found necessary for promoting the interest and happiness of all classes of the community.

The objects more immediately the subject of the present despatch of His Majesty's Secretary for the Colonies seem to be the religious instruction of the slaves, protecting them against compulsory labour on Sundays, obviating the necessity of their labouring on that day for themselves, the security of their property, and the admission of their testimony in courts of justice, without limitation or restriction. On a reference to the proceedings of the legislature of Saint Vincent, the fact will manifest itself, that on each of these points enactments have been made, and are now in complete operation, under the Amelioration Act of December 1825. As regards the three first points, it is submitted that these enactments are complete; and although with reference to the other objects of the despatch the enactments,

ments have not gone quite the length of the views of Government, they nevertheless indicate a sincere desire on the part of the colonial legislature to concede every question, where concession is at all compatible either with the true happiness of the slave, or consistent with the admitted rights of property in the master.

The House, in a communication made to your Excellency, on the 17th August 1826, entered fully upon all the topics of the present despatch, showed the nature and extent of the enactments to which I have alluded, and explained the reasons why, at that time, they did not deem it advisable to proceed further on doubtful speculations and untried theories of legislation.

I am now commanded by the House to reiterate to your Excellency, that they find, at the present moment, no reason which can induce them to hesitate, or justify them in deviating from the determination then so maturely and dispassionately adopted, to await the duration of the present amelioration law, before they venture on further enactments. Time will then have afforded us the best of all lessons, a practical knowledge of the effects of what has already been done; those alterations which may then have proved inconvenient or dangerous, can be modified or rejected altogether, while those which are admitted to be salutary or wise will assuredly be extended and strengthened.

The House has every desire to view with friendly consideration the civil condition of the free persons of colour, natives of the colony, and suggestions have lately emanated from very respectable quarters, which must satisfy this description of persons, that those among them of character and education have now a road traced by which they may arrive, without expense and with little difficulty, at a station in society but a short distance if at all removed from that of the most respectable of the white population.

I have, &c.

(signed) *John Dalzell*,
Speaker.

To his Excellency Sir Charles Brisbane, K.C.B.
&c. &c. &c.

T O B A G O .

TOBAGO.

— No. 43. —

Sir,

Downing-street, 3d September 1828.

AMONG the subjects to which my notice has been called since I received the seals of the colonial department, there is none which has appeared to me more deserving of attention than that of the measures in progress for improving the condition of the slaves in the West India Colonies.

During the late session of Parliament, the ministers of the Crown took occasion to express in their places the settled purpose of His Majesty's Government to adhere strictly to the resolutions which were passed unanimously in the House of Commons on the 15th May 1823, and unanimously adopted in the House of Peers on the 7th March 1826.

It is the object of this despatch to convey to your Excellency the strong sense which, in common with all my colleagues in office, I entertain of the obligations imposed upon His Majesty's Government by this solemn and reiterated engagement, and to call upon your Excellency assiduously to employ your endeavours to convey the like impression to the Legislative Council, and to the House of Assembly in the Island of Tobago.

The specific measures of improvement which it appeared most urgent should be adopted for ameliorating the condition of the slave population, have been already brought under the notice of the several colonial legislatures in so pointed a manner by the despatches of my predecessors in this office, that it might appear a needless work if I again recommend each of them separately to your particular attention, and it might seem even to imply my entertaining an opinion either that the attention of the colonial legislatures had at no time been sufficiently alive to the importance

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importance of these specific measures, or that there existed in the colonies so rooted an indisposition to the introduction of some of them, that no progress had been made towards their adoption.

It is my anxious desire however to admit no such unfavourable opinion of the disposition existing in the colonies, and I shall therefore confine myself in a great measure at present to calling back your attention to the resolutions of Parliament, adverted, incidently only, to their specific application by particular enactments. And I adopt this course the more willingly, because I think it possible that the protracted discussions which have occurred upon this important question may have generated an opposition, the result rather of diversity of opinion upon particular points, than arising from any want of a common assent to the principles laid down in the resolutions of the two Houses of Parliament, which must form the basis of all wise legislation upon the subject, and which reason and humanity equally recommend.

There are two objects, for the attainment of which it is necessary that effectual provision should be made. The first of them is the gradual elevation of the moral character of the slave population; and the second is the due protection of all the just rights of property, which existing laws have vested in the owners of the slaves.

I am perfectly aware that there may be found many very respectable persons, in whose minds the force of prejudice, or the influence of habit, and perhaps also a too restricted view of their own individual interests, may have established a conviction that the two objects above mentioned are wholly incompatible, and that a choice must at once be made between a positive sacrifice of the rights of property on the one hand, or a positive denial on the other, of the advantages which humanity has sought to obtain for the slave.

The steps however which have been already taken in several of the colonies, and the progress which has been so happily made in some of them towards the amelioration of the condition of the slaves induce me to conclude, that the extreme opinions which I have above adverted to are not very generally entertained, and lead me at the same time to form the expectation, I trust not too sanguine a one, that the example of those colonies which have advanced the furthest without any detriment having resulted from their liberal line of policy, will persuade others that it is possible to imitate without risk these laudable proceedings.

But although I am disposed to believe that motives of sound and enlightened policy, as well as those of a more sacred and more elevated character will induce gentlemen holding the station of members of the local legislatures, as well as other individuals possessed of influence in the colonies, to lend a favourable ear to the repeated appeals which have been made to their judgment and to their feelings upon this important and interesting subject; it would be improper however to omit stating, that there are also other calls upon them, which render every day more and more urgent, as a measure of necessary policy, the ameliorating the condition of the slave population; for it can scarcely be doubted that of the two alternatives, that of withholding amelioration, and that of effectually improving the condition and the character of the slaves, the latter is the one which holds out by far the best prospect, under the existing circumstances of the world, for general tranquillity, and for the security of property in the colonies.

Although it be my intention, as I have already stated to your Excellency, not to enter into a detailed review of each of the individual measures which have been already so often and so urgently pressed upon the attention of the colonial legislatures by my predecessors, I must advert pointedly however to a few which I deem to be of peculiar importance; the first of these is, the religious instruction of the slaves.

It must be obvious to every man capable of reflection, that independently of the sacredness of the obligation, which requires that no impediments should be placed in the way of their acquiring a knowledge of the great truths of religion, there is no more certain mode of advancing their civilization without detriment or danger to society at large than by religious instruction. It is necessary, however, that this important object should not be entrusted solely to individuals, but that provision should likewise be made for it by law, in order to guard against the injury which society would sustain by the want, in any one, of a just sense of its importance. Amongst the enactments which will suggest themselves upon the subject, there is none which appears more proper, more becoming in itself, or which it is more incumbent upon the legislature of every Christian country to enforce, than the due observance of Sunday. It is most desirable therefore, that Sunday should be to the
slave

slave population in all the colonies, a day of entire relaxation from compulsory labour, and open to be devoted to religious duties and to moral instruction.

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I am aware, however, that whilst provision is made for securing to the slave sufficient time and opportunity for religious instruction, and every latitude is allowed with respect to the mode of his instruction which the spirit of toleration demands, it is very fit, notwithstanding, that certain local regulations should be established, to guard against those abuses and that misapplication to which the best institutions are liable, and to obviate those disorders which might be occasioned, or the apprehension of which might at least be reasonably entertained, if an unrestricted liberty were permitted, to assemble considerable bodies of the slave population at unseasonable hours, or without the previous sanction of their owners.

The next object which I am desirous strongly to recommend to the favourable consideration of the colonial legislatures is the admission of the evidence of slaves.

This may appear to some of the colonies to be still too great a step to be at once taken, but the concessions already made upon this point by others of the colonial legislatures, induce me to hope that the principle is gradually gaining ground in the West Indies, and that it will ere long be generally felt, that by elevating the slave to the rank of a person whose evidence is admitted under the same restrictions only under which that of a free man is received, and by teaching him and his fellow subjects that the avenues of justice are not closed against his testimony in any case whatsoever, an important improvement will be effected, as well in the character of the slaves themselves as in the general feeling and conduct of the population at large.

The only other object which I shall advert to, is, the situation of that portion of society in the colonies which comes under the general denomination of people of colour.

It appears to me that it would be wise to act with much liberality towards this class of individuals, and I am to direct therefore, that your Excellency will strongly recommend their interests to the favourable consideration of the local legislature.

I have now gone through all the subjects which it was my intention particularly to touch upon in this despatch; before I conclude, however, I must express, which I do with much pleasure, the sense I entertain of the laudable conduct of the Legislative Council and of the House of Assembly of the Island of Tobago, in having already adopted several of those measures for the amelioration of the condition of the slave population, which have been at different times suggested to them under the pressing recommendation of the Crown, supported by the unanimous opinion of the two Houses of Parliament, and enforced by the general expression of public opinion in the mother country.

I have, &c.

(signed)

G. MURRAY.

Major-General Blackwell, c. B.

&c. &c. &c.

— No. 44. —

Circular DESPATCH from Secretary Sir G. Murray, dated Downing-street, 15th September 1828, to Major-Gen. Blackwell, similar to that addressed to the Lieutenant Governor of Jamaica. *Vide* page 8.

— No. 45. —

Sir,

Sans Souci, Tobago, 28th Oct. 1828.

I HAVE had the honour of receiving your circular of the 3d September, by the first September packet, and also that of the 15th of the same month, by the second; the latter in explanation of the former respecting the amelioration of the slave population.

I have to regret that these despatches should have arrived immediately after the closing of the October session, as it thereby prevents me from bringing this important subject before the legislative branches until the next January session; at the same

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same time I have to assure you that I shall in the interim use every exertion in giving effect to the expectations and wishes of His Majesty's Government, to those particular objects to which my attention has been called, and which have not already been provided for by an enactment of the legislature. You are aware that the abolition of the Sunday market, and the substitution of Thursday for that purpose, has been so completely carried into effect by law, that both days are now wholly given up to the slave for his own employment; and it gives me pleasure to acquaint you further, that by a late presentment of grand jurors upon the subject of consolidating the courts, in consequence of their heavy expenses, and the very great inconvenience to which the jurors are subjected from the reduced state of the society, it has been proposed that the business of the Court of King's Bench, and of the Slave Court, should be consolidated, and the trial of the one and the other should take place before the same judge, grand and petit juries. This measure has not been taken into consideration; but I have taken the liberty of mentioning the subject to prove that a strong feeling exists to place the white person and slave very much on a par in their trial for offences.

I have, &c.

(signed)

N. Blackwell,

To the Right Hon. Sir George Murray, G. C. B.
&c. &c. &c.

Governor.

— No. 46. —

Sir,

Sans Souci, Tobago, 28th Jan. 1829.

IN compliance with the instructions which I had the honour to receive in your despatch of the 3d September last, I beg to inform you, that upon the opening of the sessions now sitting, on the 14th January, (the first meeting of the legislature since the receipt of that despatch,) I brought forward, in as strong a light as I was able, the very important subject of the amelioration of the condition of the slave population, urging at the same time the two legislative branches to give to that momentous question an immediate and due consideration. I am happy in having it in my power to report, that the subject was favourably received by both Houses, who have appointed committees upon it.

As you must be fully aware to what extent the amelioration has already proceeded in this island, and that it even commenced so far back as 1823, when the question had not been agitated to the extent it is at present, it would almost seem presumption in my now bringing to view the progress and results of the various improvements in the slave condition; but as the reply from the Legislative Council to that part of my speech to them which alludes to the subject contains so full, able and correct a statement of facts, I feel that I cannot better describe to you the advantages already derived to the slave, and the prospects still held out of attention to his moral and intellectual improvement, than by giving you a copy of that address, which I beg to enclose herewith.

