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# PAPERS

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 1827.]

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## SCHEDULE

Of Correspondence between the Secretary of State for the Colonies and the Officers Administering the Governments in His Majesty's Possessions in the West Indies, on the Continent of South America, and at The Mauritius.

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### JAMAICA.

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1.	Feb. 22,		Earl Bathurst to the Duke of Manchester, acknowledging the receipt of Letter of 23d December last, enclosing an Analysis of the New Consolidation Act, and Copies of several of the Clauses introduced therein; declines making any observations thereon at that moment, but expresses satisfaction at the disposition of the Legislature to attend to the suggestions of His Majesty's Government — —	1
2.	Sept. 22,		The Right Hon. W. Huskisson to Major-Gen. Sir J. Keane, stating that the Act passed in Jamaica in December last, for altering and amending the Slave Laws had been disallowed, and communicating the grounds of His Majesty's decision thereon — —	<i>ibid.</i>
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5.	Dec. 24,		Major-Gen. Sir J. Keane to the Right Hon. W. Huskisson, inclosing Copy of a Report made by the Committee appointed to take into consideration Mr. Huskisson's Despatch of the 22d September, and also Copy of a Bill brought up to the Council the last day of the Session, declaring the Slave Act of 1816, and all Acts relating to Slaves between that period and 1826, to be again in force, which the Council rejected (Two Inclosures) — — — —	8
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3.	Jan. 22,	President Skeete to The Right Hon. W. Huskisson, transmitting Copy of a Petition presented by the Free Coloured People, together with Copies of an Act giving effect to the prayer of the Petitioners, and of a Letter from the Acting Attorney-General in reference thereto; and stating that he had given his assent to the Act (Two Inclosures) —	42
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4.	Jan. 9,	<sup>1828.</sup> Officer Administering the Government to The Right Hon. W. Huskisson, transmitting an Act passed by the Legislature of St. Christopher, intituled "An Act for further improving the condition of the Slave population" (One Inclosure) — — — —	<i>ibid.</i>
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6.	Sept. 17,		Lieut.-Gov. Beard to Lord Goderich, transmitting Copy of the Report of the Deputy Protector, detailing his proceedings from the 1st July to 30th August last, together with all the Documents to which the Report refers (Thirty-six Inclosures) — — — — —	246
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9.	Oct. 31,		The Right Hon. W. Huskisson to Lieut.-Gov. Beard, acknowledges the receipt of Despatch of 19th April, (No. 3) and remarks on the Protector's Report inclosed therein — — — — —	272
10.	May 8,	1828.	The Right Hon. W. Huskisson to Lieut.-Gov. Beard, desiring that the Protector might be instructed to prepare Abstracts of the Half-Yearly Returns of Punishments on Plantations, and transmitting Copies of the various Abstracts which have been received from Trinidad since the Slave Ordinance had been in operation there — —	273
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2.	Oct. 10,		The Right Hon. W. Huskisson to Lieut.-Gen. Sir G. L. Cole, acknowledging the receipt of Despatch of 8th February (No. 1.), and pointing out certain Clauses of the Ordinance inclosed therein which are not in accordance with the views and intentions of His Majesty's Government — — — —	280
3.	Oct. 20,		Lieut.-Gen. Sir G. L. Cole to Lord Goderich, transmitting the Draft of an Ordinance in Council for the improvement of the Slave Population of Mauritius, framed in the spirit of the Regulations contained in the Documents which accompanied his Lordship's Despatches, and adapted to the Laws and local circumstances of the Colony; to which are subjoined various explanatory Papers, either referred to in some of the Articles of the Ordinance, or in the Remarks of the Council, which are opposite to such Articles; and also a Copy of the Observations of the principal Slave Proprietors, drawn up at a meeting held to take into consideration the provisions of the Trinidad Ordinance (Nine Inclosures) — — — —	282
4.	March 19,	1828.	The Right Hon. W. Huskisson to Lieut.-Gen. Sir G. L. Cole, stating that he had received and had laid before The King his Despatch of the 20th October (No. 3.), with observations on the Draft of the Ordinance that accompanied it — — — —	368
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## PAPERS

RESPECTING THE

## SLAVE POPULATION IN THE WEST INDIES,

&amp;c. &amp;c. &amp;c.

## JAMAICA.

## No. 1.

MY LORD,

*Downing-Street, 22d February 1827.*

I HAVE the honour to acknowledge your Grace's letter of the 23d December last, enclosing an analysis of the new Consolidation Act, and copies of several of the new Clauses introduced into it.

I shall defer for the present making any critical observations on those clauses, as well as any general remarks on the bill itself; but although this bill may not execute the object of His Majesty's Government to the extent recommended, yet I should be unwilling to withhold the expression of satisfaction which His Majesty's Government cannot but feel at the disposition which the Legislature of Jamaica have shewn on this occasion to attend to their suggestions, founded, as they were, on the unanimous resolutions of the two Houses of Parliament, more particularly by introducing into the bill two measures of so much importance as those of admitting the evidence of slaves, and of making an essential alteration in the mode of their trial.

I have, &amp;c.

*His Grace the Duke of Manchester,*  
&c. &c. &c.

(Signed)

BATHURST.

## No. 2.

SIR,

*Downing-Street, 22d September 1827.*

THE Act passed by the Governor, Council, and Assembly of Jamaica in the month of December 1826, intituled "An Act to alter and amend the Slave Laws of this Island," having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for the Affairs of Trade and Foreign Plantations, that Committee have reported to His Majesty in Council their opinion, that this Act ought to be disallowed. The order of His Majesty in Council approving that report, and disallowing the Act, will be transmitted to you by the earliest opportunity.

In obedience to the commands of His Majesty in Council, I proceed to communicate to you the grounds of His Majesty's decision upon this subject.

The Privy Council did not submit to His Majesty their advice that this Act should be disallowed without great reluctance. The great importance of the subject has been fully estimated, and His Majesty has perceived, with

much satisfaction, the advances which the Colonial Legislature have made, in many respects, to meet the recommendations conveyed to them in Lord Bathurst's despatch of the 11th May 1826. But, however much His Majesty may have been desirous to sanction these valuable improvements in the slave code of Jamaica, it has been found impossible to overcome the objections to which other enactments of this law are open. I am commanded to express to you His Majesty's earnest hope that, upon a deliberate review of the subject, the Legislative Council and Assembly will be disposed to present for your assent another bill, divested of those enactments which have prevented the confirmation of the present Act.

Among the various subjects which this Act presents for consideration, none is more important in itself, nor more interesting to every class of society in this Kingdom, than the regulations on the subject of religious instruction. The eighty-third and two following clauses must be considered as an invasion of that toleration to which all His Majesty's subjects, whatever may be their civil condition, are alike entitled.

The prohibition of persons in a state of slavery assuming the office of religious teachers might seem a very mild restraint, or rather a fit precaution against indecorous proceedings. But amongst some of the religious bodies who employ missionaries in Jamaica, the practice of mutual instruction is stated to be an established part of their discipline. So long as the practice is carried on in an inoffensive and peaceable manner, the distress produced by the prevention of it will be compensated by no public advantage.

The prohibition of meetings for religious worship between sun-set and sun-rise, will, in many cases, operate as a total prohibition, and will be felt with peculiar severity by domestic slaves inhabiting large towns, whose ordinary engagements on Sunday will not afford leisure for attendance on public worship before the evening. It is impossible to pass over without remark the invidious distinction which is made, not only between Protestant Dissenters and Roman Catholics, but even between Protestant Dissenters and Jews. I have indeed no reason to suppose that the Jewish teachers have made any converts to their religion among the slaves, and probably therefore the distinction in their favour is merely nominal. Still it is a preference which, in principle, ought not to be given by the legislature of a Christian country.

The penalties denounced upon persons collecting contributions from slaves, for purposes either of charity or religion, cannot but be felt, both by the teachers and by their followers, as humiliating and unjust. Such a law would affix an unmerited stigma on the religious instructor, and it prevents the slave from obeying a positive precept of the Christian religion, which he believes to be obligatory on him, and which is not inconsistent with the duties he owes to his master. The prohibition is, therefore, a gratuitous aggravation of the evils of his condition.

It may be doubtful whether the restriction upon private meetings among the slaves, without the knowledge of the owner, was intentionally pointed at the meetings for religious worship. No objection of course could exist to requiring that notice should be given to the owner or manager whenever the slaves attended any such meetings; but, on the other hand, due security should be taken that the owner's authority is not improperly exerted to prevent the attendance of the slaves.

I cannot too distinctly impress upon you, that it is the settled purpose of His Majesty's Government to sanction no Colonial Law which needlessly infringes on the religious liberty of any class of His Majesty's subjects, and you will understand that you are not to assent to any bill imposing any restraint of that nature, unless a clause be inserted for suspending its operation until His Majesty's pleasure shall be known.

Having thus adverted to this most important branch of the general subject, I proceed to enquire how far the suggestions contained in Lord Bathurst's despatch of the 11th May 1826, have been followed by the Act under consideration.

The council of protection, established under the thirty-third clause of this Act, cannot be considered as an effectual substitute for the office of a distinct and independent protector. The council in each parish will consist of

those individuals over whom the protector was to exercise his superintendence. Their duties are limited to the single case of extreme bodily injury, and are to be discharged only if they think proper. The periodical returns required from the protector upon oath are not to be made by the council of protection, nor are they even bound to keep a journal of their proceedings. No provision is made for executing the duties of the office in different parts of the colony upon fixed and uniform principles, and the number of persons to be united in this trust is such as entirely to destroy the sense of personal and individual responsibility.

In the provisions for the due observance of Sunday, I remark that the continuance of the markets on that day till the hour of eleven is contemplated as a permanent regulation. It is however impossible to sanction this systematic violation of the law prevailing in every other Christian country. In the proposals, transmitted by Lord Bathurst to his Grace the Duke of Manchester, a temporary departure from this rule was permitted, but only as a relaxation required by peculiar and transitory circumstances.

The clauses denouncing penalties on persons employing their slaves to labour on Sunday, are expressed with some ambiguity, so as to leave it doubtful whether the penalty will be incurred at any other time than during crop, or for any work excepting that required about the mills. Neither is it clear that an owner procuring his slaves to work on Sunday by persuasion, or any other means than those of direct compulsion, would violate the law. I do not perceive that provision is made for those cases of unavoidable necessity which would create an exception to the general rule.

Punishments inflicted by the domestic authority of the owner, are not required to be made the subject of a report to any public officer, nor does the law require that any interval should elapse between the commission of the crime and the infliction of the punishment. The presence of free witnesses at the infliction of punishments is not declared necessary, nor would the law be broken, whatever might be the severity of the punishment, if it were inflicted by any other method than that of whipping or imprisonment. The use of the whip in the field is not forbidden; women are not exempted from punishment by flogging; nor is any presumption of guilt to arise if the slave shall make a "probable, particular and consistent" charge against his owner, confirmed by the exhibition of his person, bearing the marks of recent and illegal punishment.

In all these respects the provisions of this Act fall short of the recommendations of His Majesty's Government. It remains to notice other provisions on the subject of punishment which have been originally suggested by the Colonial Legislature.

The Act appears to sanction an unlimited delegation of the power of punishment, so that even a fellow-slave might be entrusted with it, provided that the correction does not exceed ten lashes. In the presence of the owner or manager thirty-nine lashes may be inflicted by his authority — an extent of power which cannot be necessary, and which might probably be the source of serious abuse.

The thirty-seventh section of this Act authorises private persons to commit their slaves to prison in the public workhouses of the island, without the warrant of a justice of the peace; and the preceding section, the thirty-sixth, enables the gaoler, as well as the owner, to inflict punishment by whipping in prison, without trial. It is difficult to perceive the necessity for such an extension of domestic authority, and, if unnecessary, it is plainly objectionable.

The fine of ten pounds for inflicting repeated punishments for the same offence can scarcely be incurred in any case, since no record is to be kept ascertaining the grounds of any particular punishment, and the party accused may impute to his slave whatever offences he may think proper, without the necessity of proving them. The fine on a workhouse-keeper inflicting an excessive number of lashes is ten pounds—a punishment which may, in some cases, be entirely disproportionate to so serious an offence.

The complaint which the slave is authorised to make before any three magistrates would not, I should fear, be a very effectual means of redress. As they must always be three proprietors of the same parish, there is a manifest danger of the influence of local partialities. As every groundless



complaint is to be punished, it is to be feared that many well-founded complaints will not be preferred. The mere failure of evidence in support of a complaint is surely not enough to justify the punishment of the party complaining. The owner should be bound to prove that the complaint was malicious or frivolous.

On the subject of marriage, I observe, that no security is taken against the possible case of the unreasonable or capricious refusal of the owner to consent. By confining the power of celebrating marriages to the Clergy of the Established Church, every other class of religious teachers are deprived of the means of exercising a salutary influence over the minds of their disciples, and probably the Roman Catholic Priests may be entitled to say, that such an enactment takes away from them a right which by the common law they enjoy in every part of His Majesty's dominions to which the Marriage Act of George II. does not extend. The necessity of undergoing an examination by a clergyman of the Established Church, as to the nature and obligations of the marriage contract is not very apparent, and might perhaps operate as a serious impediment to the formation of such connexions. It is difficult to understand how the range of enquiry respecting the "obligations" of the marriage contract is to be limited, since that expression may be supposed to embrace a large variety of moral and religious considerations, with which the slave population in its present state must be very imperfectly conversant.

I observe that this Act does not require that any registry should be kept of the marriages of slaves, nor even that any periodical returns should be made of the number of such marriages.

On the subject of the separation of relatives, the word "family" is left without a definition. It is susceptible of so many different meanings that it would seem peculiarly necessary to ascertain the precise sense in which it is used. The rule laid down in the law seems also to require some better sanction. It is simply a *direction* to the provost-marshal; but if he should disobey that direction, it is not provided that the sale should be void. A provision appears to be wanting for enabling the officer to ascertain whether any particular slave is, or is not a member of the family.

The property of slaves is left by this law in an unprotected state. No action is given to them, or to any person on their behalf, for the defence or recovery of it. The single case in which any remedy is provided, is that in which the property of the slave is taken away. No mention is made of that much more important class of cases in which property may be withheld. The slave could not under this law recover a debt, nor obtain damages for the breach of a contract. The mode of proceeding by information for penalties before three justices of the peace, is a remedy to which hardly any one would resort, for the Act does not give the amount of the penalty, if recovered, to the injured party; and the slave himself could not make the complaint, except upon the condition of receiving a punishment if the justices should deem it groundless. The slaves are also excluded by the terms of this law from acquiring any interest in land;—a restriction which would appear at once impolitic and unnecessary.

On the subject of what has been termed the compulsory manumission of slaves, this Act does not profess to adopt the measure suggested by His Majesty's Government. It is therefore needless to institute any comparison between those measures and the enactments of this law. But upon that subject I may, perhaps, at no distant period, have occasion to make a further communication to you.

On the subject of gratuitous manumissions, and manumissions effected by voluntary contracts, this Act requires that in all cases security shall be given for the maintenance of the slave. In the case of testamentary manumission, the estate of the testator is to be liable to the payment of an annuity of ten pounds for the support of the slave, if he should become incapable of maintaining himself. These regulations must of course operate as a great discouragement to enfranchisements in all cases. Without incurring this inconvenience an effectual security might have been taken against the abuse of emancipating slaves incapable, from their age or infirmities, of procuring their own subsistence.

It is to be feared that serious inconvenience may arise from the neglect of the proposal to provide a method by which a slave could ascertain what particular person was entitled to receive the price of his freedom. In the case of plantation slaves, the title is usually the same with the title to the land itself, and cases are stated to have occurred in which a slave has lost the whole earnings of his life by paying the price of his liberty to the wrong person.

On the important subject of the evidence of slaves, His Majesty is graciously pleased to signify his approbation of the advance which has been made towards a better system of law. But, in reference to this subject, I am to observe, that this law appears to contemplate the admission of the evidence of slaves in those cases of crime only in which they are usually either the actors or the sufferers, excluding their evidence in other cases—a distinction which does not seem to rest on any solid foundation. There is not any necessary connection between the baptism of a witness and his credibility. The rule which requires that two slaves at the least shall consistently depose to the same fact, on being examined apart, before any free person can be convicted on slave-testimony, will greatly diminish the value of the general rule. In some particular cases, such for example as the case of rape, such a restriction might secure impunity to offenders of the worst description. The rejection of the testimony of slaves twelve months after the commission of the crime, would be fatal to the ends of justice in many cases, nor is it easy to discover what solid advantage could result from it in any case.

If the owner of a slave is convicted of any crime on the testimony of that slave, the court has no power of declaring the slave free, although it may exercise that power when the conviction proceeds on other evidence. Highly important as it is to deprive a slave of every motive for giving false evidence against his owner, that object might be secured without incurring the inconvenience of leaving the slave in the power of an owner convicted of the extreme abuse of his authority.

In rejecting the proposal for establishing a record of the names of all slaves sufficiently instructed to be competent witnesses, the Colonial Legislature appear to have neglected the means of providing a cheap and effectual encouragement to good conduct, and of investing the religious teachers of the slaves with a powerful and legitimate influence over them.

His Majesty has observed with great satisfaction various provisions in this Act for the improvement of the condition of the slaves, which originated exclusively with the Colonial Legislature. Among them I have particularly to advert to the clause requiring the gratuitous baptism of slaves, and to the regulation by which slaves are allowed one day in each fortnight to cultivate their provision-grounds exclusive of Sundays, except during the time of crop. The smallest number of days to be allowed in one year being twenty-six. It may perhaps, however, be necessary that some more effectual means should be devised for enforcing obedience to this law.

The enactment requiring a monthly inspection of the provision-grounds, and the delivery of an adequate supply of provisions when there is not a sufficient quantity of such grounds, is calculated to produce the most beneficial effects, and might be rendered still more valuable by some alteration in the terms of the oath, which are susceptible of a construction remote from the real intention of the framers of the law. Great advantage may be anticipated from the regulations for the support of the mothers and nurses of large families, and for the protection of old and infirm slaves.

The provisions for the prevention of excessive labour contemplate the working the slaves for eleven hours and a half daily out of crop, and place no limit to the continuance of their work during crop-time. Considering the climate in which this labour is to be performed, and that after the work of the field is over, there will yet remain to be done many offices, not falling within the proper meaning of the term labour, I should fear that the exertion of the slaves, if exacted up to the limits allowed by this law, would be scarcely consistent with a due regard for the health of the labourer.

The crimes of murder and rape, when committed on the persons of slaves, are most properly made punishable by death; but if these enactments are to be understood, not as declaratory of existing laws, but as introductory of new

laws, then it is obvious that there are other offences, which might be perpetrated on the persons of slaves, against which the same punishment should have been denounced.

The rules for the prevention of mutilation and other cruelties, however just and valuable in principle, would, I should fear, lose much of their efficacy in practice, from the peculiar complexity of the process which is to be observed in bringing the offender to justice. In the cases supposed, of the dismemberment or mutilation of a slave, fine and imprisonment would seem a very inadequate punishment.

The rules on the subject of runaways claiming to be free, and respecting slaves carried from place to place for sale, seem well adapted to prevent the recurrence of serious abuses. The provisions for the trial of slaves in criminal cases would also appear to be a material improvement on the former law. I perceive, however, that the evidence of slaves on such trials is to be admitted against slaves. It is not said that such evidence shall be admitted for them, although of course this must have been the intention. It is to be regretted that no provision is made for securing the attendance of judges, regularly educated in the legal profession, on slave trials.

It remains to notice those parts of this Act which provide for the punishment, or the prevention, of crimes committed by slaves.

The crime of harbouring runaways may be punished with much more severity, when the offender is a slave than when he is a free-man—a distinction which reverses the established principle of justice, that the malignity of crimes is enhanced by the superior knowledge and station of the criminal.

In many cases both the nature and amount of the punishment to be inflicted on the offending slave are referred exclusively to the discretion of the court. I am not aware of any necessity for so unlimited a delegation of authority.

Among capital crimes are enumerated rebellion and rebellious conspiracy. As these are terms unknown to the law of England, it is not fit they should remain on the statute-book without some legislative definition of their meaning.

Felony seems to be generally declared capital when committed by slaves. The case of clergyable felonies is not noticed.

The enactments by which assault, or offering violence to a free person, are declared capital, are framed with an extreme laxity of expression, and have an appearance of severity which I am persuaded was not really contemplated by the framers of this law.

The definition of the offence of obeah will be found to embrace many acts against which it could not have been really intended to denounce the punishment of death. The definition of the crime of preparing to administer poison, is also so extensive as to include many innocent, and even some meritorious acts. Thus, also, the offence of possessing materials used in the practice of obeah is imperfectly described, since no reference is made to the wicked intention in which alone the crime consists.

The owner of a slave condemned to death or transportation is, in all cases, to be indemnified at the public expence for the loss of his property. His Majesty's Government have repeatedly expressed their disapprobation of this rule of law. It weakens the motives for maintaining good domestic discipline, and for preventing the commission of crimes by the authority of the owner. It is unjust to indemnify any man at the public expence for a loss in which his own culpable neglect of duty may have involved him. To the slave it is unjust to deprive his owner of all pecuniary interest in the preservation of his life. And when the crime of the slave is, as it often may be, the direct consequence of the owner's positive misconduct, it is in the highest degree impolitic to relieve the owner from the loss. The power of remitting the sentences of slaves condemned to hard labour for life, is to be exercised only when the slave evinces in every respect a complete reformation of manners. I fear that few men undergo such a total change of character as this under any circumstances, and that a prison is among the last places in which it is to be expected. Independently of this consideration, I apprehend that this clause may in some degree derogate from the power, which, under His Majesty's instructions, you possess of pardoning offenders or remitting their punishments,

## JAMAICA.

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I have thus explained, at length, the considerations which have imposed on His Majesty's Government, the necessity of submitting to His Majesty their advice that this Act should be disallowed. It cannot but be a subject of deep regret to them that their sense of public duty has prevented their adopting a different course. But I trust that, upon a serious and deliberate review of the subject, the gentlemen of the Legislative Council and Assembly of Jamaica will themselves be disposed to admit, that the decision which has been adopted was inevitable. The preceding remarks will shew that the Act has not been disallowed upon any slight grounds. The many wise and beneficent provisions which it contains have been fully appreciated, although they have not been thought sufficient to compensate for the irreparable injury which the best interests of the colony might sustain from some of the enactments to which I have particularly referred. Even were the law unobjectionable on every other ground, it would be impossible to surmount the difficulty presented by the clauses for restraining religious liberty.

I have, &amp;c.

(Signed) W. HUSKISSON.

*Major-General Sir J. Keane, K. C. B.*

&amp;c.

&amp;c.

&amp;c.

## No. 3.

SIR,

*Downing-Street, 30th October 1827.*

WITH reference to my despatch of the 22d ultimo, I have now the honour to transmit to you an order of His Majesty in Council, disallowing an Act passed by the Governor, Council, and General Assembly of the Island of Jamaica, in the month of December last, intituled "An Act to alter and amend the Slave Laws of this Island."

I have, &amp;c.

(Signed) W. HUSKISSON.

*Major-General Sir J. Keane, K. C. B.*

&amp;c.

&amp;c.

&amp;c.

## No. 4.

*Extract of a Despatch addressed by the Lieutenant-Governor of Jamaica to the Right Honourable W. Huskisson, dated Jamaica 4th December 1827.*

THE detention of His Majesty's brig Beaver for twenty-four hours, enables me to convey to you the result of the proceedings in the House of Assembly, on the subject of your despatch of 22d September last.

I am at the same time to apprise you, that a committee has been appointed to prepare an answer to the several objections detailed in your despatch of the 22d September, which will necessarily occupy some time.

*Copy of a Message from the House of Assembly of Jamaica to the Lieutenant-Governor.*

MAY IT PLEASE YOUR HONOUR,

WE are ordered by the House to wait on your honour, and to thank your honour for the fair and candid manner in which you have laid before the House the copy of a despatch from His Majesty's Principal Secretary of State for the Colonial Department, stating in detail the reasons of His Majesty's Government for disallowing the law passed last session, "to alter and amend the slave law."

After the mature consideration which the House bestowed upon that law, they regret to find that His Majesty has been advised to disallow the same;

but they have the consolation to think, that if the slave population be deprived of the many valuable improvements contained in that code, the blame cannot be attributed to the House.

In enacting the eighty-third, eighty-fourth, and eighty-fifth clauses, which are particularly objected to, the House had before them the example afforded by Demarara, and they deemed the restrictions necessary as well for the peace of the colony, as for the well doing of the slaves; that opinion the House still retain, and consequently are unable to present to your honour any modified law on this subject.