It would be doing a great injustice to this community, if I were not distinctly to avow the readiness with which they meet any proposition having for its object the benefit of the slave; and I am happy in giving testimony to the general kind feeling and humanity which prevails in their conduct towards this class. In favour of this assertion, I beg leave to state, that although it is very generally known that I am at all times ready to inquire into their least complaints, I might add that I have scarcely had one from any negro which would bear investigation.

I shall have the honour of transmitting the very earliest information, when the committees have agreed upon any further amendments, which they would propose being passed into enactments; but I have little reason to suppose that any thing will be effected during the present session.

I have, &c.

(signed)

Nath^l Blackwell,

The Right Hon. Sir George Murray, G. C. B.
&c. &c. &c.

Governor.

Enclosure in No. 46.

To His Excellency Major-General Nathaniel Blackwell, Companion of the most honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Island of Tobago and its dependencies, Chancellor, Ordinary and Vice-Admiral of the same.

The Address of the Legislative Council of the Island of Tobago.

May it please your Excellency,

WE, the President and Members of the Legislative Council of this colony beg to assure your Excellency, that in meeting you at the opening of the present session, we feel great pleasure to inform you, that we shall cordially co-operate with you in every measure suggested for the interest of the colony, and continue to encourage those free communications which tend so much to promote its best interests. We are fully aware of the wishes and expectations of His Majesty's Government, that we should devote our earliest attention to the subject of the amelioration of the slave population, and while we here renew to your Excellency the expression of our sincere determination to let no fit or proper opportunity pass which may offer for the attainment of what is our joint object, the improvement of all classes of our society, we beg to state very shortly to your Excellency what the lapse of a few short years has brought about, as the best pledge that this colony has not been backward in the work of amelioration, but proceeds therein with as great rapidity as the natural course of events and a just estimate of character will entitle them to do.

With this view we beg to state to your Excellency, that within the last seven years the moral and political condition of the slaves in this island has been ameliorated in the following very important particulars. In the first place, may it please your Excellency, slaves accused of any capital crime are entitled to the full protection afforded by the laws of England to accused persons. Challenges to jurors, arrests of judgment upon technical and other grounds are made as often, and listened to as readily on behalf of the slave as of the free prisoner. Wherever crimes have been committed against slaves amounting to murder, maiming or cruelty of any description whatever, the law of this colony not only takes cognizance of them, but admits the testimony of the injured slave and that of others of his class to prove them. Though the courts of the colony have ever recognized the killing of slaves as felony, yet recently the solemn sanction of a legislative enactment has been superadded in this invariable practice, by which it is declared to be murder. The law allowing the testimony of slaves in all such cases has not become a dead letter, but on the contrary, is in *vividi observantia*, as the records of more criminal cases than one will evince to your Excellency. In many instances the recent alteration of our slave laws have placed the slave in a situation preferable to that of the free inhabitants: a slave accused of felony must be tried within six months at farthest; while a free person charged with such an offence may remain in prison nearly twelve. In minor cases, slaves must be tried within ten days after commitment, under a penalty upon the magistrates or jurors not attending, while in these also, free persons may lie under the imputation of crime for a year.

In regard to the domestic punishment of slaves, our law has confined it within a very narrow compass. No slave-driver can inflict a single stripe by his own authority. No owner can direct more than 12 lashes without the presence of a free witness. And lastly, even with the presence of such, no more than 20 can be given without the intervention of a magistrate, under the penalty of being found guilty of a very great misdemeanor. Though the colony has not thought it expedient to adopt the proposed nomination of protector of slaves, it has in another form taken every necessary precaution to ensure the due execution of the laws dictated by its humanity; and when your Excellency considers the elevated situations held by the persons who constitute its council of slave protection, we feel assured you will see at once nothing can interfere with their zealous and conscientious performance of the duty entrusted to them.

By the law securing to slaves the perfectly free enjoyment of all their personal property, and enabling them to bring all actions therefor, the most perfect equality has been established between the slaves and the free inhabitants. Nor is this enactment one which has been suffered to fall into disuse, for the Board have to inform

your

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your Excellency, that very recently, so perfectly are the slaves aware of the boon conferred on them, it has been fully enforced by the actual imprisonment for a considerable period of a free person, on civil process for a debt due to a slave.

Six years ago this colony abolished the Sunday market, and from that period that day has been invariably the property of the slave. Nor did this abolition take place at the expense of the slave, but at that of his owner, for by the same enactment one day in every week was bestowed on the slave in lieu of the former market day.

No obstacle can be thrown here in the way of manumission where the owner is consenting thereto. No colonial tax exists thereon as formerly, and the courts of law construe all claims to enfranchisement most liberally. Separation of children under 12 years of age from their mothers by legal process, has been prohibited in this island for upwards of 30 years, and public feeling even outstrips the enactment.

Such, may it please your Excellency, are a few of the most prominent points on which the Board of Council respectfully claim of your Excellency and His Majesty's Government to give credit to this colony for a liberality of principle and legislation on this subject, such as to entitle them to claim credit, when they assure you there are several points still under their consideration, on which they are disposed to extend still further the boon of equal laws to this class of the community.

It will not be in their power to redeem this pledge during the present session, but they are hopeful that in the course of the next, they may evince to your Excellency the sincerity with which the present declaration is made. The Council beg to assure your Excellency, that the sentiments of respect with which your government has inspired them have ever hitherto been increasing, and they trust that you will believe them when they declare that no exertion shall be wanting on their part to continue such a happy union, and promote, in conjunction with your Excellency, the true interests of this colony.

(signed) *Wm. Macbean,*
President of the Legislative Council.

Council Chamber, 20th January 1822.

TRINIDAD.

TRINIDAD.

— No. 47. —

Sir,

Government House, Trinidad, 10th July 1828.

Presented in 1828.

I HAVE had the honour to receive Mr. Secretary Huskisson's despatch of the 28th April last, acknowledging Sir Ralph Woodford's letter of the 7th March, and requiring explanation upon the last paragraph of his Excellency's communication.

I have the honour to enclose copy of a letter from the protector and guardian of slaves, in compliance with the above command, which explains the ground upon which Sir Ralph Woodford's statement was founded.

I have, &c.

(signed) *C. F. Smith.*

The Right Hon. Sir George Murray, G.C.B.
&c. &c. &c.

Enclosure in No. 47.

Sir,

Protector of Slaves Office, 10th July 1828.

I HAVE the honour to acknowledge the receipt of your Honour's letter of the 24th ultimo, requiring me to transmit any information in my power regarding the last paragraph in Mr. Secretary Huskisson's despatch, No. 23. The paragraph alluded

alluded to is in the following words: "You will have the goodness to state upon what grounds you have supposed that the price of slaves has risen to 100*l.* sterling, in contradiction to the test afforded by the average price of manumissions of adults under the order, which appears by the Return B. to have been, for the half year ending in December 1827, 86*l.* 16*s.* 5 $\frac{3}{4}$ *d.* for plantation slaves, and 67*l.* 8*s.* 6 $\frac{1}{4}$ *d.* for personal slaves."

In reply I beg leave to state to your Honour, that although the test afforded by the Return B. does appear to be in contradiction to the supposition of his Excellency the Governor, yet that every day's experience proves the correctness of his Excellency's observation, and confirms his supposition to the fullest extent.

The reason of this variance between the average price of manumissions and the market price of slaves, arises from a cause not only adequate to produce the effect, but evinces in a strong degree the kind feeling which generally actuates the proprietors and planters of this island, in the liberation of their less fortunate brethren from a state of bondage.

In many cases, where a slave who has faithfully served his owner is desirous to purchase his freedom, the price is regulated more by the extent of the means the slave may possess than by his actual value; and thus it has frequently happened, within my personal experience as protector of slaves, that a good slave obtains his liberty for less than one half the price his master might have sold him for the same day; *i. e.* the market price. The benevolent feeling of the owner, therefore, naturally causes the average price of manumissions by private contract, to be lower than the actual market price.

The average price of manumissions before the chief judge (particularly since the Non-intercourse Act of 1825) is higher than that by private contract, but still some pounds lower than the market price. In this class of manumissions, the Order in Council requires that the slave applying for his freedom should be estimated upon the oath of two persons, chosen indifferently by the owner and the slave, with the assistance of the protector. This mode of proceeding, at the first glance, will appear to furnish the fairest criterion of the real value or market price of the slaves; but in Trinidad it does not. Many instances have come under my knowledge, where the person possessing the slave to be manumitted purposely selects some one as his appraiser who is favourably disposed to liberty, the slave names one actuated by a similar motive; and thus, even in the judicial manumissions, the feeling to which I have above alluded exercises its influence, and reduces the average.

A reference to the returns will show, that in some instances the appraisements made under oath before the chief judge, have been very high. In these cases the owners appear to have required the fullest compensation for the loss of their slaves, and appointed appraisers accordingly. The slaves had also their appraisers; but their counteracting influence weighed little against the awards of the umpires, who are generally persons well acquainted with slaves and their market prices, and whose awards are final and without appeal.

I have, &c.

(signed) *Henry Gloster*, Protector of Slaves.

His Honour the Acting Governor.

BERBICE.

B E R B I C E.

— No. 48. —

Sir,

Berbice, 26th May 1828.

Presented in 1828.

I HAD the honour to receive your despatch, dated 31st October last, conveying instructions to me respecting certain questions which Mr. Power, the protector of slaves at Berbice, in his report of 16th April 1827, referred to His Majesty's Government for decision.

I availed myself of the earliest opportunity for bringing this despatch under the consideration of the Council, and I now have the honour of transmitting two extract minutes of proceedings in council respecting it, dated 7th January and 13th May in the present year.

I have, &c.

(signed) *H. Beard.*

To the Right Hon. W. Huskisson, M. P.
&c. &c. &c.

Enclosure 1, in No. 48.

Extract from the Register of the Proceedings of the Honourable the Council
of Government of the Colony of Berbice.

Monday, 7th January 1828.

(After Prayers,)

“ HIS Excellency the Lieutenant-governor handed to the secretary a despatch from the Secretary of State, dated the 31st October 1827, acknowledging the receipt of His Excellency's despatch of the 19th April 1827, with the report of Mr. Power, the protector and guardian of slaves of this colony, dated the 16th April 1827, in which despatch the Right honourable Secretary of State expresses his approbation of Mr. Power's report, as being highly creditable to his zeal and diligence in the discharge of his official duties, and gives instructions as to certain questions proposed by Mr. Power for the decision of His Majesty's Government.

“ The first being, whether, during the period for which punishments are to be suspended, the offending slave is to be kept in confinement in the stocks.

“ The second, respecting the charge against Mr. Nicholson, the civil magistrate.

“ The third, as to the establishment of a court, in which slaves may cheaply and expeditiously recover petty sums due to them.

“ And lastly, directing the said despatch to be brought under the consideration of the Council, and to propose to them the enactment of an ordinance for giving effect to these improvements in the slave code.

(Vide Appendix of this date.)

“ The despatch being read, the Council promised to give the various subjects therein contained their serious and early consideration.”

Enclosure 2, in No. 48.

Tuesday, 13th May 1828.

(After Prayers,)

“ THE Lieutenant-governor desired the secretary to read the minute of council, dated the 7th January last, 1828, together with the despatch of the Secretary of State, dated the 31st October 1827, to which said minute refers, which minute and despatch having been read, his Excellency said, that he had hitherto refrained from pressing the subject of the said despatch upon the consideration of

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the Council, in the full expectation that His Majesty's Government would long ere this time have come to some decision on the new slave code of the 25th September 1826, but as it was necessary that he should answer the dispatch, he now brought the subject again under the consideration of the Council.