In the law passed last session, the House did incorporate every real and substantial improvement, which they could do with safety to the country, and with benefit to the slave; but they cannot (for the purpose of gratifying the Parliament and Government of Great Britain) agree to adopt measures incompatible with the best interests of the colonies.

The House are aware that your honour cannot, under the instructions you have received, sanction any bill on the subject of religion, without a suspending clause, and as the House will never make a deliberate surrender of their undoubted and acknowledged rights, by legislating in the manner prescribed, they will not lay before your honour any bill respecting the slave population.

## No. 5.

SIR,

*King's-House, Jamaica, 24th December 1827.*

I HAVE already transmitted to you a message, which I had received from the House, in reply to my communication relative to the disallowance of the Slave Law, and I have now the honour to enclose the copy of a report made to the House by a Committee appointed to take into consideration the objections detailed in your despatch of 22d September last, to the Slave Act of last year. I think it proper also to enclose a copy of a bill which was brought up to the Council on the last day of the session, declaring the Slave Act of 1816, and all Acts relating to slaves between that period and the Act of 1826, again in force. This bill the Council rejected after the first reading as interfering with His Majesty's prerogative.

I have, &amp;c.

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

(Signed) JOHN KEANE.

*May it please your Honour,*

WE are ordered by the House to wait on your honour, with a copy of the report of the Committee to take into consideration the letter of Mr. Huskisson to your honour, and to request that your honour will be pleased to forward the same to His Majesty's Ministers.

*House of Assembly, 14th December 1827.*

Mr. Barrett, from the Committee appointed to take into consideration the Letter from Mr. Huskisson to his Honour the Lieutenant Governor, reported as follows:

*Mr. Speaker,*

YOUR Committee, "appointed to take into consideration the letter of Mr. Huskisson to the Lieutenant-Governor, and to report thereon to the House," have drawn up several resolutions, and have replied to the objections which Mr. Huskisson states to have occasioned the disallowance of the Slave Act by His Majesty.

These resolutions, and the reply, your Committee recommend to the consideration of the House.

Resolved, 1st.—That the House have learned, with surprise and disappointment, that the Committee of Privy Council for Trade and Foreign Planta-

tions have advised His Majesty to disallow the Act passed last session, intituled, "An Act to alter and amend the Slave Laws."

2d.—That his Grace the Duke of Manchester having, in his speech at the close of last session, declared his opinion "that the mildness and moderation which were evinced throughout the law, and the beneficial alteration produced in the condition of the slave in many particulars would be highly satisfactory to His Majesty's Government," the House rather expected to be honoured with the unreserved commendation of His Majesty, than to have their labours contemned, and their sacrifices undervalued and rejected.

3d.—That this proceeding on the part of the King's Ministers must shake the confidence of the island in their wisdom and justice, inasmuch as, for several years successively, plans of melioration have been pressed upon the House, and it has been urgently suggested to the House, that the Imperial Parliament, and Great Britain generally, anxiously desired the amendment of the Slave Law. With all that respect for the wishes of the King, and of our fellow-subjects, which, as belonging to one common Empire, we feel bound to observe, this House maturely weighed the various propositions made through the Secretary of the Colonies, and adopted not only all of the propositions which appeared to be in the slightest degree beneficial to the colony, but they even conceded to Government in every point that was not positively mischievous, and in some of doubtful, if not of dangerous tendency. The House do not venture to reproach His Majesty's Government with vacillation and caprice in the change of counsels, which has led to the disallowance of a law, once so eagerly coveted; yet they find it impossible, in Mr. Huskisson's despatch to the Lieutenant-Governor, to discover any sound reason for the course that has been pursued.

4th.—That the House conceive this important error to have been committed by His Majesty's Government. Instead of comparing the new Act with the institutions of Jamaica, the Advisers of the Crown have kept in sight the laws and customs of the mother country, and have passed sentence on a law designed for the regulation of slaves, as if it were an Act to fetter the minds and persons of a free people. Moreover, His Majesty's Advisers have altogether neglected the obvious propriety of contrasting the new with the old law. Had they deigned to open the law of 1816, they would have found that it wanted many of those humane provisions which the improved civilization of the slaves enabled the House to introduce in the Act of 1826. If it be admitted that the new law falls below the reasonable hopes of the King's Ministers, yet it far exceeds the old law in restraint upon the abuse of the Master's authority, and in civil rights conceded to the slaves: and had the two Acts been judged by their respective merits, and in the same spirit of tenderness to the slaves which the King's Government has professed for so many years, it is considered by the House, that the Act of 1816 would not have been revived.

5th.—That the disallowed Slave Act, in the admission of slaves to give evidence in criminal cases, went beyond the express recommendation of the King's Government; for, in the second proposition of the Colonial Minister, sent down to the House by the Duke of Manchester, at the commencement of the last session, and declared by his Grace "to have received the unqualified approbation of both Houses of Parliament," it is observed, "that the admission of the evidence of slaves is not to extend to cases where a white person, or persons of free condition, shall be charged with, or prosecuted for, any capital crime;" however, not only are the slaves by the disallowed Act permitted to give evidence in cases where white and free persons are prosecuted for capital crimes, but their evidence has actually been admitted in two such cases during the short operation of the Act;—in one, the offender, a white man, was convicted, partly on slave evidence, of murder; and in the other, a man of colour was convicted of manslaughter, solely on such evidence.

6th.—That the House hear with pain, that although this and other "valuable improvements are fully estimated by His Majesty's Privy Council, yet it was impossible to overcome the objections to which other enactments of this law are open."

7th.—That for the information of His Majesty's Government, and the justification of the House to His Majesty, the House will proceed to examine the objections which have prevented the confirmation of the Act.

The eighty-third and the two following clauses are called "an invasion of that toleration to which all His Majesty's subjects whatever may be their civil condition, are alike entitled." The reasoning that follows this doctrine is not of weight enough to be considered, the doctrine itself being utterly at variance with the institutions of Jamaica. The owner is bound by law to lodge, clothe, and feed his slaves; he provides for their comfort in infancy, in sickness, and in age: and however useless or deprived they may be, this obligation cannot be evaded. If, therefore, slaves are protected from the ordinary casualties of life, and even from the effects of their own indolence and thoughtlessness, and often of their crimes, they necessarily incur obligations to their masters unknown in societies where the connection between the upper and lower classes is more loosely cemented. The eighty-third clause prohibits the preaching and teaching by slaves, not because mischief might probably accrue, but because it had been found by experience, as the preamble to the clause declares, "to be attended with the most pernicious consequences, and even with the loss of life." So long as the slave subsists at the cost of his master, so long must that master's right be admitted to watch over his actions, on which depend his health and his life. Neither health nor life can be secure if slaves are allowed to unsettle the understandings of each other by mutually inculcating their crude notions of religion, and have free licence to meet, under the pretence of preaching, at unseasonable hours, and at improper places. The House duly appreciate the pious motives of the King's Ministers, who would extend the blessings of religion all over the world; but, nevertheless, it is their opinion, that no persons, however dignified in station, and zealous in the cause of Christianity, are competent to judge of the regulations intended to restrain the mal-practices of "ignorant, superstitious, and designing slaves," unless they have made themselves acquainted with the African character by a long residence among them. These remarks equally apply to the eighty-fourth clause. Meetings for religious worship between sun-rise and sun-set are prohibited only to unlicensed preachers; and it is believed that in no well-organized society are persons without character, or of doubtful or secret views, suffered to go at large under shelter of the night, amongst an ignorant peasantry, and make upon their minds an impression that may be dictated by political or religious fanaticism. In England no such unlimited meaning is given to toleration as it is attempted to force upon this colony. By the 52d George III. c. 155, it is provided, that places of religious worship must be certified and registered under certain penalties for neglect. And by the same law, persons who shall teach *in any place* without the consent of the owner or occupier are subject to a penalty. Licences are never denied to persons having proper credentials, and ministers so licensed are authorized to worship till eight o'clock; consequently persons who either have not applied for, or have been refused a licence, must be considered as without character and with dangerous designs. Although the slaves of Jamaica have advanced rapidly in civilization within a very few years, yet it is not pretended that their progress has been so great that all those guards can be dispensed with which were thought essential by our predecessors. The eighty-third and eighty-fourth clauses are not innovations, as Mr. Huskisson seems to suppose; they are taken from the old slave law, and come again into operation on the disallowance of the new law, with this difference, that the new law provides against any misconception of the law in respect to Catholics and Jews, and permits licensed ministers to perform divine worship at any licensed place of worship to the hour of eight; and when it is remembered that, in Jamaica, the setting of the sun varies from half-past five to half-past six, it will appear that time enough is afforded for the night-worship of slaves.

The House notices, with regret, the error into which Mr. Huskisson has fallen, in concluding his observations on the eighty-fourth clause. There is no invidious distinction contemplated therein, in favour of the Roman Catholics or the Jews, at the expence of the Dissenters. The legislature

believed that there are certain rites and festivals celebrated at night in the Roman and Jewish Churches; and it was in their anxiety to avoid even the appearance of molesting the worship of two orderly and loyal descriptions of persons, that the offending proviso was introduced into the clause. The House might have expected, that the late Act of the legislature to extend to Jews the privileges enjoyed by His Majesty's Christian subjects, would have been sufficient in itself to exempt the people of Jamaica from the charge of intolerance. It may here be remarked, that these two obnoxious clauses, with the amendments above noticed, have formed portions of the laws of Jamaica, ever since the slave code was first enacted.

The next clause objected to is the eighty-fifth, and it is to be defended by the same arguments which have been used in defence of the eighty-third and eighty-fourth. The master provides all the necessaries of life for his slave, and he has an unquestionable right to guard against their misappropriation; and it is the duty of his representatives in Assembly to assist him in this object by legislative provisions. The slave must neither be suffered to injure his health and strength by nightly wanderings, nor to strip himself of his clothing, and barter his tools and his food, under pretence of contributing to the support of itinerant expounders of the Gospel. In the words of the clause, "an ample provision is already made by the public, and by private persons, for the religious instruction of slaves." And persons, whatever may be their profession and pretension, who use that most irresistible engine with weak minds—the power of persuasion—to extort from slaves the hard earned reward of industry, and indirectly tempt them, where their own resources fail, to rob their masters and their fellow-slaves; such persons, so preying on the poverty, the superstitious fears, and too often on the crimes of their proselytes, brand themselves, by this act alone, with meanness and hypocrisy, and deserve a far more heavy punishment than the being compelled to disgorge a small part of the profits of their extortion. It is observed in Mr. Huskisson's letter, that this clause affixes an unmerited stigma on the collector of money from slaves; but it is submitted that the extreme disgust and detestation in which all free persons are held, who accept gifts without return, and who in any way take advantage of the easy disposition and ignorance of slaves, is a feeling rather to be encouraged than suppressed. Their peculium is thereby protected, and the want of a positive law to secure them in its unmolested enjoyment was unfelt and unknown up to the hour when the disallowed Slave Act was passed. When that law came under the consideration of the legislature, and it was determined to give to negro property that protection by express law, which it before derived from usage, it naturally followed, that, in securing the negro from the imaginary oppression of his master, the legislature would not leave him a prey to the oily and delusive tongue of a self-ordained preacher. This prohibition of levying a revenue on slaves is not, as Mr. Huskisson terms it, a gratuitous aggravation of the evils of their condition, but it is designed as a security against the avarice of unhallowed men, who are *known* to cajole slaves out of their substance, and, where soft words fail, who do not forbear to call up the most fearful images to their assistance; threatening their simple followers with the pains of Hell-fire, and with eternal damnation, if they are slow and scanty in their contributions.

Mr. Huskisson says, in his letter to the Lieutenant-Governor, "I cannot too distinctly impress upon you that it is the settled purpose of His Majesty's Government to sanction no Colonial Law which needlessly infringes on the religious liberty of any class of His Majesty's subjects, and you will understand that you are not to assent to any bill imposing any restraint of that nature, unless a clause be inserted for suspending its operation until His Majesty's pleasure shall be known."

This instruction contains an absolute and peremptory denial of the right of the Jamaica Legislature to pass laws on one of the most important and essential subjects which can come under the notice of any legislature. His Majesty's Ministers do not seem to have been aware that the old slave law affords already a certain degree of protection to the master, from the designs of enthusiastic and necessitous preachers. The disallowance of the new law will only compel him to exert more constantly, and perhaps rigorously, his



authority as master ; and if he cannot by law punish the religious extortioner, he can, at least, punish the trespasser, and drive him off his lands; and he can keep his slave within limits, where no preacher dare intrude. The House must regret that, having extended the rights of the slave, and abridged the authority of the master, in the hope of giving satisfaction to the King, their intentions and their law should be so strangely misunderstood as to be made the plea for depriving them of a large part of their constitutional privileges. What privileges are left to them are of trifling value, since they too may be reduced, or altogether taken away, whenever it may please His Majesty's Ministers to be discontented with the use that is made of them. The House little expected that the very despatch, that bears such marked respect to mendicant sectarians, would contain a mandate that overturns the ancient and acknowledged constitution of this important island.

His Majesty's Ministers "do not consider the council of protection, established under the thirty-third clause of the new Act, an effectual substitute for the office of a distinct and independent protector." This House will never consent to fix an unmerited stigma on their constituents, by sanctioning the introduction of a spy into the bosom of society, under the name of a protector of slaves, and by admitting in the face of truth, that our laws are not maintained and respected by the people. The House never will sanction the humiliating and unjust conclusion, that our magistracy are incapable of discharging, honestly and efficiently, the duties imposed on them. Such an anomaly was never before heard of in a country having its own laws and legislature, as the introduction of officers from a distant kingdom, to keep watch upon the inhabitants, to pry into their actions, and to put thereon whatever construction they please, or rather the construction that will best please the persons that appoint them and pay them. Besides the shame of being subjected to such controul and superintendence, what truth and justice could be hoped for from men who are to be independent, both in purse and character, of the people they are to reside amongst. Looking to Great Britain, and possibly to the bitter enemies of the colony, for reward and praise, either of which they can only expect in proportion to the diligence they exercise in this inquisitorial office, it is impossible to doubt that the most innocent actions will appear suspicious, that no one will dare to inflict the most necessary chastisement on his slaves, lest he incur the imputation of cruelty, and that, consequently, insubordination will ensue, and the free inhabitants will be forced to abandon their possessions. His Majesty's subjects of this island will never permit this novel inquisition to be established amongst them, nor will they ever cease to regard the proposition to introduce it, as the artfully devised plan of our enemies and rivals, to destroy the colony, by rendering the slaves disobedient and valueless, and thereby inducing a voluntary and uncompensated surrender of the claims of the owner to their services. But throwing aside our rights of property as Englishmen ourselves, and the descendants of Englishmen, we view with abhorrence that minute interference with our domestic affairs, which is only exercised by the weakest governments, and yielded to by the most degraded population.

Mr. Huskisson's despatch proceeds to state that, "in the provisions for the due observance of Sunday, I remark that the continuance of the markets on that day till the hour of eleven is contemplated as a permanent regulation, it is, however, impossible to sanction this systematic violation of the law prevailing in every other Christian country." In the proposals transmitted by Lord Bathurst to his Grace the Duke of Manchester, "a temporary departure from this rule was permitted, but only as a relaxation required by peculiar and transitory circumstances."

In reply to this unmeasured reprobation of the sixth clause of the disallowed Act, it might be sufficient to say, that by the old law the markets are permitted to be held till Sunday night, (except during the hours of Divine service) and that the restriction to eleven o'clock in the morning, was undeniably an improvement on the ancient mode of observing the Sabbath. It is submitted that this amendment of the law does not merit the reproach of being a systematic violation of the Sabbath, nor were the House assured, until informed thereof by the despatch of Mr. Huskisson, that Sunday was held

sacred for religious worship by the laws of every Christian country, Jamaica only excepted. It was supposed by the House that in all Catholic, and in most Protestant States, Sunday is considered a day of recreation, and even sometimes of agricultural labour. Nevertheless, though somewhat averse to deprive the slave of this accustomed relaxation, and to limit the hours of marketing, which it was apprehended would create, and which actually did create, much dissatisfaction and some tumult, the House, so far from contemplating the systematic violation of the Sabbath, complied almost with the letter of Lord Bathurst's fifth proposition. They ventured, it is true, to extend the time limited in the proposition from ten till eleven o'clock, that the more distant negroes might participate in the advantage of the market. Mr. Huskisson and His Majesty's Ministers seem to have overlooked the last clause of the disallowed Act, limiting its duration to three years, otherwise they never would have contemplated the continuance of the market on Sunday till the hour of eleven, or any other clause of the Act, "as a permanent regulation."

It is apprehended by the House that there is no ambiguity in the clauses denouncing penalties on persons employing their slaves to labour on Sunday. The eighth clause enacts, that slaves shall be allowed one day in every fortnight, exclusive of Sundays, to cultivate their own provision grounds, except during the time of crop, under the penalty of twenty pounds, to be recovered against the overseer or person having the care of such slaves. The plain interpretation of this clause is, that to work negroes on Sundays, except during crop, is an offence punishable by a fine of twenty pounds, and, to prevent too much latitude to this exception, the tenth clause provides, that even during crop, slaves shall be exempted from the ordinary labour of the estate on Sundays, and that no mill shall be put about between the hours of seven o'clock on Saturday night and five o'clock on Monday morning. And as it is not provided by the law that owners may persuade or hire their slaves to work on Sunday, the House conceive that the penalty would be clearly incurred, whether the labour was extorted by compulsion, or induced by persuasion, or purchased by money. It was not thought proper to make "provision for those cases of unavoidable necessity which would create an exception to the general rule," because it is scarcely possible to define all the cases of unavoidable necessity that may arise; and it was considered that the distinguishing such cases from the usual plantation labour might be safely left to the tribunals.

To the remarks respecting punishments inflicted by the domestic authority of the owner, the House reply, that after the most attentive investigation of the subject, it was determined that a report of punishments inflicted, to a public officer, would be only throwing out a temptation to evasion and perjury, where undue severity was practised; and would be troublesome and useless where the slaves were humanely treated, and would also be incomplete without the creation of new officers and a new office. Any increase to the burthens of the island cannot be endured whilst it remains in its present poor and tottering condition; and the House must observe, in answer to this and others of Lord Bathurst's propositions, that they are conceived under the mistaken impression that our slaves are miserable and abject, our free inhabitants lawless and tyrannical, and our magistracy ignorant and prejudiced, and without authority to maintain the laws. The inhabitants of Jamaica do not deserve these imputations, and the House cannot be expected to legislate as if they did deserve them. The presence of free witnesses at the infliction of punishment is not declared necessary, because the island is too extensive, and too thinly peopled to make the execution of such a regulation practicable, even were no other inconveniences apprehended from it. And the law does not require that an interval should elapse between the commission of the crime and the infliction of the punishment; because, where only a slight punishment is deserved, it might be necessary to confine the culprit till the hour of punishment arrived, which would add to the penalty of his offence; and, in more serious offences, to postpone the punishment is to give the offender a chance of escape. Every plantation cannot be provided with a secure prison for the detention of culprits under sentence, the particular time of punishment was, therefore, left to the discretion of the master or overseer. Mr. Huskisson

son says, "the law would not be broken, whatever might be the severity of the punishment, if it were inflicted by any other method than that of whipping or imprisonment." If Mr. Huskisson will refer to the thirty-third clause, he will discover that he has fallen into a most important error. It is there provided, that "if any person shall mutilate, or direct, or consent to mutilate, dismember, wantonly or cruelly whip, maltreat, beat, bruise, wound, or imprison, or keep in confinement without sufficient support, or brand any slave or slaves, he shall be punished by fine not exceeding one hundred pounds, or imprisonment not exceeding twelve months, or both, and the slave so mutilated, or otherwise maltreated, shall, in atrocious cases, be manumized by the court before whom the offender shall have been convicted." And moreover, the fine of one hundred pounds is to be paid to the justices and vestry of the parish to which the slave belongs, who shall, in consideration thereof, pay to the suffering slave a pension of ten pounds per annum for his life; and in case the owner or owners of such slave or slaves shall appear capable of paying the costs and charges of such prosecution, the justices and vestry are empowered to commence a suit against such owner or owners of such slave or slaves, and recover all costs and charges out of purse paid by them, laid out and expended in such suit. The House conceives that there cannot possibly exist an instance of cruelty or severity that is not punishable by this clause; it contains a complete enumeration of every possible case of personal ill-treatment, and its efficacy is proved by several convictions.

Mr. Huskisson closes the paragraph with these remarks, "the use of the whip in the field is not forbidden, women are not exempted from punishment by flogging, nor is any presumption of guilt to arise, if the slave shall make a probable, particular and consistent charge against his owner, confirmed by the exhibition of his person having the marks of recent and illegal punishment."

The whip is not forbidden in the field, lest the abandonment, too suddenly, of a long established usage should be misunderstood by the slaves. On many properties the whip is no longer an instrument of punishment, and the use of it will soon be so generally discontinued as to enable the legislature to restrict or abolish it by law;—Until negro women have acquired more of the sense of shame, that distinguishes European females, it will be impossible, in respect to them, to lay aside altogether punishment by flogging, there being no substitute that promises to be accompanied with the same salutary dread;—By the one hundred and thirtieth clause of the disallowed Act, slave evidence is admissible in cases of rape, mutilation, branding, dismembering, or cruelly beating, or confining without sufficient support, a slave or slaves; and the House cannot avoid the expression of their surprise that His Majesty's Government have so entirely overlooked this clause, as to imagine that no presumption of guilt is to arise under the circumstances mentioned in the close of the above extract. It is difficult to conceive a case in which, either by direct or circumstantial evidence, a guilty person will not be convicted under this clause. If, however, His Majesty's Government would insist that the marks of ill-treatment alone, without other evidence than the assertion of the maltreated slave, are to be sufficient to ensure conviction, the House can only regret that they feel it to be impossible to place the lives, persons, and properties of their constituents at hazard on what appears to them such unsatisfactory and uncertain proofs of guilt.

It is complained that the disallowed Act "sanctions an unlimited delegation of punishment even to slaves, provided that the correction does not exceed ten lashes." It must frequently occur that slaves are placed in superintendence over their fellow slaves, and unless they possessed some power of punishment their authority will not be submitted to. It was therefore thought that ten lashes, which may not be repeated in the same day, was the most moderate limitation of the power of inflicting punishment which could be delegated to a negro in authority, consistent with the maintenance of good order and obedience, and it appears to the House not quite consistent with the enlarged views of Government, in favour of the slaves, that the most confidential amongst them should be denied the limited power entrusted to them by this Act. For if slaves, however well behaved, are regarded as unfit apportioners of a slight punishment, they must also be considered as unworthy

to be distinguished in any way from their fellows, and the best encouragement for good conduct will be taken away. The legislature did not deprive the owner of the power of inflicting punishment to the extent of thirty-nine lashes on his slave, because, however humane a contrary system may at first sight appear, it would be found in practice to have rather an opposite tendency. Under the existing system the master is accustomed to punish his slaves for almost every offence of which they are guilty, and it often happens that thirty-nine lashes are inflicted by his order for crimes which in the eye of the law are punishable with transportation and death. It is not pretended that offenders in strict justice should thus evade the penalty of their misdeeds, yet the House in passing an Act to *meliorate* the condition of the slaves, would have been scarcely justifiable, had they indirectly added to the severity of the laws against them. But it must be remarked that if thirty-nine, or any other number of lashes are inflicted in a cruel manner, the master is liable to exemplary punishment.

It is objected to the thirty-sixth and thirty-seventh clauses, that they authorize private persons to commit their slaves to prison without a warrant of the justice of the peace, and enable the gaoler to inflict punishment by whipping without trial. It has been found expedient to leave in the hands of the master that power over the person of the slave, by the immediate exertion of which, any symptoms of disobedience may be suppressed. If the master or superintendent is on all occasions to seek the intervention of the magistrates or of a jury, his authority would be dangerously weakened. The legislature has carefully guarded against the abuse of the master's power, but he cannot be deprived of it without hazarding the overthrow of the system itself.

The House, in answer to the observation "that the fine of ten pounds for inflicting repeated punishment for the same offence can scarcely be incurred," adduce the fact that the penalty has already been levied on the mere testimony of a slave, and the refusal of the offender to contradict the slave's testimony.

If a workhouse-keeper inflicts an excessive number of lashes, the punishment is not ten pounds only, as His Majesty's Government apprehends. His offence comes under the clause that provides against wantonly or cruelly whipping or mutilating slaves, and is punishable with fine and imprisonment.

Mr. Huskisson, in his zeal for a protectorate of slaves, fears that the complaint which "the slave is authorized to make before the magistrates would not be a very effectual means of redress." The House can assure Mr. Huskisson that his fear is unfounded, and that a protector of slaves would be an useless officer in any part of the island, the magistracy having too much regard to the oaths and the sacred duties of their office to violate the one and neglect the other for the purpose of sheltering cruelty and oppression.