"The Council observed, that however anxious they are to give all due consideration and effect to the suggestions of His Majesty's Government, as far as may be consistent with a due regard to the interests of the colony, yet they would rather for the present defer the adoption of any measures connected with the new slave code until the decision of His Majesty's Government thereon be known, which they hoped would not be much longer delayed, and therefore under these circumstances the Council respectfully suggested to his Excellency the propriety of allowing the subject to stand over until their next ordinary session."

(True extracts.)

(signed)

James Innes,
Col. Sec.

BERBICE.

— No. 49. —

Sir,

Downing-street, 31st May 1828.

I HAVE to request that you will inform me what measures have been taken by yourself and the Council of Government, in compliance with the instructions contained in Mr. Secretary Huskisson's despatch of 31st October last, for carrying into effect certain measures which had been suggested as improvements of the Slave Ordinance.

I observe that the deputy protector of slaves, in his report, dated the 1st September last, repeats the complaint which had been made by the protector, of the difficulty in recovering small debts due to the slaves, and no time should be lost in providing the means of obviating this difficulty.

I have, &c.

(signed) G. MURRAY.

Lieutenant-Governor Beard.

No. 50.

Sir,

Berbice, 22d September 1828.

I HAD the honour to receive your despatch of the 31st May last, desiring to be informed what measures have been taken by myself and the Council of Government in compliance with the instructions contained in Mr. Secretary Huskisson's despatch of the 31st October last, for carrying into effect certain measures which had been suggested as improvements of the Slave Ordinance. My despatch of the 26th May already will have conveyed the reason for the delay that hitherto has taken place in carrying Mr. Secretary Huskisson's instructions into effect. I lost no time after I received your despatch of the 31st May, in laying it before the Council, and pressing the subjects to which it adverts on their immediate consideration; and I now have the honour to transmit the minutes of Council of the 3d and 11th of the present month relating thereto, and also the copy of an ordinance which has been passed as an amendment of the 13th clause of the new Slave Code respecting the confinement of slaves in the stocks previous to the infliction of corporal punishment, which I hope will prove satisfactory.

The minutes of Council also show, that the proposed measure of establishing a court of summary jurisdiction for the recovery of small debts due to slaves, has been cordially agreed to by the Council; and therefore so soon as the necessary publication for giving legal effect to it shall have been prepared by the colonial secretary, and passed in Council, it shall be put into operation, and transmitted to the Colonial Department for His Majesty's approbation and confirmation.

I have, &c.

(signed) *H. Beard.*

To the Right Hon. Sir George Murray, G. C. B.
&c. &c. &c.

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Enclosure 1, in No. 50.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Wednesday, 3d September 1828.

(After Prayers,)

“ HIS Excellency the Lieutenant-Governor called the particular attention of the Council to, and requested their immediate and serious consideration of the despatch dated the 31st May last, which he had received on the 2d August from Sir George Murray, the Secretary of State for the Colonies, and laid before the Council on the 11th of that month, referring to certain instructions conveyed in Mr. Secretary Huskisson's despatch to his Excellency, dated the 31st October 1827, and requesting to know what measures had been adopted by himself and the Council for carrying into effect those instructions as improvements to the slave ordinance. His Excellency at the same time observed, that he had already transmitted to the Colonial Secretary of State the minutes of council of the 7th January and 13th May last, founded on Mr. Secretary Huskisson's despatch of the 31st October 1827, by which His Majesty's Government would see that his Excellency and the Council were anxious to adopt and carry into effect the proposed amendments, and the reason stated for having hitherto delayed them.

“ The Council then proceeded to take the several subjects into consideration, and a considerable discussion took place as to the best and most practicable means of immediately giving full effect to the instructions of Mr. Secretary Huskisson.

“ With respect to the first point, namely, the confining slaves in the stocks at night intended to receive corporal punishment in the morning, the Secretary of State had already decided that measure to be improper, and to have the effect of inflicting a double punishment on the slave for one offence. The Secretary of State, however, thought that a simple detention in a place of safety, without the use of the stocks, was necessary for ensuring the forthcoming of the slave in the morning. The Council fully concurred in this view of the case, and therefore, with the sanction of his Excellency, the secretary was directed immediately to prepare a publication to this effect, to be submitted for the consideration and approval of the Governor and Council at their meeting next week.

“ With respect to the case of Mr. Nicholson, which was the second point adverted to in Mr. Secretary Huskisson's despatch, that had already been decided by sanction of the Court of Criminal Justice, and the proceedings forwarded by his Excellency to His Majesty's Government. The Council, however, take this opportunity to express and record their full concurrence in the observations of the Secretary of State on the impropriety of a magistrate, acting in that character, in carrying the law into execution in any case where his own slaves are the parties concerned. The Council said they were not aware of any similar case having happened, and they hoped that the decision of the court in the case of Mr. Nicholson would prevent a recurrence of so reprehensible a proceeding.

“ With respect to the third suggestion, that a court should be established in which slaves may cheaply and expeditiously recover petty sums due to them, the Council observed that any difficulty in this respect at present was not so great as seemed to be imagined, because since the slaves are declared by the new Slave Code to be competent and qualified to bring and maintain a civil action, it is only necessary for the protector to apply to the president of the court of justice for permission to carry on proceedings, *pro Deo*, which would be immediately granted, and therefore no expense would be incurred on the part of the slaves. The Council, however, fully agree in the expediency of establishing a court of summary jurisdiction for the recovery of small debts due to slaves; and after considerable discussion as to the practicability and manner of establishing such court, it was proposed and agreed to as the most expeditious mode for carrying this desirable measure into effect, to invest the protector or deputy protector of slaves, and the several civil magistrates in the country, with summary jurisdiction to hear and determine, according to their discretion, all cases of debts due to slaves, not exceeding in amount 100 guilders; and in case of any difficulty occurring in such summary hearing, or the party refusing to obey such summary decision, then the whole of the proceedings in any such case to be submitted by the protector or deputy protector, as advocate *pro Deo*, to the commissaries of the Court of Civil Justice at their ordinary monthly meeting,

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for the purpose of having the previous decision of such protector, or deputy protector or civil magistrate, confirmed by such commissaries, and duly carried into effect, free of any cost or charge, to any slave having substantiated any such demand; and in all cases of claims or demands on behalf of slaves, amounting to upwards of 100 guilders, the protector or deputy protector to be empowered, as advocate *pro Deo*, on behalf of such slaves, to bring such claims or demands before the quarterly sitting of the Commissary Court of Civil Justice, to be by them summarily heard and determined, according to their discretion, and carried into effect without any cost or charge to be incurred on behalf of the slave suing. His Excellency then directed the secretary to prepare a publication, by way of amendment to the new Slave Code, embracing the foregoing points, and submit it to the Governor and Council at their next meeting, for consideration and approval."

BERBICE.

(A true extract.)

(signed)

John Shanks,
Dep. Sec.

Enclosure 2, in No. 50.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

(After Prayers,)

Thursday, September 11, 1828.

"THE Lieutenant Governor, with reference to the minute of council, dated the 3d instant, wherein the secretary was directed to prepare a publication, by way of amendment to the new Slave Code, embracing the points of instruction conveyed in Mr. Secretary Huskisson's despatch of the 31st October 1827, submitted a draft of a publication with respect to the first point, namely, the confining slaves in the stocks at night intended to receive corporal punishment in the morning, which being read, was approved and ordered to be published, and being as follows:

(Vide Appendix.)

"The secretary was further directed to prepare as early as possible a publication founded on the minute of the 3d instant, for establishing a summary jurisdiction for the speedy recovery of small debts due to slaves."

(A true extract.)

(signed)

John Shanks,
Dep. Sec.

Enclosure 3, in No. 50.

Publication.

Berbice,
(L. s.)
Henry Beard.

By His Excellency Henry Beard, Esq., Lieutenant Governor and Commander-in-Chief in and over the Colony of Berbice and its dependencies, &c. &c. &c., President of all Courts and Colleges within the same, sole Judge of the Vice-Admiralty Court, &c. &c. &c., and the Honourable the Council of Government of the said Colony.

To all to whom these presents shall or may come, greeting;

WHEREAS, by the 13th section of the new Slave Code of the 25th September 1826, now in force in this colony, it is (amongst other things) provided, "That if any male slave shall commit an offence of such a nature as to render it absolutely necessary that he be punished, such punishment must be inflicted with reason, and without cruelty or passion. The punishment to be enforced by or on behalf of the proprietor shall not exceed at the utmost twenty-five lashes, nor shall it be lawful to inflict on any male slave any corporal punishment until after sunrise of the day next following that on which the offence has been committed, for or in respect of which any such punishment or correction may be so inflicted:"

And whereas it has been the practice in many instances for persons so authorized

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to inflict such corporal punishment as aforesaid (for the purpose of securing the person of such male slave so as to be punished as aforesaid), to confine such male slave in the stocks previously to the inflicting such corporal punishment :

And whereas such practice is contrary to the true intent and meaning of the said Slave Code, and has the effect of inflicting two punishments for one and the same offence, we do therefore ordain and enact, as it is hereby ordained and enacted, that any person who shall from and after the publication hereof confine any male slave or slaves, or shall aid, assist or abet in confining any male slave or slaves in the stocks previously to the inflicting such corporal punishment as aforesaid, shall incur a penalty of five hundred guilders for each and every such offence so by him, her or them committed, or by him her or them aided, assisted or abetted in being committed ; such fine to be recovered in the Court of Civil Justice of this colony by the fiscal, in the usual and ordinary manner as in the case of other fiscal actions, and to be divided and paid in the following manner, that is to say, one half of said fine to the fiscal of the colony, and the other half into the colonial chest :

And whereas it is necessary that such male slave or slaves intended to be punished or corrected by corporal punishment as aforesaid, should be secured for the purpose of being forthcoming at the time appointed for the due infliction of such corporal punishment : We do therefore ordain and enact, and it is hereby ordained and enacted, that it shall and may be lawful to detain such male slave or slaves so intended to receive corporal punishment as aforesaid in some place of safety, but without the use of the stocks, until he or they shall have received such corporal punishment as aforesaid.

Thus done and enacted in Council of Government, held at the King's House, Berbice, this 11th day of September 1828.

Present;—His Excellency the Lieutenant Governor and the Honourable Members, William Scott, Charles Kyte, James Culley, Thomas A. Jones, A. R. Hollingworth, and Isaac Barré Phipps.

By command,

(signed)

James Innes,
Col. Sec.

— No. 51. —

Sir,

Downing-street, 8th June 1829.

I HAVE received and have laid before the King an ordinance, made by the Lieutenant-Governor and Council of the colony of Berbice, dated the 11th day of September 1828, for amending the law of that colony for improving the condition of the slave population.

And I am signify to you, that His Majesty has been graciously pleased to allow and confirm that ordinance.

I have, &c.

(signed)

GEORGE MURRAY.

Lieut. Governor Beard, Berbice.

B E R M U D A.

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— No. 52. —

AN ACT to Ameliorate the condition of Slaves and Free Persons of Colour.

WHEREAS it is desirable to improve the condition of slaves and free persons of colour in these islands; We therefore, your Majesty's most dutiful and loyal subjects, the Assembly of these your Majesty's Bermuda or Somer's Islands, do most humbly beseech your Majesty, that it may be enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted by the authority of the same, that an Act, intituled, "An Act for the better government of Negroes, Mulattoes and Indians, bond and free, and for the more effectual punishing conspiracies and insurrections of them," passed on the twenty-fifth day of February one thousand seven hundred and sixty-four, be hereby repealed for and during the continuance of this Act, and after the expiration thereof, to revive and be of full force.

S. 2. And whereas it is necessary to ascertain and define what negroes and mulattoes, or other persons not being white persons, are to be considered as slaves; be it further enacted, that all negroes and mulattoes, or other persons not being white persons, who have hitherto been held, treated, deemed and considered as slaves, shall be so held, treated, deemed and considered as slaves, and their descendants to all intents and purposes, unless such negroes, mulattoes or others, not being white persons, shall clearly prove that they are entitled to freedom, in virtue of any deed of manumission, or bequeathed by the last will of his, her or their owners or proprietors, or other persons, to whom such negroes and mulattoes or others, not being white persons, were before accounted and deemed to have actually belonged as slaves, or unless the mother or mothers at the time or times of the birth or births of any such negroes and mulattoes or other persons, not being white persons, shall be clearly proved to have actually been free, and also that the mere circumstance of any negro, mulatto or other person, not being a white person, having been once or oftener in England, or in any part of the world, and who might antecedently thereto have been held, treated, deemed and considered as a slave, shall not be considered as any release, discharge or emancipation from his or her slavery.

S. 3. And be it further enacted, that if any slave or free person of colour shall at any time commit, advise or conspire to make rebellion or insurrection, he shall be adjudged guilty of felony without benefit of clergy.

S. 4. And be it further enacted, that any slave or free person of colour, who shall murder any person, or cut and maim, or do any bodily harm to any person with intent to murder, such person shall be adjudged guilty of felony without benefit of clergy.

S. 5. And be it further enacted, that any slave or free person of colour who shall commit any rape upon the body of any person, shall be adjudged guilty of felony without benefit of clergy.

S. 6. And be it further enacted, that any slave or free person of colour, who shall assault or threaten any person, with intent to steal from the person, or who shall steal any money, goods or chattels from the person, shall be adjudged guilty of felony without benefit of clergy; always provided, that in case such money, goods or chattels shall not be of the value of two pounds of current money of Bermuda, and no assault or threat or violence be used, that such slave or free person of colour shall be adjudged guilty of felony.

S. 7. And be it further enacted, that any slave or free person of colour, who shall steal any money, goods or chattels of the value of ten pounds of current money of Bermuda, shall be adjudged guilty of felony without benefit of clergy.

S. 8. And be it further enacted, that any slave or free person of colour, who shall wilfully burn any house or other building, or any vessel or boat either built or building, or shall break open any house or other building, or any decked vessel, either by night or by day, or shall wilfully and maliciously or wantonly kill or render

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useless any horse, mare, gelding, mule or ass or any cattle, shall be adjudged guilty of felony without benefit of clergy.

S. 9. And be it further enacted, that if any slave or free person of colour shall be accused of stealing any sheep, goat or goats, or swine, he or she shall be liable to be tried, and if found guilty, to be punished in the same manner as any slave or free person of colour found guilty of stealing above the value of forty shillings and less than ten pounds; provided always, that if the value of any sheep, goat or goats, or swine so stolen, shall be of the value of ten pounds or more, such slave or free person of colour shall be liable to be tried, and if found guilty, to be punished in the same manner as any slave or free person of colour found guilty of stealing money, goods or chattels of the value of ten pounds

S. 10. And be it further enacted, that it shall and may be lawful for the Governor or Commander-in-Chief for the time being, when he shall see fit, except in case of murder, to commute sentence of death passed upon any slave or free person of colour for transportation for life and no shorter time.

S. 11. And be it further enacted, that in every case in which a jury shall find a verdict of guilty against any slave or slaves, for any offence the punishment of which shall amount to death or transportation, such jury shall find the value of each and every of such slave or slaves; and in case of the execution or transportation of any such slave or slaves on being sentenced to death, or of the transportation of any such slave or slaves on being sentenced to transportation, it shall and may be lawful for the public treasurer of these islands, and he is hereby authorized and required to pay from any unappropriated monies in the public treasury, the value of any such slave or slaves so found by such jury, to the owner or owners of such slave or slaves.

S. 12. And be it further enacted, that any theft committed by any slave or free person of colour, of any money, goods or chattels of the value of more than forty shillings and less than ten pounds, shall be considered simple felony, and within the benefit of clergy, and shall be tried at any court of general assize or court of quarter sessions, and that on the conviction of any slave or free person of colour of any such theft, it shall and may be lawful for the court before which such slave or free person of colour shall be tried, to sentence any such slave or free person of colour to transportation for life, or for any term not less than seven years, or for any term of imprisonment and hard labour, not exceeding two years, or to such corporal punishment as the court may think proper to direct, not exceeding thirty-nine lashes at any one time, or to all or any of such punishments.

S. 13. And be it further enacted, that if any slave or free person of colour shall assault or offer violence to or towards any white person, such slave or free person of colour shall upon conviction thereof be punished with transportation for life, or for a limited time, or to confinement and hard labour for a limited time with whipping, not exceeding thirty-nine lashes at any one time, or to such corporal punishment as the court in its discretion shall think fit to direct, not exceeding thirty-nine lashes at any one time.

S. 14. And be it further enacted, that if any slave or free person of colour, who shall hereafter be transported from these islands under the authority of this Act, shall return of his or her own free will before the time of such transportation shall be at an end, such slave or free person of colour shall be adjudged guilty of felony without benefit of clergy, on being duly convicted thereof.

S. 15. And be it further enacted, that if any transported slave shall return to these islands after the period of transportation shall expire, it shall and may be lawful for the Provost-Marshal General of these islands, or his deputy, and he is hereby authorized and required to expose such slave to public auction for sale as a slave; and that the proceeds of the sale of such slave shall be placed in the public treasury of these islands.

S. 16. And be it further enacted, that if any slave or free person of colour shall steal any money, goods or chattels under the value of forty shillings, or shall commit any petty assault or misdemeanor, it shall and may be lawful for one or more justices of the peace to try such offence in a summary manner; and in the case of a slave, on due notice being given to the owner or owners or possessor of such slave, or to his or their attorney or attorneys, or the person or persons having the care of such slave, to sentence such slave or free person of colour to imprisonment and hard labour for any time not exceeding one month, and to corporal punishment, not exceeding thirty-nine lashes, or to all or any of such punishments as such justice or justices may think fit; always provided, that it shall and may be lawful for such justice or justices

justices to bind over any party or parties in any case in which any slave or free person of colour shall be accused of stealing any money, goods or chattels under the value of forty shillings, or of committing any assault or misdemeanor whatever, to appear and answer or give evidence at the next ensuing court of general assize or court of quarter sessions, as to such justice or justices shall seem fit, and that it shall and may be lawful when any such slave or free person of colour so accused shall be so bound over for such court of general assize or court of quarter sessions, to sentence any such slave or free person of colour on being found guilty, either to such punishment as in this Section is hereinbefore authorized, in a summary manner by one or more justices of the peace, or if such court of general assize or court of quarter sessions shall think fit, to such punishment as in this Act is hereinbefore directed for the punishment of simple felony within the benefit of clergy.

S. 17. And be it further enacted, that it shall and may be lawful for one or more justices of the peace, upon complaint made by a white person, to sentence any slave to hard labour for any term not exceeding six weeks, and to occasional solitary confinement, or to such corporal punishment as the justice or justices may think fit, not exceeding thirty-nine lashes at any one time, or to all or any of such punishments, who shall at any time refuse to work, or shall absent himself or herself from service without leave from his or her owner or owners, or master or masters, or of any person having control over such slave, or who shall be guilty of uttering any impertinent threatening or abusive language to or concerning any white person, or shall be found in a state of intoxication, or in any riotous or improper company, or shall be found abroad after the hour of ten at night without being able to give a good account of him or herself, or shall be guilty of any general misconduct; and every parish or town constable is hereby authorized and required at the request of the owner or owners, or master or masters, or of any person having control over such slave, to take such slave before such justice or justices; provided always, that nothing in this Act contained shall render it unlawful for any slaves to dance, who may be assembled for that purpose, after the aforesaid hour of ten o'clock at night, if any assembly of such slaves for that purpose shall be authorized by a license from any magistrate of the parish where such assembly shall take place, and if the leave of the owner or owners, master or masters of such slaves shall be obtained by such slaves respectively.

S. 18. And be it further enacted, that it shall and may be lawful for one or more justices of the peace, and they are hereby required to visit any gaol or other place of confinement within the parish or parishes respectively, for which such justice or justices are appointed, in which any slave or free person of colour sentenced to imprisonment for any offence shall be confined, at least once in every month, and upon complaint made by the keeper of any such place of confinement of the improper or disorderly conduct of any such slave or free person of colour confined therein, to sentence such slave or free person of colour to solitary confinement, for any time not exceeding ten days, or to such corporal punishment as such justice or justices shall think proper to direct, not exceeding thirty-nine lashes for any one offence, or either or both of such punishments.

S. 19. And be it further enacted, that when any runaway slave shall be concealed, harboured or entertained, or supplied with food or sustenance by any slave or slaves, such slave or slaves shall upon conviction thereof before any justice or justices of the peace, be sentenced to imprisonment and hard labour not exceeding ten days, and to such corporal punishment as such justice or justices shall direct, not exceeding thirty-nine lashes; always provided, that any free person who shall be guilty of any such offence, shall be indicted and prosecuted in any court of general assize or court of quarter sessions, and on conviction thereof, shall be sentenced to imprisonment and hard labour for any time not exceeding six weeks; and be it declared, that every person who shall sustain any damage by the commission of any such offence, shall be entitled to recover all such damage from any free person who shall commit any such offence.

S. 20. And be it further enacted, that if any owner or possessor of slaves, or in his absence his attorney or agent, shall wilfully permit and suffer any slave or slaves diseased, aged or otherwise disabled from working, to ramble or beg about the towns or country, such owner or possessor, or his attorney or agent so offending, shall upon conviction be fined by any two justices of the peace in any sum not exceeding five pounds for each offence, one half whereof shall be paid to the informer and the other half to the public.

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S. 21. And be it further enacted and declared, that in all cases in which corporal punishment is directed or authorized by this Act, such corporal punishment is to be inflicted by such constable as the Provost-Marshal General shall direct, in cases tried before courts of general assize and quarter sessions, or by such other person as by the Provost-Marshal General shall be authorized for that purpose, and by such constable as the justice or justices in summary cases may direct, or by such other person as by the justice or justices may be authorized for that purpose.

S. 22. And be it further enacted, that all fees and charges attending upon the conviction of any slave shall be paid by such slave, as far as such slave shall have property to answer the same; and that the amount of such fees and charges, or any part of such fees and charges not paid out of the property of such slave, shall be paid by the owner of such slave; always provided, that in all cases in which the punishment of any offence of which any slave shall be convicted shall amount to death or transportation, that all fees and charges attendant upon the conviction of such slave shall be paid out of the public treasury.

S. 23. And whereas in many countries the introduction of tread-mills into places of confinement for the punishment of prisoners has been found salutary in the prevention of crime; be it further enacted, that tread-mills be erected and used for the punishment of slaves and free persons of colour under sentence of imprisonment in the common gaols of Hamilton and Saint George respectively, and in such other places of confinement hereafter to be built or used as by law shall be directed, and that all slaves or free persons of colour who shall be sentenced to hard labour in the said gaols, or in such other places of confinement shall be employed upon the tread-mill; and the importation and erection of a tread-mill for the common gaol in the town of Hamilton, and one for the common gaol in the town of Saint George, is hereby authorized and required by and under the direction of a Committee of the House of Assembly, to be paid for out of any unappropriated monies in the public treasury of these islands.