Mr. Huskisson observes "as every groundless complaint is to be punished, it is to be feared that many well-founded complaints will not be preferred." The clause is misstated; it runs thus—"If it shall appear to the justice of the peace that the complaint of such slave is frivolous or unfounded it shall be lawful for them, and they are hereby required to *dismiss the complaint*, or to direct such punishment, by confinement to hard labour, or whipping, or both, as to them may seem proper." If this discretion was not left to the council of protection to punish frivolous complaints, negroes would constantly be on the road to and about the police offices, and never at their work.

The House cannot think it necessary to defend the restriction on marriages, since it is admitted by Mr. Huskisson that similar restrictions are imposed in England by the Marriage Act of George II. He is pleased to term the influence of the dissenting ministers "salutary;" the House have thought such influence may sometimes be pernicious, and they are not yet prepared to extend it over the marriages of their slaves. The House conceived that the holy contract of marriage should not be entered into without some knowledge of its nature and obligations, and they confess themselves to be yet of the same opinion. Mr. Huskisson observes that no registry of the marriage of slaves is kept. The House do not know why such registry should be thought requisite, and the expence is an insurmountable objection, even were some degree of utility to be derived from the measure. There is, however, a

register of slave marriages kept in every parish, and if Mr. Huskisson had referred to 6th George IV. c. 17. s. 41. he would have found that the rector and curate of each parish are compelled to keep a separate register of slaves. Mr. Huskisson remarks "on the subject of the separation of relatives, the word *family* is left without a definition, it is susceptible of so many different meanings that it would seem peculiarly necessary to ascertain the precise sense in which it is used. The rule laid down in this law seems also to require some better sanction. It is simply a direction to the provost-marshal, but if he should disobey that direction, it is not provided that the sale should be void. A provision appears to be wanting for enabling the officer to ascertain whether any particular slave is or is not a member of the family." The word "family" is not left undefined by the law, as Mr. Huskisson imagines, it is declared, by the fifth clause of the disallowed Act, to mean a man and his wife, and his or their children, and if at a provost-marshal's sale, parents are separated from their children, or *vice versa*, or brothers and sisters are divided, the Supreme Court will annul the sale as a matter of course. And it is to be further remarked of the 5th clause, that it is only an extension of the 8th George II. c. 5, by which the provost-marshal and his deputies only are restricted to sales of families, but by the disallowed Act, the collectors of all public and parish taxes are included in the restriction.

The House admit that the property of slaves appears to be inadequately protected, but it was found impracticable to permit slaves to appear as suitors in the courts of justice, without, in a great degree, undermining their dependence on their owners. It is impossible to pass laws for slaves as if they were free persons, and if slaves labour under any unavoidable disabilities, they also enjoy many immunities. If slaves cannot sue they cannot be sued; their persons are sacred to all but their owners, and the laws; it is utterly inconsistent with a state of slavery to give slaves the freedom of action, that is indispensable to enable them to collect witnesses, to consult lawyers, and to attend courts; and it is difficult to devise a mode by which slaves shall be compelled to pay their own debts, without infringing on the property of the masters. The house, the land, the clothes, the provisions, and tools of the slaves, are supplied by the owner, and no part thereof can, without the grossest injustice be made liable for the debts of the slave; and still less can the person of the slave be placed at the disposal of his creditors, that being also the property of his master.

It is thought by His Majesty's Government, that to exclude slaves from acquiring any interest in land is impolitic and unnecessary. Land cannot be a desirable acquisition to the slave, his duty to his owner not affording him time to cultivate more than the portion always allotted to him by his master for his maintenance.

Mr. Huskisson has not accurately examined the disallowed Act, or he would have avoided his several misconceptions of its provisions. He imagines that, in all cases of gratuitous and testamentary manumission, security is to be given for the maintenance of the slave; but it is provided, by the 76th clause, that the manumission bond shall be dispensed with, on proof being given that he is not old or infirm. And by the 67th clause, the bond is likewise dispensed with in devises of freedom. Mr. Huskisson "fears that serious inconvenience may arise from the neglect to provide a method by which a slave can ascertain what particular person is entitled to receive the price of his freedom." The question comes under the head of compulsory manumission, the discussion of which Mr. Huskisson has postponed, and the House think it most advisable to follow his example. If Mr. Huskisson's observation be intended to apply to that provision in the disallowed Act, which relates to the payment of the price of those voluntary manumissions, which it is the object of the Act to facilitate and encourage, the House cannot perceive that any difficulty exists. The price is to be paid into the hands of the Receiver-General, under the direction of the custos or senior magistrate of the parish where the slave to be manumitted resides. The latter person is selected, in order that the utmost facility may be afforded in concluding the treaty of sale. It is left by the 71st section of the disallowed Act to the Court of Chancery or Supreme Court, on summary petition, to decide on the claims of the persons entitled to the principal or in-

terest of the purchase-money. The purchaser of the freedom, as soon as he has paid the purchase-money into the Receiver-General's Office, is wholly relieved from any difficulty or responsibility, as to the person or persons entitled to receive it.

It is to be observed that the 67th, and the six following clauses of the disallowed Act are re-enactments of the Act passed in the fifth year of the present reign, c. 21, intituled, "An Act for removing impediments to manumission of slaves by owners" having only a limited interest, and were made to extend to other cases than those embraced by that Act.

The House expected to obtain some credit for a measure which removed considerable difficulties in effecting voluntary manumission of slaves, and under which a considerable increase in the number of manumissions has already taken place.

Mr. Huskisson remarks, that "on the important subject of the evidence of slaves, His Majesty is graciously pleased to signify his approbation of the advance which has been made towards a better system of law, but in reference to this subject, I am to observe, that this law appears to contemplate the admission of the evidence of slaves, in those cases of crimes only in which they are usually either the actors or the sufferers, excluding their evidence in other cases, a distinction which does not seem to rest on any solid foundation." The House rejoice that there is a part of the disallowed Act approved of by His Majesty, although with much reservation. It is an error to suppose that the evidence of slaves is only admitted when they are actors or sufferers. No pleader would dare to make the assertion in our courts. In the beginning of this, two cases are quoted of free persons having been either partly or wholly convicted under this Act, on the evidence of slaves, and in one of these cases no negro was either an actor or a sufferer, yet the question of the admissibility of negro-evidence was not mooted by the counsel of the prisoner. The object of the legislature in excluding the evidence of unbaptised slaves was the encouragement and promotion of Christianity, and it was also considered that the indiscriminate admission of slave-evidence, and the attaching thereto the weight that before only belonged to the evidence of free persons, would be too sudden an innovation on long-established usage, and moreover, as will hereafter appear, the propositions of Lord Bathurst did not invite the House to the indiscriminate admission of slave-evidence.

It is observed by Mr. Huskisson, that "if the owner of the slave is convicted of any crime on the testimony of that slave, the court has no power of declaring the slave free, although it may exercise that power when the conviction proceeds on other evidence. Highly important as it is to deprive the slave of every motive of giving false evidence against his owner, that object might be secured without incurring the inconvenience of leaving the slave in the power of an owner convicted of the extreme abuse of his authority." By the thirty-fourth clause, already referred to, the court has the power of declaring the slave free, if by his, or any other testimony, an atrocious case of maltreatment is proved against the owner. But if Mr. Huskisson would have slaves manumized in all cases where the owner is convicted of any offence on their testimony, the House have only to reply, that no further enactment will be necessary to ensure the speedy manumission of all the slaves of the island, unless indeed our juries reject such suspicious testimony to avert the ruin that must follow its reception.

In declining to accede to the proposal "for establishing a record of the names of all slaves sufficiently instructed to be competent witnesses" the Colonial Legislature was governed by the assurance that such registry would be burthensome and useless. It is customary in slave courts to examine slaves respecting their knowledge of the nature of an oath, and the punishment they become subject to if they tender false evidence. This custom has been proved by experience to be a sufficient protection to prisoners. The House venture to consider that a *vivâ voce* examination in open court is a better mode of determining the value of evidence than a record of names; and the House is somewhat at a loss to reconcile the alleged necessity "of a record of all slaves sufficiently instructed to be competent witnesses," with the dissatisfaction expressed by Mr. Huskisson at that portion of the evidence-clause that requires slaves to be Christians before they can be witnesses.

Mr. Huskisson fears that "the exertions of the slaves, if exacted up to the limits allowed by the disallowed law, would be scarcely consistent with a due regard for the health of the labourer." Negroes do not exert themselves at work like Europeans; they seldom fatigue themselves, and it is common for them to travel many miles or to dance the entire night after the longest day's labour. It is believed by the House that labourers work much harder and longer in Great Britain, and are rewarded with a smaller share of the necessaries and comforts of existence.

It is observed by Mr. Huskisson, that "the crimes of rape and murder, when committed on the persons of slaves, are properly punishable with death, and that there are other offences which might be perpetrated on the persons of slaves, against which the same punishment should have been denounced." No other offence that can be classed with rape or murder has ever come under the cognizance of our courts, otherwise it would not have been overlooked by the legislature.

It is considered that "the rules for the prevention of mutilation and other cruelties would lose much of their efficacy in practice." But a more minute inspection of the disallowed Act will convince Mr. Huskisson that his apprehensions on this head are groundless. By such inspection he will also discover that the dismemberment or mutilation of a slave is not, as he conceives, only punishable by heavy fine and long imprisonment, but also by the manumission and consequent loss of the slave, if the owner is the offender; and if the outrage has been committed on the slave of another, the offender is exposed, in addition to the penalties, to an action of damages for the injury the owner has sustained in his property. The House, however, are happy to add, that those crimes have long ceased to disgrace the island of Jamaica.

Mr. Huskisson, on the subject of runaways, renews his remark, that the evidence of slaves in criminal cases appears to be admissible only against slaves. The Right Honourable Gentleman does the legislature of this island no more than justice in supposing, that the law was intended to admit the evidence of slaves both for and against slaves. It is not easy to conceive how a different meaning can be ascribed to the law.

Mr. Huskisson regrets "that judges, regularly educated in the legal profession, do not attend on slave-trials." The unpaid magistrates that preside at slave-trials are acquainted with the habits and vices of the negroes, they have for their guide the Slave Code, which is neither intricate nor voluminous, and it is believed that as equal and substantial justice is dealt out by the court so constituted as if it was composed of lawyers versed in all subtleties and refinements of English jurisprudence.

It is observed by Mr. Huskisson that "the crime of harbouring runaways may be punished with much more severity when the offender is a slave than when he is a free person, a distinction which reverses the established principle of justice, that the malignity of crimes is enhanced by the superior knowledge and station of the criminal." But, on adverting to the forty-fifth and forty-sixth clauses, the principle will be seen which has in this instance guided the legislature. The harbouring of runaways by slaves may be comparatively innocuous, and the court has the power of inflicting a slight punishment, but it may also be a crime of the highest order. The runaway may have designs dangerous to the peace of the community, and he may be aided in those designs by the wicked connivance of the slave that harbours him. The free person cannot be presumed to have any other view in concealing runaways than to profit by their labour; his punishment is accordingly limited to fine and imprisonment, and he is compelled to make that satisfaction to the owner of the runaway in money which is not exacted from the offending slave, because the law never supposes that a slave is possessed of money. The free person is also liable to the heavy penalties of the inveigling Act.

Mr. Huskisson is displeased that the nature and the amount of the punishment of offending slaves are often referred to the discretion of the court. This course has never been adopted without good reason, and the effect thereof is not increased severity towards the slave, but a strong leaning to inflict the lowest possible degree of punishment adapted to the nature of the offence.

In Mr. Huskisson's despatch "rebellion and rebellious conspiracy" are declared "to be terms unknown to the law of England." If the Right Honourable Gentleman will consult the state trials, he will find the words rebellion, rebels, and rebellions are very commonly used in the indictments; and also in the Litany of the Church we pray to be delivered from all sedition, privy-conspiracy, and rebellion.

Although it is truly observed, that the benefit of clergy is not expressly allowed to slaves by the disallowed Act, yet in effect they have benefit thereof, since there is no crime punishable with death absolutely, under the Act, which would be a clergyable felony in England; and the highest punishment which the law inflicts may be remitted by His Majesty's representative.

The House do not deny that the punishment provided for offering violence to a free person is severe, but such severity is necessary in a community where the slaves vastly outnumber the free. Wherever slavery has existed, it has been thought advisable to protect the persons of free men with the most scrupulous jealousy.