S. 24. And be it further enacted, that a medical gentleman shall, when necessary, be called in by the visiting magistrate or magistrates to visit each and every place of confinement wherein a tread-mill shall be erected and used, to inquire into the health of all slaves and free persons of colour kept in any such place of confinement, and to certify as often as shall be necessary to the keeper of such place of confinement, that by reason of the severity of the labour, or from any other cause, there is a necessity for a partial or entire remission of labour upon the tread-mill, which said keeper is hereby authorized and required, when and as often as such medical gentleman shall so certify, to make such remission of labour upon the tread-mill as shall be certified to be necessary.

S. 25. And be it further enacted, that it shall and may be lawful for any free person of colour, who shall obtain a certificate of his or her general good character from the vestry of the parish in which such free person of colour shall reside, in vestry assembled or a majority of them, in the form following, to be sworn and give evidence in any court of justice, and to be examined touching any action or suit, and in all cases either criminal or civil in which white persons would be competent to give evidence or to be so examined.

Form of Certificate.

WE, the undersigned, being the majority of the vestry of _____ parish in vestry assembled, do certify, to the best of our knowledge and information, the general good character of *A. B.* a free person of colour of this parish.

S. 26. And be it further enacted, that it shall and may be lawful for any slave who shall obtain a certificate, and such only, from the vestry of the parish in which the owner or owners, or master or masters of such slave shall reside, in vestry assembled, or a majority of them, in the form following; and such vestry is hereby authorized and required previous to granting such certificate, to make inquiries of the owner or master of such slave as to the general character of such slave, to be sworn and give evidence in any court of justice, and to be examined touching any action or suit, and in all cases either criminal or civil in which a white person would be competent to give evidence, or so to be examined.

Form of Certificate.

WE, the undersigned, being the majority of the vestry of _____ parish, in vestry assembled, do certify to the best of our knowledge and information, the general good character of *A. B.*, a slave of this parish.

Always provided, that no slave shall be admitted, either in any criminal or in any civil suit or action, to give evidence or be examined against his or her owner, or the wife or children of his or her owner, or against any person having any interest whatever in, or control over such slave, and that no slave shall be admitted to prove any deed or instrument in writing, as a witness to the execution of such deed or instrument in writing.

S. 27. And be it further enacted, that if any slave or free person of colour shall commit wilful and corrupt perjury in giving evidence or taking any oath, such slave or free person of colour shall on conviction thereof be sentenced to hard labour, or to stand in the pillory for such time as the court shall direct, or to whipping, or to all or either of such punishments at the discretion of the court, and shall incur all such disabilities as are incurred by white persons by the laws of England for the like offence.

S. 28. And be it further enacted, that the evidence of slaves and free persons of colour for or against slaves and free persons of colour, shall be received in all courts of justice, and before all magistrates, without any certificate from the vestry as hereinbefore mentioned, but that such uncertificated slave or free person of colour so giving evidence shall not be admitted to be sworn; and that every uncertificated slave or free person of colour giving evidence for or against any slave or free person of colour, shall be subjected to the punishments for perjury in this Act provided in case of giving false testimony, and shall be so told by the court or magistrate before whom such slave or free person of colour shall give evidence, before such evidence shall be given by such slave or free person of colour.

S. 29. And, in order more readily to ascertain what slaves and free persons of colour shall be deemed competent to give evidence in courts of justice, be it further enacted, that a book shall be kept in every parish by the vestry thereof, wherein shall be registered the names of all slaves and free persons of colour who shall obtain certificates as required by this Act; and that lists of such certificated slaves and free persons of colour shall be returned by the respective vestry clerks of the several parishes to the prothonotary of the court of general assize, at least one week before the holding of every court of general assize; and that the prothonotary of the court of general assize shall write the names of all such certificated slaves and free persons of colour upon a roll, to be by him kept in the court of general assize, and that all slaves and free persons of colour whose names shall be enrolled therein shall be held to be certificated; and for every certificate so enrolled, the prothonotary shall be entitled to receive from the public treasury the sum of one shilling, and the vestry clerk returning such lists of certificates, shall for every certificate so returned, be entitled to receive from the public treasury the like sum of one shilling.

S. 30. And be it further enacted, that in all cases in which the evidence of any slave is admissible in any court of justice in these islands, under and by virtue of this Act, a writ of subpœna or summons shall and may issue in the usual manner, upon the application of any person or persons requiring the testimony of such slaves, directed to the owner or owners or possessor of such slave, or in his or their absence, to the person or persons under whose immediate charge such slave may be, and to such slaves, requiring such slave to give evidence in court, and that if any owner or owners or possessor of such slave, shall intentionally prevent any such slave from obeying such writ of subpœna, the owner or owners or possessor of such slave shall incur the penalty of fifty pounds; and in case such slave shall wilfully neglect or refuse to obey such writ of subpœna he shall be liable to be proceeded against as for contempt of court, and to be sentenced therefor to imprisonment and hard labour, and corporal punishment, or all or any or either of such punishments at the discretion of the court; and in case any owner or owners, or possessor of such slaves shall intentionally prevent any such slave from obeying any summons, such owner or owners, or possessor of such slave shall incur the penalty of ten pounds for each and every such offence; and in case such slave shall wilfully neglect or refuse to obey such summons, he shall be liable to be proceeded against as for contempt of court, and to be sentenced to imprisonment and hard labour, or corporal

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corporal punishment, or any or either of such punishments at the discretion of the court, or magistrate or magistrates ; but before any such slave shall give evidence, the party requiring such evidence in civil cases shall pay to the owner or owners, or master or possessor of such slave, or pay into court for his or their use the sum of five shillings per day, for such time as the witness shall be absent from the work of his owner or owners, master or possessor, and in all criminal prosecutions or complaints that the like sum of five shillings per day shall be paid to the owner or owners, or master or possessor of such slave from the public treasury of these islands on the production of a certificate from the court, of such slave having given evidence, or having been in attendance for the purpose of so doing.

S. 31. And be it further enacted, in order more effectually to protect the right of freedom whenever it shall exist, that the chief justice, and in case of his absence, or illness, or of his having any interest in the cause, one of the assistant judges of the court of general assize shall, in all cases of contested freedom, have the power if he shall think fit to appoint a guardian to sustain any suit *in forma pauperis*, on behalf of any person laying claim to freedom, and that a jury trying any suit of contested freedom shall have the power, when they shall see fit from the merits of the case, to award the payment of the defendant's costs of suit from the public treasury of these islands.

S. 32. And be it further enacted, that it shall and may be lawful for any slave to enter into any contract or agreement in writing with his or her owner or owners, for the purpose of procuring his or her manumission ; and that the chief justice, and in his absence or illness, or of his having any interest in the cause, one of the assistant judges of the court of general assize, shall in case of any dispute concerning such contract or agreement, have the power of appointing a guardian to sustain any suit *in forma pauperis*, for the purpose of enforcing the performance of such contract or agreement for such manumission ; always provided, that such slave shall not, in the event of a failure on his or her part to comply with such contract or agreement, be entitled to a partial manumission, or any part of his time, but that the owner or owners shall refund any amount received on account of such contract, and then that such contract or agreement shall be null and void.

S. 33. And in order to facilitate the manumission of slaves when desired by their owners, or when any slave shall be legally entitled to manumission, be it further enacted, that no security shall be demanded upon the manumission of any slave, except when such slave is old or infirm, or otherwise incapable of maintaining him or herself.

S. 34. And be it further enacted, that it shall and may be lawful for any owner of a slave, to enter into any contract or agreement in writing with any white or free person for the benefit of such slave ; and for the chief justice, and in case of his absence or illness, or of his having any interest in the cause, one of the assistant judges of the court of general assize, to appoint a guardian to sustain any suit *in forma pauperis*, to compel the performance of any such contract or agreement.

S. 35. And be it further enacted, in order to protect the interests of slaves, that the colonial secretary shall from time to time give notice in the Bermuda Gazette of all bequests in favour of slaves contained in any will or wills registered by him ; and that it shall and may be lawful for the chief justice, and in case of his absence or illness, or of his having any interest in the cause, one of the assistant justices of the court of general assize, to appoint a guardian to sustain *in forma pauperis* any suit, to compel the payment or other settling of any such bequest, when the same shall be illegally disputed or unreasonably delayed.

S. 36. And be it further enacted, that any property bequeathed or given to any slave, or any property purchased with the value or proceeds thereof, shall in law be held and deemed to be to all intents and purposes the property of such slave, and that it shall and may be lawful for any slave to bequeath by will, or otherwise to dispose of such property so bequeathed or given, or any property purchased with the value or proceeds thereof.

S. 37. And be it further enacted, that no slave or free person of colour, who is now or hereafter may be seised or possessed of any lands, tenements or other freeholds, shall be considered or taken as a freeholder, for any other purpose whatever than for the enjoyment and protection of the said tenements or freeholds, and selling, leasing or assigning the same ; and that no slave or free person of colour, whether freeholder or not shall be a juror, or shall be elected to or hold any parochial or public office whatever ; and that no slave or free person of colour shall purchase or occupy any seat or pew in any church, except in such part of such church as shall

shall or may be set apart for or allotted to slaves and free persons of colour by the parishioners.

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S. 38. And be it further enacted, that it shall and may be lawful for the clergymen of the established churches of England and Scotland, and all ministers having a right to perform the marriage ceremony in these islands, to join slaves together in holy matrimony according to the ceremonies of their respective churches, without fee or reward; always provided, that both the male and female shall have the consent of their owner or owners in writing for that purpose; and always provided, that without such consent, no slave either male or female shall be married to any slave or free person of colour, otherwise such marriage to be null and void.

S. 39. And be it further enacted, that every rector and every minister having a right to perform the ceremonies of marriage and baptism in these islands, shall keep a book wherein shall be registered the marriages of all slaves and free persons of colour, and the baptism of the infants of all slaves and free persons of colour, distinguishing the baptism of all such infants born in lawful wedlock from those not born in lawful wedlock; and that such book shall be kept and deposited within the parish church to which such rector shall belong, or within the chapel or meeting-house to which such minister shall belong.

S. 40. And be it enacted, that neither the joining of any slave or slaves in holy matrimony, nor the baptism of any slave whatever, shall have the effect of releasing or discharging such slave or slaves who may be so married or baptized, or their issue, from bondage or slavery, nor shall the marriage of any female slave confer any power or authority of her husband to or over such slave his wife.

S. 41. And be it further enacted, that whenever a husband and wife lawfully married shall both be slaves, and both be the property of one and the same person, or of the same persons, it shall not be lawful for such person or persons to dispose of or sell, or give, or in any manner convey, either the wife without the husband, or the husband without the wife; neither shall such slave be in any manner disposed of sold, given or conveyed, either the husband without the wife or the wife without the husband; and that any bargain, sale or any written instrument purporting to be a disposal, sale, gift or any sort of conveyance or bequest of such slave, except such bequest be to or for the manumission of such slave, either the husband without the wife or the wife without the husband, shall be null and void and of none effect.

S. 42. And be it further enacted, that it shall and may be lawful for any slave or free person of colour, being the husband of any female slave, to purchase as his slave, or by purchase to manumit such female slave, on paying the full value of such female slave as demanded by such owner; provided always, and it is hereby declared, that all the children of such female slave born subsequent to the purchase or manumission of such female slave, shall from the time of their birth be absolutely free; and provided always, that such female slave shall not be sold by such slave or free person of colour, or to satisfy the debts of such slave or free person of colour, or under any pretence whatever; and that such female slave, when retained in slavery after being purchased by such slave or free person of colour, shall upon the death of such slave or free person of colour be absolutely free.