The remarks of Mr. Huskisson on the clause for the punishment of obeah, naturally offer themselves to one ignorant of the extent of African superstition, and the horrible crimes negroes will perpetrate, sometimes to gratify revenge, and often to acquire the influence that may enable them to levy contributions on the fears of their more timid fellows. Negroes are seen to pine away to death under the pretended sorceries of the obeah man, and where the imagination does not perform the work of death with sufficient celerity, the more certain aid of poison is called in to hasten the fate of the victim. Mr. Huskisson considers, that under the next clause many innocent, and sometimes meritorious acts, are exposed to punishment. But it is submitted that the possession of poisonous drugs by negroes cannot be innocent, unless confided to them by their masters, which fact can readily be proved. To this clause, however, a more precise meaning might be given.

In censuring the indemnification of individuals by the public for slaves who have suffered death or transportation under sentence of the law, Mr. Huskisson takes a superficial, and not a fair view of the Act. If the House had conceived that "the crime of the slave is the direct consequence of the owner's positive misconduct," they would not have differed in opinion with Mr. Huskisson, but believing as they do, that the owner is in no respect to be blamed for the crimes of his slave, they have thought it an act of justice to pay him out of the public purse for that sacrifice of his property which is demanded by the law for the public safety. Were the public to refuse indemnification to the owners of criminal slaves, the temptation to screen them from justice would be so great, that we should have them and their slaves frequently combining to bid defiance to the law. Nor is it to be supposed that the owner receives by law the full value of the slave; and it is, besides, the practice of juries, in estimating the value of criminals, to consider their misconduct as a material reduction of their value. The owner has therefore a sufficient interest left in his slave to induce him to continue his protection until all domestic punishments have lost their effects, and until he becomes a nuisance to his master and his fellow-slaves. Were he even to purchase, with the money allotted by law, another slave; yet he cannot transfer to the new slave the attachments, the clothes, tools, provision grounds, and very seldom, even the house of his predecessor.

Mr. Huskisson observes, that "the power of remitting the sentences of slaves condemned to hard labour for life is to be exercised only when the slave evinces in every respect a complete reformation of manners. I fear few men undergo such a total change of character as this under any circumstances, and that a prison is among the last places in which it is to be expected." This provision was intended as a mitigation of punishment to slaves, many of whom are known to have completely reformed in prison. The House are not aware that the reformation, which cannot be expected in a prison, would be in the least forwarded by permitting criminals to go at large. Mr. Huskisson proceeds to say: "independently of this consideration, I apprehend that this clause may in some degree derogate from the power which, under His Majesty's instructions, you possess of pardoning offenders, or remitting their punishments." The power of the Governor to pardon remains exactly



where it did, and it is believed by the House, that, by a common rule of law, the prerogative of the Crown cannot be affected except by special enactment.

The House throughout this report have considered the amended Slave Act to be finally disallowed by His Majesty, but until the arrival of the order in Council, referred to in Mr. Huskisson's despatch, doubts are entertained in the courts whether their proceedings are to be governed by the old or the new Act. In consequence of these doubts the courts refuse to take cognizance of offences which are visited by the severer penalties of the law. Nor is this confusion of laws the only evil result of Mr. Huskisson's despatch; its effect has been felt in the respite and possible escape of a most desperate murderer; and it must be expected that the tranquillity of the slave population will be disturbed by the sudden deprivation of the indulgencies and immunities so lately conceded to them.

It is with pain that the House advert to the small regard that has been shewn to the convenience and peace of the island, in the disallowance of this Act. The Act might have been permitted to expire at the date assigned to it, in 1830, without compromising either the royal dignity, or even interrupting the progress of Christianity. Had this course been pursued, all the beneficial enactments of the disallowed Act would have been retained, and the way left open to introduce further amendments from time to time as they became necessary.

The House have now calmly reviewed the reasons which are given for disallowing the Slave Act of last session. They cannot pass a new bill, containing the amendments suggested in Mr. Huskisson's despatch, without sacrificing their independence and endangering the safety of the island. And as the Lieutenant Governor is forbidden to sanction such a bill as the House can consent to pass, the slave population must again be governed by the Act of 1816. When it shall please His Majesty to withdraw the instruction to the Governor, which limits the legislative power of the Assembly, the House will once more take the Slave Code into their serious consideration.

Resolved nem : con :

That the House do agree to the Report.

By the House,

(Signed) JOHN G. VIDAL, Clerk to the Assembly.

#### JAMAICA Ss.

An Act to declare the Slave Law of one thousand eight hundred and sixteen, and other Acts relating to Slaves, to be still in force, and for other purposes.

WHEREAS the due administration of justice has been defeated in consequence of doubts which have been entertained, whether the Act passed the twenty-second day of December 1826, intituled "An Act to alter and amend the Slave Laws of this Island" is still in force, as no disallowance thereof hath yet been entered on the margin of the record thereof, as has been hitherto customary for clearing all such doubts; may it please your Majesty that it may be enacted, Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's Island of Jamaica, and it is hereby enacted by the authority of the same, that the Act, intituled "An Act for the subsistence, clothing, and the better regulation and government of slaves, for enlarging the power of the Council of Protection, for preventing the improper transfer of slaves, and for other purposes," passed on the 19th day of December, 1816; and also an Act, intituled "An Act to amend the Slave Act, by altering the mode of carrying into execution the sentence of death on slaves," passed the 4th day of December, in the second year of the reign of His present Majesty King George the Fourth; also an Act, intituled "An Act to take away clergy from offenders in rape on slaves," passed the 11th day of December, in the fourth year of the reign of His present Majesty; also an Act, intituled "An Act for removing impediments to the manumission of slaves by owners having only a limited interest," passed the 18th day of December, in the fifth year of the reign of His present Majesty; also an

Act intituled "An Act to prevent levies on slaves on Saturday," passed the 18th day of December, in the fifth year of His present Majesty; and also, an Act, intituled "An Act to enable slaves to receive bequests of money or other personal estate," passed the 21st day of December, in the sixth year of the reign of His present Majesty; and every matter, thing, and clause therein, shall continue and be held in full force and virtue, until the Act intituled "An Act to alter and amend the Slave Laws of this Island," shall have been confirmed by His Majesty in Council, any law, usage, or custom to the contrary thereof in anywise notwithstanding. And the better to prevent similar inconveniences from arising in future, Be it enacted, by the authority aforesaid, that from and after the passing of this Act, no law made and passed by the Governor, Council, and Assembly of this Island, shall be held or deemed to have been disallowed, until the disallowance thereof by His Majesty in Council shall have been entered on the margin of the record thereof in the office of the secretary of this island.

Passed the Assembly this 21st day of December 1827.

DAVID FINDLAYSON, Speaker.

No. 6.

SIR,

*Downing-Street, 22d March 1828.*

I HAVE received and have laid before the King your despatch of the 24th December last, enclosing a copy of the resolutions adopted by the House of General Assembly of Jamaica, on the 14th December, with reference to the despatch which I had the honour of addressing to you on the subject of the Act for amending the Slave Laws of the Island.

Although His Majesty's Government have observed the proceedings of the House of Assembly on this occasion, with serious concern and surprise, I abstain from any more particular remark on that subject. His Majesty's Government are anxious rather to allay than to foment the excitement to which the members of that body have unfortunately yielded; and He trusts that they will resume the discussion of this question with the calmness so justly due to the magnitude of the interests involved in the result of their deliberations.

It is due to the Assembly of Jamaica to advert, in their order, to the various remarks which they have made upon my despatch of the 22d September 1827, although I fear that such a discussion will unavoidably protract my present despatch to an inconvenient length. But it is the earnest desire of His Majesty's Government to prevent any misconception of their meaning upon a subject so important; and, although I may be under the necessity of controverting several of the opinions advanced by the Assembly, it will be my endeavour to point out, with the utmost possible distinctness, in what manner the views of His Majesty's Government on the one hand, and of the Assembly on the other, may be most conveniently reconciled.

In my despatch of the 22d September, I intimated to you that, even had the Act in question been unobjectionable on every other ground, it would have been impossible to surmount the difficulty presented by the clauses for restraining religious liberty. His Majesty's Government could not have advised the King to adopt a different resolution without departing entirely from those principles by which His councils have been invariably governed. It may be necessary to remind you, that, in the year 1809, an Act of the Governor, Council, and Assembly of Jamaica, containing many valuable improvements in the law of slavery, was disallowed by the King in Council, because it imposed restraints on religious worship at variance with the spirit of toleration. An Act of the same nature was presented for the Royal Assent in the year 1811, and was also disallowed upon the same grounds. Upon a repetition on the present occasion of similar enactments the course pursued was, therefore, no innovation, but was adopted in conformity with the principles established by the cases to which I have referred.

The instruction which I conveyed to you, that you should withhold your consent to any bill imposing any restraint on religious worship, unless a clause were inserted suspending its operation until His Majesty's pleasure

should be known, is regarded by the Assembly as an invasion of their constitutional privileges. It would be easy to show that instructions of this nature upon a great variety of subjects of legislation, are coeval with the first institution of Colonial Assemblies, and have continued practically in force till the present day, both in Jamaica and elsewhere, without opposition or complaint. It would be no less easy to prove that it is at once the right and the duty of the Crown, in delegating its prerogative to the Governor of a Colony, to prescribe the conditions subject to which that prerogative is to be exercised. But as this subject was very fully discussed by Lord Liverpool in a despatch addressed by him to his Grace the late Governor of Jamaica in the year 1810, I enclose, for your information, a copy of his Lordship's despatch, in which you will find a full explanation and defence of the practice which the House of Assembly have again called in question.

His Majesty's Government have weighed the arguments of the House of Assembly in support of the clauses respecting religious instruction, with the deliberation which the importance of the subject requires. While, on the one hand, they abide in their resolution to maintain the principles of religious toleration unimpaired, they are not unwilling to accede to any regulations which the peculiar state of society in Jamaica may require for preventing the abuse of this privilege. But those regulations must be aimed against evils the existence of which is either capable of direct proof, or may be inferred with reasonable certainty.

In conformity with these general principles, it is stated in my despatch of the 22d September, that the prohibition of slaves being employed as teachers or preachers might seem a very mild restraint, or rather a fit precaution; and the employment of such teachers is vindicated in that despatch only when slaves are employed in the practice of mutual instruction, carried on in an inoffensive and peaceable manner. Unless it be asserted that this is impossible, no contradiction is made to what I have there stated on this subject. If, however, it can be shewn that the practice under any modification is inconsistent with the peace and good order of society, an adequate ground would be laid for the prevention of it. But it can hardly be wise, except on the most plain and urgent necessity, to resort to any positive legislation upon a topic of this nature, or needlessly to bring into debate an abstract principle of so much importance and delicacy.

The objections made by the Assembly to nocturnal meetings for religious worship, would have greater weight if the Act itself had not provided that the labour of the slave should commence at the hour of five in the morning, and close at the hour of seven in the evening. It is difficult to repel the objection that under such a law, if the work of religious instruction be not performed in the evening it cannot be performed at all. To the remark, that Sunday affords sufficient opportunities for this purpose, it is answered by the missionary societies in this country, that their teachers are unavoidably occupied on that day in the public duties of the day, and cannot find opportunities for the colloquial and familiar instruction necessary for engaging the attention of the slaves.

The prohibition, however, it is observed, does not extend to *licenced* ministers preaching in licenced places of worship until the hour of eight. The value of this exception would be fully admitted by the parties more immediately concerned, if the Act had explained what is meant by the licences to which reference is thus made. It is clear that they are not granted under the English Statute 52d George III, c. 155, because the resolutions of the Assembly state, that they are sometimes refused. Under the authority of what Colonial Statute these licences are issued, I have not been able to ascertain. It is, however, represented to me, that the missionaries receive from the quarter sessions a licence extending only to the parish in which they may happen to reside. That for this licence a considerable sum is charged; and that the quarter sessions claim the power of granting or refusing it at their discretion. It is added, that, under these circumstances, the labours even of a licenced minister are necessarily confined within a very narrow district, and that licences are granted only to the missionaries themselves, and not to the subordinate teachers, through whose agency the work of the missions is chiefly carried on. Unless, therefore, it were ascertained

that licences for the ministers and their places of worship could be obtained in Jamaica with the same facility as in England, the exceptions made in favour of licenced ministers would not remove the objections to the general rule.

It appears from the resolutions of the Assembly, that the owner, by the mere exercise of his domestic authority, can prevent the access of preachers and instructors to the slave, or the resort of the slave to them at unseasonable hours, or at improper places. There was, therefore, the less necessity for limiting the hours of instruction by positive statute. If the law had already invested the owner with power to prevent improper meetings, it could hardly be necessary, by a positive statute, to refuse him the power of permitting other meetings which he might deem inoffensive.