S. 43. And be it further enacted, that it shall and may be lawful for any slave or free person of colour to purchase as his or her slave his or her child, or by purchase to manumit his or her child, on paying the full value of such child as demanded by such owner; provided always, and it is hereby declared, that all such children shall be absolutely manumitted and free on attaining the age of twenty-one years, and all the descendants of females so purchased shall be absolutely from their birth free; and provided always, that if such child so bought shall be held in slavery by his or her parent or parents, he or she shall not be sold to satisfy the debts of such slave or free person of colour, or under any pretence whatever, and that any such child so purchased, shall upon the death of the purchaser be absolutely free.

S. 44. And be it further enacted, that any married slave or married free person of colour, who shall notoriously cohabit with any woman other than his lawful wife, or any married female slave or free person of colour, who shall notoriously cohabit with any man other than her lawful husband, shall be sentenced by any two justices of the peace to solitary confinement or hard labour, for any time not exceeding thirty days.

S. 45. And whereas the establishment of savings banks, for the benefit of poor persons and servants, has in several communities been productive of many practical advantages, be it further enacted, that it shall and may be lawful for the

Governor

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Governor or Commander-in-Chief for the time being to appoint five responsible persons to make regulations for and to manage and conduct the business of a saving bank, or any branch or branches thereof, for the benefit of slaves and free persons of colour within these islands; always provided, that all accounts relating to the business of such savings bank, or any branch or branches thereof, shall be produced to, inspected and reported on from time to time, when called for by a committee to be appointed by the House of Assembly: and always provided, that no money shall be received into such savings bank from any slave, either male or female, or from any free man, being the husband of a slave, or from any free woman, being the wife of a slave, without a certificate from the owner or master of any such slave, certifying the amount to be tendered by such slave or free person of colour, and that such owner or master believes the same to have been honestly come by; and that printed forms of certificates, with proper blanks, shall be given by the managers of such savings bank to all free persons of colour who desire to pay money into such savings bank.

S. 46. And be it further enacted, that it shall and may be lawful for such managers to elect one of their number as a secretary, who is hereby authorized to sue in his name on behalf of such savings bank, or any branch thereof, all persons who shall be indebted to, or may rightfully owe any money to such savings bank; and who shall be liable to be sued in all cases in which such savings bank, or any branch thereof, shall be indebted to, or shall rightfully owe any money to any person whatsoever; always provided, that except in case of fraud or negligence on the part of any one or more of such managers, or their clerks, agents or servants, the private property of the said managers of the said savings bank shall not be liable to any person whatever pretending to have any claim on or against such savings bank; and in case of fraud or negligence of any clerk, agent or servant of such savings bank, or any branch thereof, that the property of such clerk, agent or servant shall be liable to such savings bank, for the consequences of any fraud or negligence on their part.

S. 47. And be it further enacted, that every person who shall be appointed a manager of such such savings bank shall, upon taking upon him the management thereof, make oath before the Governor or Commander-in-Chief for the time being, to give information to a justice of the peace as often as any money shall be tendered to the said savings bank by any slave or free person of colour which he shall have reason to believe to be dishonestly come by.

S. 48. And be it further enacted, that all money placed in such savings bank, or any branch thereof, according to the provisions of this Act, by any slave, and all property purchased with such money, or with any interest therein, shall be deemed and held to be the property of the slave by whom it shall be there placed; and that it shall and may be lawful for such slave to make bequest or otherwise to dispose of all such money or property.

S. 49. And be it further enacted, that all contracts or agreements entered into between slaves and free persons by virtue of this Act, shall be in writing, and be duly witnessed by two white persons.

S. 50. And be it further enacted, that all fines and forfeitures arising under this Act, be to His Majesty, his heirs and successors, for and towards supplying the funds established by an Act, intituled "An Act for raising a Public Revenue for the Support of the Government of these His Majesty's Islands."

S. 51. And be it further enacted, that this Act be in force for and during three years, and then determine and expire.

Passed the Assembly, this 1st day of May 1827.

By order of the House,

John Noble Harvey,
Speaker.

Concurred to by the Legislative Council, the 13th day of July 1827.

James Christie Esten,
President.

Assented to this 30th day of July 1827.

H. TURNER.

THE MAURITIUS.

MAURITIUS.

— No. 53. —

Extract of a Despatch from Sir Lowry Cole, addressed to Earl Bathurst, dated Mauritius, 24th December 1826.

“ I HAVE the honour to forward to your Lordship an ordinance, No. 20, which has passed the Council, and been promulgated in this colony, establishing the weight of the chains, fetters or iron rings which the inhabitants are allowed to put upon their slaves by way of punishment, and for preventing the infliction of any punishment on a slave, who, after having made a complaint against his master, shall have been returned to the latter by decision of a competent authority, upon condition that such slave should be treated without resentment. And I hope that the provisions of this ordinance, to which I have taken upon myself to give immediate effect, will be approved of by your Lordship.

No 1.

“ I take this opportunity of transmitting to your Lordship the copy of a circular letter, which I some time since addressed to the commandants and civil commissaries of the several districts of the island, calling their attention to the laws relative to the treatment of the slave population, and which I am glad to state has been attended with a very good effect; as also the copy of another circular, which I have within these few days addressed to the same officers, (and both have likewise been forwarded to the several dependencies of this government), urging the discontinuance of the punishment by the whip of female slaves.

No. 2.

No. 3.

“ I am much gratified in being able to assure your Lordship, both from the information I have received and from my own observation, that the treatment of the slave population has materially improved in this colony, and that the inhabitants at large seem quite disposed to attend to the suggestions and recommendations of Government on this important subject.

“ It has therefore seemed to me particularly desirable, as well on account of the slave as of the master, that the improvements in the situation of the former should rather appear to proceed from the free-will of the master, than from any compulsive measure; and I have consequently adopted the mode of writing circulars to the commandants and civil commissaries, thereby endeavouring to induce by persuasion, what will hereafter be required by law. By this means, not only are the inhabitants gratified in their feelings, and gradually brought into the views and measures of Government, but the alarm and apprehension which the immediate promulgation of legal enactments would have created in their minds, have been avoided; and hereafter, when the laws and regulations for the general improvement of the condition of the slave population shall be published and put in force here, I trust that their stipulations will in a great degree have been anticipated by a premature and voluntary compliance on the part of the inhabitants.

“ I trust shortly to be able to forward to your Lordship the draft of an ordinance, prepared according to the instructions contained in your Lordship's despatches, and which has hitherto been delayed by unforeseen circumstances.

“ From the great numerical disproportion which exists between the male and the female slaves of this colony, a very general promiscuous intercourse prevails, which naturally debases the latter; and in many instances their conduct in every respect is fully as bad as that of the worst of the male slaves; therefore, although I admit that the abolishing of corporal punishment, in the cases of female slaves, is highly desirable, yet I conceive that bad consequences might result from its immediate prohibition.”

Enclosure

MAURITIUS.

Enclosure 1, in No. 53.

No. 20.—Ordinance of His Excellency the Governor in Council.

Title.

FOR establishing, under a fixed penal clause, the weight of the chains and fetters, or iron rings, which the inhabitants are authorized, by the existing laws, to put upon their slaves; and also for preventing the infliction of any punishment upon a slave who, after having made a complaint against his master, shall have been returned to the latter, upon condition that such slave shall be treated without resentment.

Preamble.

WHEREAS the laws of the colony, particularly the 37th article of the letters patent of the month of December 1723, in permitting to the inhabitants to put their slaves in chains whenever they shall think these latter shall have merited it, have determined nothing with respect to the weight of the chains and fetters; and it being necessary to good order that the same should be fixed in an invariable manner, by some regulation:

And whereas, from several reports which have reached his Excellency the Governor, it appears that masters, after having been bound, either towards the chief commissary of police in Port Louis, or to the commissaries of police in the several quarters of the island, not to inflict any punishment upon such slaves as shall have been returned to them, after having brought forward complaints against them, have notwithstanding subjected such slaves to certain correction.

By virtue of the powers and authority conferred upon his Excellency the Governor by His most gracious Majesty, his Excellency in Council has been pleased to order:

Weight of the chains and fetters or iron rings.

I. For the future, the weight of the chains which shall be put upon slaves, when their masters shall think they shall have merited such punishment, shall not, with the collars thereunto fixed, exceed nine pounds for two male slaves of fifteen years of age and upwards, who shall be attached to the same chain, nor six pounds for a single slave, who shall carry his chain around his body; the weight of the chains, with their collars, shall not exceed five pounds for negresses and negroes under the age of fifteen years, nor three pounds when the chains shall be borne by such persons singly. A negro and negress shall not, in any case, be chained together.

Nevertheless the chief commissary of police in the town of Port Louis, and the civil commissaries in the respective quarters, may, at the instance of the proprietors, and provided they are of opinion the slaves shall have merited it, augment the weight of the chains in each particular case which shall be submitted to them. shall fix themselves the weight of the chains, and the duration of the increase of the punishment. The weight of the fetters, or iron ring, placed in the foot of a slave, shall not exceed three pounds for male slaves of fifteen years of age and upwards; the fetters, or the iron ring, shall not be put upon negresses or upon negroes under the age of fifteen years. It is prohibited to apply to the same person at one and the same time the punishments of the chains and fetters, without the authority of the chief commissary of police in the town of Port Louis, or of the civil commissaries in the respective quarters. The collar with three branches is forbidden to be used.

Penalty against such person as shall exceed the weight.

Every person offending against the present article shall be condemned in a penalty which shall not, in a first offence, exceed the sum of ten pounds sterling, or be less than forty shillings; and on a second offence, in a penalty not exceeding the sum of twenty pounds sterling, nor less than ten pounds.

This punishment is applicable to the proprietor, the overseer, superintendant or holder of slaves, under whatsoever title it may be.

Prohibition under a penalty to correct a slave complaining against his master, when such slave shall have been returned upon condition that he shall not be treated with resentment.

II. Every proprietor, overseer or holder of slaves, under whatsoever title it may be, convicted of having inflicted a punishment upon a slave which shall have been returned to him upon the condition imposed upon him, (whether by order of the judge, of the chief commissary of police in Port Louis, or of the commissaries of police in the several quarters,) to treat the said slave without resentment, shall be condemned, for a first offence, in a penalty not exceeding the sum of twenty pounds sterling, nor less than five pounds; and in case of a second offence, in a penalty not exceeding

exceeding the sum of forty pounds sterling, nor less than twenty pounds; and this without prejudice to any other proceedings which may arise by reason of the excess of the punishment.

III. The prosecution, in case of contraventions to the present ordinance, shall be instituted and carried on at the suit of the ministère public, before the court of police correctionnelle, and the penalties shall be applied to the uses of the caisse of bienfaisance.

Prosecutions for offences against this Ordinance to be instituted and carried on before the court

of *Police Correctionnelle*, and the penalties to be applied to the *Caisse de Bienfaisance*.

And to the end that no person may pretend ignorance of the same, the present ordinance shall be read, published and registered in the courts, for which purpose a copy thereof shall be presented by the procureur general to his honour the chief judge and commissary of justice.

Present Ordinance to be read and registered in the courts.

GOD SAVE THE KING!

Given at Port Louis, in the Island of Mauritius, this 13th day of December 1826.

(signed) G. LOWRY COLE,

By order of his Excellency the Governor.

(signed) *A. W. Blane*,
Acting chief Secretary to Government.

By order of the Council.

(signed) *W. A. Leitch*,
Secretary to the Council.

Enclosure 2, in No. 53.