It is observed, that the disallowance of the Act of 1826 will have the effect of reviving a former law of Jamaica, which imposes the same restraint upon the hours of religious worship. I have not succeeded in discovering any such provision in the law to which I understand the Assembly to refer. Assuming, however, that the former law is accurately stated, the fact, if known, could have had no material effect upon His Majesty's decision.

Although for these reasons His Majesty's Government cannot abandon the objection they have made to this part of the Act, they are willing that every necessary provision should be made to correct abuses, if any can be proved to have arisen from nocturnal preaching, or which, upon reasonable and sufficient grounds, may be anticipated from that practice. I have reason to suppose that the charitable societies in this country, by whom the missionaries are employed, would be satisfied with the power of continuing their religious worship for one or two hours after the close of the labours of the day; and that they would not object to a rule which should prevent the attendance of any slaves at such meetings, excepting those belonging to the estate where the meeting was held, or residing within a very moderate distance from it. They express themselves as desirous to give every possible security for the due observance of regulations of this nature, although for obvious reasons they earnestly deprecate any positive legislation on the subject. If, however, such legislation can be shewn to be really required by any existing evils beyond the controul of the owner's authority, I am not prepared to object to a law, which, while it afforded the missionary adequate opportunity for the performance of his duties, should provide a remedy for those evils.

The restraints imposed upon the collection of contributions from slaves are vindicated by charges against the missionaries, which, if well founded, must be easily susceptible of proof, but which at present remain unproved. I am persuaded that upon a review of the subject, the House of Assembly will feel that it would be impossible to sanction a law which interdicted to any class of men the performance of the duty of alms-giving. At the same time, I am ready to admit, that persons in a state of slavery should not be called upon for alms, except with extreme caution. If it should be satisfactorily shewn that any religious teacher has so far abused his influence over the slaves as to extort money from them under any false or improper pretext, His Majesty's Ministers would not hesitate to advise the Crown to sanction any law, properly framed, for the correction of so serious a mischief.

I have reason to believe that the missionary societies in this country would willingly give any reasonable securities against the appropriation of the contributions of slaves to any improper purpose; and that they would be disposed to confine them to objects of the most inoffensive character; among which, the erection of places of worship, and the support of schools, have been particularly mentioned. It is, however, difficult to see how such a subject as this could be safely or properly regulated by any positive enactment.

That the Act of 1826, established an invidious distinction in favour of Jews and Roman Catholics to the prejudice of other Dissenters can hardly be denied, since they were permitted to teach at any hour of the night, which Protestant Dissenters were not allowed to do. It is true that certain nocturnal ceremonies may form part of the discipline of the Jewish and Roman Catholic bodies. But it is not less true that when labour is to be continued till seven in the evening, Protestant Dissenters also must have occasion to resort to nocturnal teaching for the instruction of their followers.

Proceeding to the other topics noticed in the resolutions of the Assembly, I am to observe, that the office of protector and guardian of slaves was not recommended with the most distant purpose of casting any imputation on the inhabitants of Jamaica. In Trinidad, St. Lucia, Demerara, the Cape of Good Hope, and Mauritius, this office appears to have been nearly coeval with the first settlement of those colonies. It is more than thirty years since a similar office was established in the Island of Grenada, by an Act of Assembly. It could not have occurred to His Majesty's Government, that the extension of the same system to Jamaica could have been regarded as any stigma upon the colonists, nor do I perceive in the report any argument in disproof of the opinion, that it would be necessary to the due execution of the laws for the protection of slaves, that some officer should be specially charged with the execution of them.

With respect to Sunday markets I had certainly not supposed, nor is it in my despatch asserted, that the Act of 1826, had rendered them permanent. I stated that their continuance till the hour of eleven was "*contemplated as a permanent regulation.*" Partial and temporary relaxations of the law prohibiting labour on Sunday are admitted in all countries, but not without a distinct recognition of the general obligation of the rule itself. It was to the want of such a recognition of that principle, that my remarks were pointed, nor can His Majesty's Government recede from the opinion that the Act is in that respect defective.

It is unnecessary to enter into any further discussion as to the ambiguity of the clauses denouncing penalties on persons working their slaves on Sunday, because the explanation given by the Assembly of the real intention of the law reduces the question to a mere verbal discussion, and upon a review of the law the difficulty may be readily corrected.

The reason assigned for not expressly excepting cases of necessary labour is hardly satisfactory. It is said that the courts may be safely left to make the distinction. The objection, however, is, that the courts are not authorised to make it.

The objection that a law requiring reports to be made to a public officer of all punishments inflicted by domestic authority would be attended with great inconvenience and expence, might be urged against a large proportion of the improvements which could be established by legislative authority. The resolutions of the Assembly do not advert to the compensatory advantages with which such returns might be attended.

It is a more important objection that such returns are useless, and are not required by the existing state of society in the island. The imputations on the character of the colonists, which the report so warmly repels, have certainly never been made, nor in the remotest degree insinuated by His Majesty's Government. It is consistent with the most perfect respect for the inhabitants of Jamaica to think that any person entrusted with the power of summary conviction and punishment should render an account of the manner in which that power is exercised.

The necessity of resorting in any case to presumptive proofs of guilt, is denied on the ground that the admission of slave evidence would render it unnecessary to estimate probabilities of that nature. The remark would be well founded, if the admission of the evidence of slaves had been general and unqualified; but, by referring to the 130th section of the Act, you will perceive that such evidence would be inadmissible, unless the slave were baptized, and unless some other slave were produced to corroborate his testimony. It certainly was never proposed, as the House of Assembly appear to conceive, that the marks of ill-treatment, and the assertion of the injured slave, should ensure *conviction*. The suggestion was merely that such marks, accompanied by a probable, particular, and consistent charge, should induce a legal *presumption*, and transfer to the owner the burthen of exculpation before a legal tribunal, from the constitution of which he could have no cause to apprehend injustice.

The defence of an unlimited right of delegating to slaves the power of punishing their fellows, is rested on a ground which can scarcely be maintained. Of the various modes of rewarding good conduct, few are more open to objection than that of investing the meritorious slave with the power

of punishment. The favourable disposition of His Majesty's Government towards the slaves, is perfectly consistent with the opinion that they are wanting in that self command and sound judgment, by which the infliction of punishment should be regulated. Neither is it apparent why the possession of this power should be necessary for the support of order and good discipline. As some free person is invariably resident upon every estate, the short delay which must occur in resorting to his authority, could scarcely be attended with any serious inconvenience.

I cannot accede to the justice of the reasoning by which the Assembly vindicate the rule enabling the owner to extend the punishment to thirty-nine lashes. If the offender should really deserve death or transportation, the case ought not to be withdrawn from the regular tribunals. If, in any case, the law of the colony denounces punishment of this nature against offences which ought not to be so severely visited, the proper remedy would be to amend the law, and not to shelter the delinquent from it by a private punishment.

If it be really necessary for the maintenance of the owner's authority, and for the instant suppression of disobedience, that he should possess the power of committing his slaves to gaol, without the previous warrant of a magistrate, the owner should at least be bound immediately to obtain the subsequent sanction of the magistrate for the continuance of the imprisonment. No reason is assigned for authorizing the gaoler to aggravate the punishment of prisoners, by inflicting punishment upon them, at his discretion, without any previous trial.

As no explanation is given of the circumstances of that single case, in which, as it appears, an owner was convicted for inflicting repeated punishments for the same offence, it is difficult to draw any inference from it. But the occurrence of one such case can hardly be enough to disprove the necessity of requiring the owner to record the offence for which each punishment is inflicted. In the absence of any such record, I must still continue to think that it would be very difficult to recover the penalty, since the defendant, in his own justification, may otherwise impute to the slave whatever offences he may think proper.

It is represented that a gaoler exceeding the prescribed number of lashes, or an owner inflicting punishments more severe than the law has sanctioned, or by methods other than those of whipping and imprisonment, might be convicted under the 33d clause of the statute. I apprehend that, upon a review of the Act, the Assembly would find sufficient reason to doubt whether such would have been the real effect of it. The 33d clause, both in its preamble and its enactments, appears to point to cruelties perpetrated on the persons of slaves in a wanton manner. The 30th clause treats of arbitrary *punishments* as a distinct and separate class of offences. It is plain that the same personal chastisement, which would be cruel if inflicted without any adequate provocation, could not be regarded as cruelty if inflicted as the punishment of crime. Excess of punishment is, therefore, treated of as an offence essentially distinct from wanton and cruel injuries to the person. It is, however, less important to discuss this question, since it appears that the Assembly intended that excessive and improper punishments should be indictable under the 33d section. Upon a revision of the law it will be fit that this intention be more distinctly and unequivocally expressed.

His Majesty's Government cannot acquiesce in the defence which is made for retaining the use of the whip in the field, and the punishment of females by whipping; but upon these subjects it would be needless to make any addition to the observations so repeatedly urged by Lord Bathurst.

The Assembly have entirely misapprehended the meaning of my despatch, in supposing it to intimate any distrust of the regard of the local magistracy for their oaths. It can surely be no disrespect to those gentlemen to suppose that they are liable to the same infirmities to which all men, in whatever country, and in whatever state of society, are subject.

That the law did not require that every slave making a groundless complaint should be *punished*, is undoubtedly true; but it is not less true that it rendered every such complaint *punishable*, without the owner being bound to prove that it had proceeded from a malicious or an improper motive. That this constant liability to punishment must tend to repress well-founded complaints cannot, I apprehend, be disputed.

The rules of law on the subject of marriage which exist in England cannot be very applicable to a state of society so essentially different as that which exists in Jamaica. The influence of dissenting ministers in preventing illicit connexions, must greatly depend upon their ability to unite their followers in a more legitimate union, and in this view their influence may well be termed "salutary."

If no impediments were opposed by the law to the solemnization of marriage, it might, however, be a question of secondary importance by whom the ceremony was performed. But when a slave is to be examined respecting his knowledge of the *nature* and *obligations* of the marriage contract, it is difficult to suppose that an examination of so indefinite a nature, conducted by a clergyman to whom the slave may be a perfect stranger, would not have the effect of excluding many persons to whom no objection ought really to be made.

However valuable it might be to preserve a central registry of all slave marriages, the object is not of such importance as to require a more particular consideration in this place.

Upon referring to the fifth clause of the Act, you will perceive that it is inaccurate to state, that it adopts from the Statute of George II. the definition of the word "family." As, however, it appears that the meaning was to transfer to the Act of 1826 the terms of the Statute of George II. the question becomes practically unimportant. It may be remarked, however, that the definition of this word in the Act of George II. is imperfect because it does not reach the case of a female being sold apart from her children, the feminine pronoun being omitted.

As the Assembly allow that the property of slaves is inadequately protected, it were useless further to pursue the discussion of that question. The objection to admitting slaves to bring and defend actions, although certainly not destitute of weight, has been thought, by the legislature of the Bahama Islands and Saint Christopher's, insufficient to counterbalance the benefits to be anticipated from the concession.

The legislatures of those colonies have also thought it wise to permit slaves to become proprietors of land; conceiving, as I presume, that such an indulgence would increase their attachment to the colony, and give them a permanent interest in its tranquillity:

The assembly refer to the seventy-sixth clause of the Act, as having dispensed, in certain cases, with the bond of manumission. They do not, however, advert to the twentieth, twenty-first, and twenty-second clauses, which subject the former owner to an annual charge of ten pounds for every manumitted slave unable to work for his own maintenance. And even the seventy-sixth clause, while it dispenses with the bond upon testamentary manumissions, renders the estate of the testator liable to the payment of the annuity. The Assembly, therefore, may perhaps find reason to doubt, whether the passage in my despatch, which they characterise as a "misconception," does not really comprise the more accurate statement of what has been enacted on this subject.

The observation that a method should have been provided by which a slave could ascertain what particular person was entitled to receive the price of his freedom, did not, as the Assembly suppose, relate to the subject of compulsory manumission, or to that particular process for which the Act has made provision. I adverted to the more simple case in which a slave about to purchase his liberty as the law now stands, may be totally unable to investigate or to understand the title of the asserted owner. Slaves attached to estates being held by the same intricate legal title on which the land is holden, would seem to be in peculiar danger of paying the price of their freedom to a person incompetent to make a valid conveyance of it. Against this risk Lord Bathurst had suggested an effectual precaution; which, as I observed in my despatch, the law had not adopted.