Port Louis, le 1 Août, 1826.

Aux Commandans et Commissaires Civils des Quartiers.

Messieurs,

LES lois de la colonie, notamment l'Edit du mois de Décembre 1723, Article 4, et l'Ordonnance des Gouverneur et Intendant du 29 Septembre 1767, Article 5, défendent à toutes personnes, de quelque qualité ou condition qu'elles soient, de faire travailler leurs esclaves aux jours de Dimanches, à piene d'ameude et de punition arbitraire contre les maîtres et de confiscation des esclaves que seront surpris dans le travail.

Malgré des dispositions aussi positives, malgré le soin particulier que j'ai apporté de faire prescrire à diverses époques aux Commissaires Civils, soit par la voie de la police générale, soit par celle du procureur général, l'attention la plus sérieuse à ce que les noirs esclaves reçussent chez leurs maîtres le traitement paternel que ces derniers leur doivent, et qu'ils ne fussent dans aucun cas privés de leur repos aux jours de Dimanches; je suis informée, que dans plusieurs habitations, les noirs esclaves travaillent les Dimanches, comme les autres jours de la semaine. Cette conduite, également contraire à l'humanité et aux véritables intérêts des propriétaires, ne saurait être tolérée plus long tems. Décidé à faire cesser un abus aussi criant, c'est à vous, Messieurs, que je m'adresse directement dans cette circonstance, comme chargés de la police particulière de votre quartier. Placés comme vous l'êtes, au milieu de vos compatriotes, de vos amis et même de vos parens, il est impossible que votre voix ne soit pas entendue, lorsqu'aux motifs les plus forts, dictés par la raison, vous ajouterez cette persuasion, dont l'effet est presque toujours infaillible: alors, n'en doutez pas les habitans sentiront qu'il est de leur devoir comme de leur plus grand intérêt, que les noirs esclaves jouissent de leur repos aux jours de Dimanches, et qu'ils ne puissent les autres jours être appelés aux travaux qu'une demi-heure avant le lever du soleil, et n'y rester qu'un quart d'heure après le coucher du soliel. Je reconnais cependant, que dans la saison de la coupe, et lorsque les circonstances l'exigent, il peut convenir aux habitans de faire marcher la nuit les travaux de leur sucrerie; je n'entends point m'y opposer; mais dans ce cas, les noirs que auront été employés à ce travail extraordinaire, devront avoir le jour suivant pour se reposer.

Le:

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Les planteurs de bled et de riz doivent aussi être exceptés en ce qui concerne les gardiens que leurs plantations exigent, et qui ne peuvent en être distraits jusqu'au moment des récoltes : mais les maîtres sentirent qu'il sera juste alors d'indemniser leurs esclaves des Dimanches qu'ils leur auront sacrifiés. J'appelle également votre attention particulière sur le régime des esclaves, en ce qui touche leur nourriture, leur habillement et les corrections qu'il est permis aux maîtres de leur faire infliger. Il existe dans cette partie des abus qu'il est de votre devoir de faire disparaître, en les dénonçant au procureur général une surveillance exacte vous fera parvenir à un but aussi désirable. Je vous remets ci-après, pour votre information, l'extrait des lois qui ont rapport à la nourriture, à l'habillement et aux corrections des esclaves.

Lettres Patentes du mois de Décembre 1723.

Article 19.—Les esclaves qui ne seront point nourris, vêtus et entretenus par leurs maîtres, pourront en donner avis au procureur général des dits conseils, procureur pour nous, et mettre leurs mémoires entre ses mains, sur lesquels et même d'office; si les avis lui viennent d'ailleurs, les maîtres seront poursuivis à sa requête et sans frais, ce que nous voulons être observé pour les crimes et pour les traitemens barbares et inhumains des maîtres envers leurs esclaves.

Ordonnance des Administrateurs Généraux de l'Isle de France, en date du 29 Septembre 1767

Article 14.—L'expérience ayant appris qu'un esclave ne pouvait être bien nourri à moins de deux livres de mahis par jour, il est ordonné aux maîtres de leur fournir cette quantité de subsistance, soit en même nature de grains, soit en autres denrées équivalentes, tant pour la qualité que pour la quantité, tels que sont le ris, le manior, les haricots et les patates. La racine du songe étant reconnue contenir des sucres caustiques, pernicieux à la santé des malheureux qui sont réduits à s'en nourrir, il est défendu à tout habitant de forcer ses esclaves à y avoir recours pour leur subsistance. Il est également ordonné aux maîtres de fournir par année l'habillement nécessaire à leurs esclaves, autant que les circonstances pourront le permettre. Enjoignant aux syndics des habitans, chacun dans son quartier, de tenir la main à l'exécution du présent Article, et dénoncer les contrevenans au procureur général du Roi.

Article 16.—Les esclaves qui ne seront point nourris, vêtus et entretenus par leurs maîtres pourront en donner avis au procureur général de sa Majesté, et mettre leurs plaintes entre ses mains, sur lesquelles et même d'office; si les avis lui viennent d'ailleurs, les maîtres seront poursuivis à sa requête et sans frais, ce que sa Majesté ordonne être observé pour les crimes et pour les traitemens barbares et inhumains envers leurs esclaves, conformément à l'Article 19 des Lettres Patentes du mois de Décembre 1723.

Article 17.—“ Il est défendu à toutes personnes, de quelque qualité et condition quelles soient, de faire donner plus de trente coups de fouet à leurs esclaves. Ordonnons, que lorsque les maîtres croiront que leurs esclaves mériteraient une plus grande peine, ils seront tenus de se retirer vers le conseiller chargé de la police, pour, sur le rapport qui lui sera fait des fautes des dits esclaves, être par lui fixé le nombre des coups de fouet selon l'exigence des cas, et l'exécution faite sur le porté.”

Si ces instructions, dont l'exécution est confiée à votre prudence et à votre discrétion, n'obtiennent pas le résultat que j'ai lieu d'attendre, je me verrai forcé, bien malgré moi, de recourir à des moyens de rigueur que me répugneront sans doute, mais qui seront commandés par l'humanité, les lois et l'intérêt colonial.

J'ai l'honneur d'être, &c. &c. &c.

(signed) G. Lowry Cole.

(Enclosure 3, in No. 53.)

A Messieurs les Commandans et Commissaires Civils des Quartiers.

Messieurs,

Port Louis, le 15 Décembre 1826.

LE régime des esclaves en cette colonie est un des objets qui fixent particulièrement l'attention du Gouvernement de sa Majesté. Déjà et par une première circulaire, je vous ai démontré combien il était important pour les colons de se porter d'eux-mêmes et volontairement à l'exécution des lois et réglemens qui déterminent les jours de repos des esclaves, leur nourriture, leur habillement et le châtimement qu'ils peuvent avoir mérité relativement à ce dernier point. Vous êtes convaincus que l'Article 17 de l'Ordonnance des Administrateurs Généraux de l'Île de France, en date du 29 Septembre 1767, défendait à toutes personnes de faire donner plus de trente coups de fouet à leurs esclaves ; sauf aux maîtres, lorsqu'ils croiront que leurs esclaves auront mérité une plus grande peine, à la faire déterminer par l'autorité locale. Une disposition aussi sage et aussi conforme à ce que prescrivent également l'humanité et le véritable intérêt du maître, auroit dû ne souffrir aucune difficulté dans son exécution ; cependant je suis informé, que la loi est transgressée par quelques habitans qui ne réfléchissent pas que leur conduite est de nature à nuire, dans ses conséquences, à leurs compatriotes ou général. J'appelle donc de nouveau votre attention particulière sur cette partie importante de l'administration qui vous est confiée.

Je crois aussi devoir vous entretenir dans le plus grand intérêt des colons, des divers châtimens infligés aux negresses. Jusques à present, il n'a existé aucune différence entre les corrections ordonnées par les maîtres à leur égard, et celles dont on fait usage à l'égard des noirs. N'en doutez pas, Messieurs, le Gouvernement de sa Majesté supprimera la peine du fouet pour les negresses ; en effet, il faut reconnoître que la faiblesse de leur sexe et la décence publique sembleraient exiger que les negresses ne fussent punies du fouet, que dans les cas extraordinaires, et avec le concours de l'autorité locale, la chaine, le bloc, l'emprisonnement n'offrent-ils pas assez de moyens pour corriger une negresse, dont d'ailleurs l'état, presque toujours certain, commande des ménagemens ? Usez, Messieurs, de votre influence auprès de vos compatriotes, pour les amener à renoncer d'eux-mêmes à faire usage du fouet à l'égard des femmes esclaves. Cette détermination volontaire de leur part sera justement appréciée par les ministres de sa Majesté ; et j'éprouverai une véritable satisfaction d'avoir à leur annoncer que les habitans de Maurèce n'ont pas eu besoin d'y être contraints par aucune voie coercitive pour adopter une mesure que réclame la saine morale. Je laisse à votre prudence et à votre discrétion le soin de communiquer les présentes instructions aux habitans de votre arrondissement ; je desire qu'ils y apperçoivent une nouvelle preuve de ma sollicitude pour tout ce qui peut contribuer à leur bonheur et à leur tranquillité.

J'ai l'honneur d'être, &c. &c.

(signed) *G. Lowry Cole.*

— No. 54. —

Extract of a Despatch from Sir Lowry Cole, addressed to the Right Honourable William Huskisson, dated Mauritius, 17 May 1828.

" I HAVE had the honour to receive your despatch of the 10th October last, stating that you have found it impossible to advise His Majesty to confirm the ordinance for regulating the emancipation of slaves at the Mauritius, which I had transmitted in my despatch of the 8th February 1827, and desiring that the ordinance in question, as well as Sir Robert Farquhar's proclamation of December 1814, should be repealed, and also that I would propose to the Council the immediate enactment of the necessary laws on the subject of manumission.

" In reply to your despatch adverted to, I deem it my duty to submit the following observations, and which I trust will satisfactorily explain my proceedings on this matter.

" On referring to the despatches which were addressed to me by Earl Bathurst, it will be seen that I was instructed to prepare and transmit the draft of an ordinance

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ordinance in council for the improvement of the condition of the slave population generally, to be submitted to His Majesty for approval, framed in the spirit of the regulations laid down in the Order in Council of the 10th of March 1824, and in two proclamations of His Majesty, and adopted to the laws and local circumstances of the island under my government.

“ After various delays, the draft of the ordinance in question was transmitted to Lord Viscount Goderich, with my despatch of the 20th of October last. In the meantime, however, and with a view of modifying Sir Robert Farquhar’s proclamation of the 30th of December 1814, relative to the emancipation of slaves at the Mauritius, I was induced to submit to the Council the ordinance which is objected to in your despatch now under acknowledgment, and which, in fact, removed from affranchisements all the fees and charges imposed by Sir Robert Farquhar’s proclamation, with the exception of the donation to the “ Caisse de Bienfésance,” which it reduced from 100 dollars to 5*l.* or 25 dollars; and also did away with the detations or deposits made to the “ Caisse de Bienfésance,” as enumerated in the third article of the same proclamation of December 1814.

“ Further, as a proof that the ordinance of January 1827 did not operate as a bar to emancipations, I have the honour to observe, that from 1815 to the end of 1826 the emancipations here averaged only 84 a year; whereas, from the 27th of January 1827 until the end of February of the present year, a period of 13 months, the number of affranchisements amounted to 212.

“ But, in pursuance of your instructions, I have now the honour to transmit an ordinance, No. 34, which has passed the Council and been published in this colony, having for object to repeal all the previous laws in force here respecting emancipations, and to do away with all charges of every description; and the ordinance in question, which will have immediate execution, will I trust meet the views and wishes of His Majesty’s Government.”

Enclosure in No. 54.

No. 34.—Ordinance of his Excellency the Governor in Council.

Title.	FOR repealing all laws, regulations and ordinances now in force relative to the Emancipation of Slaves at the Mauritius, and for embodying into a single law every formality required to effect such emancipations for the future.
Preamble.	HIS Excellency the Governor, desirous of seconding to the utmost of his power the benevolent intentions of the inhabitants with regard to such slaves as they may wish to recompense by the highly valued gift of liberty, and for such purpose, to render the means of emancipation less difficult and expensive, has, by virtue of the powers and authority conferred upon his Excellency by His most gracious Majesty, been pleased in Council to order;
Emancipation of slaves subjected to certain formalities.	Art. 1.—For the future, slaves may be emancipated at the Island of Mauritius and its dependencies, their masters complying with the formalities and subscribing to the conditions hereinafter expressed.
Preliminary formalities.	Art 2.—No emancipation shall be allowed to take place to the prejudice of creditors. Persons desirous of emancipating a slave shall be bound to make such intention public, by three notices from week to week in the Government Gazette; these notices are to contain the name and profession of the master, together with the name, cast, sex and age of the slave to be affranchised. Oppositions to emancipations must be notified to the procureur general; those founded on causes subject to litigation are to be determined by the ordinary tribunals in like manner as summary processes.
Further formalities required previously to obtaining the act of Emancipation.	Art. 3.—Within eight days following the last notification in the Gazette, the master will present to his Excellency the Governor a petition, for the purpose of obtaining the emancipation of the slave in due form. To this petition must be annexed a certificate from the procureur general that there exists no opposition to the emancipation, and likewise a certificate from the registrar of slaves, certifying that the slave to be affranchised has been duly registered, and containing the age of the slave, to be taken from the return, upon oath, of the master. This formality complied with, the act confirmatory of the emancipation will be immediately made out and deli-

vered gratis. This act is to be registered, (gratis also,) within the delay of one month, in the registry of the Court of First Instance, at the office of the civil commissary of the quarter wherein the emancipated slave shall reside, at the police-office of Port Louis, at the slave registry office, and wherever else it may be found necessary. The documents relative to the emancipation are to be taken to and deposited in the registry office.

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Art. 4.—Emancipations by will are to be subjected to the formalities prescribed by the preceding articles.

Emancipations by will.

Art. 5.—On the emancipation of any slave of the age of fifty years and upwards, or of any slave afflicted with an infirmity rendering him incapable of obtaining a livelihood, the master shall, upon emancipating, enter into a bond to provide for and maintain such slave as long as the said slave shall live. Every infirmity is to be attested in the town of Port Louis by the chief commissary of police, and in the several quarters by the civil commissaries or their assistants; for this purpose every slave to be emancipated shall be brought before one of the aforesaid public officers.

Dispositions relative to certain emancipation.

On the emancipation of any slave under the age of fourteen years, the master, on emancipating, shall enter into a bond to provide for and maintain such slave until he shall have completed his fourteenth year.

In the event of any contravention, on the part of the master, to the terms of the bond in favour of slaves emancipated under the circumstances mentioned in the present article, such master shall, upon proof thereof before the ordinary tribunals, and at the suit of the ministère public, be condemned in a penalty not exceeding the sum of two hundred pounds sterling, nor less than fifty pounds, according to the nature of the case. The amount of the penalty shall be applied to the uses of the enfranchised person, and shall for such purpose be deposited in the Caisse de Bienfaisance.

Art. 6.—Children under the age of seven years, born of a slave who shall be emancipated, are to follow the lot of their mother.

Children under the age of seven years to follow the lot of their mother.

Art. 7.—Every master, on emancipating a slave, shall be bound to give such slave a surname, to serve as a family name to his or her descendants for ever.

Surnames to be given to slaves enfranchised.

Art. 8.—All anterior laws and regulations contrary to the dispositions of the present ordinance, are and remain repealed.

Repeal of all anterior laws repugnant to the dispositions of the present Ordinance.

And to the end that no person may pretend ignorance of the same, the present ordinance shall be read and registered in the courts; for which purpose a copy thereof shall be presented by the procureur general, to his honor the chief judge and commissary of justice.

Ordinance to be read and registered in the courts.

GOD SAVE THE KING.

Given at Port Louis, Island of Mauritius, this 14th May 1828.

(signed) G. LOWRY COLE.

By order of his Excellency the Governor.

(signed) A. W. Blane,

Acting Chief Secretary to Government.

By order of the Council.

(signed) W. N. Leitch,

Secretary to the Council.

A true copy.

(signed) W. N. Leitch,

Clerk to the Council.

MAURITIUS.

— No. 55. —

Sir,

Downing-street, 3d January 1829.

I HAVE received Sir Lowry Cole's despatch of the 17th of May, enclosing an ordinance, dated the 14th of the same month, and numbered 34, for regulating the manumission of slaves.

Having laid this ordinance before His Majesty, I have received his commands to signify to you that he has been graciously pleased to confirm and allow it; but I am, at the same time, to call your Excellency's attention to the following remarks upon some of the provisions of the ordinance in question.

His Majesty's confirmation of this ordinance proceeds upon the distinct understanding that it leaves untouched the question respecting what has been termed compulsory manumission, and regulates merely enfranchisements effected by the bounty of the owner or with his consent. Upon the subject of compulsory manumission, His Majesty reserves it to himself to issue such instructions, and to make such further provisions as may appear to him necessary.

The present ordinance would prevent the enfranchisement of an unregistered slave. If any further sanctions are necessary to secure the effectual observance of the law of registration, they should be such as would cause the penalty of disobedience to fall, not upon the innocent slave, but upon the negligent owner.

It is still rendered necessary to the valid manumission of the slave, that a petition for that purpose should be addressed to the Governor. However well I may be persuaded that your Excellency's consent would never be improperly withheld, yet the interference of the government upon this subject appears to be needless, and therefore improper.

No good cause has been suggested why the grant of freedom should be fettered with this species of restraint, from which all other legal grants between private persons are exempt.

The provisions respecting testamentary manumissions are inaccurately expressed. It would be impossible to comply with a law which requires that the same formalities should be observed in the case of manumissions by will as in the case of manumissions by deed or contract. The real meaning seems to have been, that those acts which, when the transaction takes place *inter vivos*, are to be done by the owner, shall, in case of testamentary manumissions, be done by his heirs.

The condition imposed on the manumission of a slave who has outlived his fiftieth year is needlessly rigid. Instead of requiring the owner to undertake to provide for such a slave till his death, it would have been enough had the owner been required to engage that the manumitted slave should not become burthensome to the public.

You will bring this despatch under the consideration of the Legislative Council, and propose to them the enactment of an additional ordinance, embodying the various suggestions which I have made.

It is, at the same time, due to Sir Lowry Cole and the Legislative Council of Mauritius to acknowledge that the ordinance in question, notwithstanding the defects which I have pointed out, constitutes every material improvement of the former law upon this subject.

I am, &c.

(signed) G. MURRAY.

Lieut.-Gen. the Hon. Sir Chas. Colville, G. C. B.

&c. &c. &c.

— No. 56. —

MAURITIUS.

Extract of a Despatch, addressed by the Right Honourable Sir George Murray to Lieutenant-General Sir Charles Colville, Governor of Mauritius, dated Downing-street, 8th May 1829.

“ THE Ordinance, No. 20, dated December 1826, “ for establishing, under a fixed penal clause, the weight of the chains and fetters or iron rings which the inhabitants of the Mauritius are authorized by the existing laws to put upon their slaves ; and also for preventing the infliction of any punishment upon a slave, who, after having made a complaint against his master, shall have been returned to the latter upon condition that such slave shall be treated without resentment,” would have been made the subject of a much earlier communication from this department, but for the impression, which appears to have been entertained, that it had been superseded by the recent ordinance for improving the condition of slaves. A late communication from the Commissioners of Inquiry has, however, shown that this ordinance continues to form part of the law of the island, and that the practice which it professes to regulate still prevails there.

“ It is not without much surprise and concern, that His Majesty’s Government have observed the provisions of this ordinance. The use of chains, as an ordinary instrument of domestic punishment in a tropical climate, must be deprecated on every principle of humanity and sound policy. In the West India Islands, long before the commencement of the recent discussions respecting slavery, the use of chains for this purpose had been very generally, if not universally, prohibited, under severe penalties. But this enactment not merely tolerates them, but subjects even women and children of the most tender years to the same description of punishment. It even permits the use of what are termed branches, attached to the collars borne upon the neck of the sufferer. It assigns no limit to the duration of this species of punishment, and when the sanction of the civil commissary can be obtained, imposes no limit even upon the weight of the chain.

“ It cannot, unfortunately, be suggested, that the instruments which the owner is thus permitted to employ, are formidable only in name. The Commissioners of Inquiry have thought it their duty to transmit to this department specimens of the various chains and collars, with and without spokes, which are used at Mauritius in the punishment of slaves ; and they appear, in reality, to be nothing less than instruments of torture. I deeply regret, that your predecessor did not, at once, adopt the measure of abolishing and prohibiting them altogether.

“ Under such circumstances, His Majesty cannot of course confirm this ordinance. But, since it establishes some mitigation of the severities formerly practised, it must not be revoked, until the enactment of another ordinance founded upon better principles. You will therefore, with the least possible delay after the receipt of this despatch, propose to the Council of Government of Mauritius the enactment of a law for the total and immediate prohibition of the use of chains, collars, fetters, and any other instrument, of the same or any similar description, in the punishment of slaves, either with or without the sanction of the civil commissary, or of any other officer of police, or local magistrate. The use of chains and similar instruments of punishment cannot be permitted at all, except when necessary to prevent the escape of persons committed for trial on heinous charges, of persons sentenced by the tribunal *de Première Instance*, or by the tribunal *d’Appel*. Even in this case the practice should be carefully regulated, so as to prevent any abuse of the power entrusted to the gaoler. The protector of slaves should be specially charged with the duty of superintending the execution of this law.

“ It has been stated, upon authority entitled to great respect, that in the streets of Port Louis, the slaves who are employed as scavengers, are yoked together to carts, and exhibit a very offensive and humiliating spectacle. If any such practice really prevails, immediate measures must be taken for the suppression of it. In the improvement of the general condition of the slaves, nothing can be more essential than to cultivate the sense of self respect among the slaves, and to abolish all practices destructive of it.

MAURITIUS.

“ His Majesty in council has abstained from introducing the measures, to which I have adverted, by His own authority, in the full persuasion that the Council of Government of Mauritius will cordially co-operate with you in passing the necessary ordinance, and immediately repealing the ordinance of December 1826. His Majesty will not interpose for this purpose, unless the disappointment of this reasonable expectation should render such an exertion of His authority necessary.

“ The rules established by this Act, for the preventing the punishment of a slave by his owner, for appealing to the judicial authorities, are plainly nugatory. The offended owner will always escape the penalty, by attributing the punishment, not to resentment for the complaint, but to some other offence, real or imaginary, of the slave. He may with safety impute to him any offence whatever, since he is not bound to prove the actual commission of it. You will, in council, consider how far it may be possible to find some more effective security against this vindictive kind of punishment. It might perhaps be right to require an owner punishing his slave, within some fixed period after his complaint to the legal authorities, to prove that the punishment had been merited by some adequate offence. I am aware that there are difficulties in this and in every view of the subject, which it may not be possible to surmount entirely; but I wish you to direct your own attention and that of the Council, to the consideration of the best means of securing the object in view.”