The statement that this law contemplated the admission of the evidence of slaves in those cases only in which they are *usually* either the actors or the sufferers, was a compendious, and not, I apprehend, an inaccurate explanation of the Act. On referring to the list of cases in which such testimony was made admissible, you will perceive that they are all offences of that class which are *usually* perpetrated either by slaves or against them. The particularity

of the enumeration would seem to have been intended for no other purpose but that of drawing this distinction. The remark, however, may not be of much importance; and His Majesty's Government retain the opinion which I have already had the honour of communicating to you, of the great value of this enactment.

The Assembly misapprehend the meaning of my despatch, in supposing that it expressed any wish that the slaves should be manumitted whenever the owner was convicted of any offence on their testimony. It was only in cases of "extreme abuse," or as the Act expresses it, "in atrocious cases," that a wish was expressed that the reception of slave-evidence should not have the effect of leaving the slave in the power of the owner. You will observe that the one hundred and thirty-second clause of this Act expressly deprives the court of the power of removing the slave even in such extreme cases, if slave-evidence be received on the trial; although the thirty-fourth clause invests them with that authority if such evidence be not received.

The record of slaves sufficiently instructed to be competent witnesses was not intended to supersede every other test of competency. It was recommended rather as an encouragement to good conduct, and as a mode of imparting a salutary influence to religious teachers.

I fear that the defence made in this report of the continuance of labour without limit, during a great part of the year, and for eleven hours and a half daily out of crop, can hardly be considered as sufficient. This is a subject to which the attention of the legislature cannot be too particularly directed.

Although no cases to be classed with rape or murder may have ever come under the cognizance of the courts of Jamaica, it is not less important to recognize the general principle, that the persons of slaves are within the protection of the common and statute law. For example, I should conceive it very questionable whether, if that principle be not admitted, an assault upon a slave, with intent to commit a rape, or with intent to murder, could be punished at all.

It will I think scarcely be denied, upon a reference to the Act, that the process in cases of mutilation, and other bodily injuries, is singularly complex. Nor can it well be maintained, that the loss of a dismembered or mutilated slave, would be any serious aggravation of the punishment denounced against the offender.

It is not without some surprise that His Majesty's Government find it seriously disputed that a legal education would be highly important for the due administration of justice in the slave courts. That the slave code is neither intricate nor voluminous, is an opinion which I fear the Act under consideration sufficiently refutes.

The greater severity of punishment denounced against slaves harbouring runaways, than against the free persons committing the same offence, is vindicated in this report. But the recent Slave Act of the Bahamas and the Bermuda Islands have reversed this rule, and corroborate the opinion expressed in my former despatch, that such a law was repugnant to a clear principle of equity.

Admitting that the unlimited discretion with which the courts are entrusted, as to the amount of punishments, may on the whole have the effect of mitigating their severity, it is not less true that such a mode of legislation must lead to extreme uncertainty in the administration of justice; and to a corresponding recklessness on the part of those who are tempted to the commission of crime.

Respecting the necessity of an exact definition of the terms "rebellion" and "rebellious conspiracy," when used as descriptive of a capital crime, I cannot doubt that, upon a further consideration of the subject, the Assembly may be disposed to acquiesce in the opinion intimated in my former despatch. I am of course aware, that the word "rebellion" is not unfrequently used in legal proceedings. But it cannot be denied that the crime of rebellion, as distinct from that of treason, is unknown to the English law. The necessity of some precise definition of the term is the more apparent, when it is observed, that the ninety-ninth clause of the Act authorises the execution of a slave convicted of this offence, without any previous reference to the Gover-



nor. The precise nature of a crime against which such peculiar precautions are taken, ought at least to be distinctly ascertained.

I apprehend that the Assembly do not deny the necessity of distinguishing between clergyable and other felonies.

Admitting the necessity of affording a more than ordinary protection to the persons of free men in a slave colony, the extreme severity with which it was proposed to punish offences against them, can scarcely be considered as defensible; since, if I correctly understand the resolutions of the Assembly, that House hardly undertakes to defend it.

No objection was stated in my despatch, to the punishment of the practice of obeah, with any degree of severity which may be necessary for the prevention of that offence. My remarks related entirely to the laxity with which that offence, and the crime of preparing to administer poison, were defined; and I understand the Assembly to admit the necessity of some more precise definition.

I have certainly never made the statement attributed to me in the resolutions of the Assembly, that the crimes of slaves are usually the consequence of the misconduct of the owner. I confined myself to the remark that cases of that nature might occur, and that in any such cases it would be at once impolitic and unjust to indemnify the owner for the loss of his slave at the public expence. The remarks of the Assembly do not bear upon the case thus supposed; and it, therefore, becomes unnecessary to enter upon any particular discussion of them.

The Assembly have misapprehended the meaning of my despatch, in attributing to me an opinion that criminals should be permitted to go at large, with a view to their amendment. My observation was merely, that the condition upon which alone a mitigation of punishment was to be obtained, was nearly impracticable, and to the accuracy of that remark, I do not perceive that any objection is made.

I entirely concur in the opinion, that the prerogative of the Crown cannot be diminished except by special enactment,—an opinion which His Majesty's Government had indeed occasion to maintain, with reference to the claim for duties upon naval and military stores, imported for the use of His Majesty's forces. It is perfectly consistent with this opinion to suppose that the Crown may waive its rights, by assenting to an enactment made with express reference to the royal prerogative of mercy.

I fully admit that the objections to this Act were diminished by the circumstance that its duration was temporary. You will, however, not fail to remark that, although passed but for a limited time, it avowedly contained the decision of the Legislature of Jamaica upon the subjects which had been so copiously discussed between that Body and His Majesty's Government. Although temporary in duration it was to be permanent in principle. But independently of this consideration, the Ministers of the Crown felt themselves obliged to advise His Majesty not to permit, even for a limited period, that invasion of the principles of religious toleration which the Act appeared to them to contain.

Having thus adverted in order to all the remarks made by the House of Assembly on my despatch of the 22d September, I would earnestly impress upon them the importance of a calm and attentive review of the whole subject. It was not without very great reluctance that His Majesty was advised to disallow an Act containing several valuable improvements, which the Ministers of the Crown are still, as they have always been, most ready to acknowledge. Upon the subject of evidence especially, the improvement upon the former law was of the greatest importance. I am commanded by His Majesty to convey to the Council and Assembly the expression of His earnest hope, that an Act will be transmitted for His sanction, containing all the ameliorating clauses of the law of 1826, but disconnected from those provisions which imposed upon Him the painful necessity of disallowing that Act. Of these the clauses respecting religious worship were by far the most important. To some other provisions of the law positive objections arose, which it has been my endeavour in my present despatch still more distinctly to explain. The mere omission of some provisions, to which His Majesty's Government attach great

value, however much it might have been regretted, would not have been deemed an adequate reason for the disallowance of the law in question. The difficulties with which the Assembly of Jamaica have to contend in the improvement of their Slave Code are fully appreciated. For those difficulties the most ample allowance would be made, and any objections which might be urged to any part of the suggestions of His Majesty's Government would not fail to receive the most deliberate and careful attention. But with the most anxious desire that the progress of reformation should be carried into effect by the Assembly themselves, and in whatever manner may be least inconvenient and burthensome to the free inhabitants of the colony, His Majesty's Government cannot lose sight of the resolutions of Parliament, and their own repeated engagements, to provide that that reformation be conducted with a steady and effectual progress, embracing at once a due regard to the welfare of the slaves, and to the interests and security of the proprietors in the colony.

I have, &c.

(Signed) W. HUSKISSON.

*Major-General Sir J. Keane, K.C.B.*

&c.                      &c.                      &c.

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(COPY.)

MY LORD,

*Downing-Street, 19th March 1810.*

YOUR Grace's despatches of the dates mentioned in the margin,\* have been received and laid before the King.

The information contained in your letters respecting the intemperate conduct of the Assembly of Jamaica, has afforded His Majesty the most sincere concern.

The cause of the differences which have unfortunately arisen, can only be ascribed to the extraordinary proceedings of the Assembly of Jamaica, in the measure which they thought proper to adopt, of inserting a clause on the subject of religion, known to be contrary in principle to the sentiments of His Majesty, in the Slave Consolidation Act, to which it had no necessary reference, and thereby involving His Majesty in the difficulty of either assenting to a provision which he disapproved of, or of objecting to a law in other respects of great public importance.

His Majesty could have no alternative under such circumstances but that of rejecting the law in toto, of which this clause formed a part, and giving your Grace the instructions of 7th June last.

With respect to the measure adopted by your Grace of dissolving the Assembly, the expediency of that proceeding must depend, in a considerable degree, upon the probability of an Assembly being elected more favourably disposed, and the question will be, whether the measure to which you resorted, as a proof of the firmness and determination of the executive government, is likely to lead to a more temperate course of proceeding on the part of the new Assembly, or whether its effect will be only to increase the ferment which already subsists.

Upon this subject, it is impossible to give a decided opinion, without more information respecting the internal situation of the island, and the dispositions of the principal inhabitants, than is at present in the possession of His Majesty's Government.

Although His Majesty does full justice to the motives which induced your Grace to lay before the Assembly, in consequence of their address, a copy of your instructions of 7th of June last, His Majesty is of opinion it might have been more proper to have refused that application, as the Assembly can have no right to know what instructions are given by His Majesty to his Governor, except as they are known by his acts: and the informal publication of instructions in the newspapers, by any person who might have obtained possession of a copy of them, however much it was to be regretted, could not in itself have been a regular ground for any proceeding in the Assembly, on the

\* 29th October 1809—No. 62.—to 6th January 1810—No 73.

subject to which they relate: at the same time the course which the Assembly thought proper to adopt, removed any reasonable ground of offence which might have been otherwise taken at the production of your instructions.

They could not be said to have been produced for the purpose of intimidating the Assembly, or interfering with its deliberations. They were produced at the special request of the Assembly, and whatever consequences, therefore, were to result from them, as far as they could be derived from the official publication of these instructions, were to be ascribed to their own Act.

His Majesty does not deny the right of the Assembly to send up any Act whatever without a suspending clause, if they shall be of opinion that a suspending clause is unnecessary or unadvisable; and His Majesty is very far from being desirous of putting any new restrictions upon any rights or privileges which they may have been accustomed to exercise in their deliberations, as one branch of the legislature of the island. But it is for His Majesty to determine what instructions he will give to his Governor, as to the exercise of any branch of His Royal prerogative, and the same right which His Majesty possesses of instructing his Governor to reject a law upon any subject, on which it is his opinion that a law ought not to pass, includes in it necessarily the right of instructing his Governor to reject a law upon the same subject, unless provisions are made in that law which might obviate its inconvenience; for if His Majesty's opinion should be against the passing of any law, unless such provisions are included in it, it is evident that a law of this description ought not to have any operation *ad interim*.

It must at all times be for the Assembly to determine, how far they will adopt such provisions or restrictions. It is for His Majesty to determine how far he will consent to a law in which such provisions or restrictions are not included. This is the necessary principle upon which every constitution must rest, where the power of legislation is divided amongst different bodies. It is further to be observed, that the principle of giving instructions to the Governors of the West India Islands not to assent to certain Acts unless they should contain suspending clauses has been acted upon by the Crown at all times. Your Grace's general instructions contain directions of this nature in a variety of articles. These instructions are copied from the instructions of former Governors, and the general purport of them must necessarily have been known in the island. The principle of suspending clauses is not disputed by the Assembly with respect to private Acts, and, independent of the consideration that there does not appear to exist any solid ground of distinction in this respect between public and private Acts, the instructions to which I refer apply in some instances to Acts which are unquestionably public, as well as to those which are only of a private nature. The thirteenth article of your instructions particularly directs you not to permit the re-enacting of any law to which His Majesty's assent has once been refused without a suspending clause is introduced into it. This instruction applies directly to the present question, and is in fact absolutely necessary for the maintenance of the Royal authority in matters of legislation, for it would otherwise be in the power of the Assembly, by passing an Act every session, until His Majesty's pleasure should be known, to carry into effect the very provision to which His Majesty had already objected, and thereby defeat altogether His Majesty's undoubted prerogative.

In cases of great importance which may occur if an Act has taken immediate effect for a time for want of a suspending clause, its effect may be such as cannot be altogether removed by the King's negative; and His Majesty, therefore in such cases cannot preserve his right of negative, except through the medium of an instruction to his Governor in such cases, not to consent to an Act which does not contain a suspending clause.

I repeat again, that His Majesty does not question the right of the Assembly to refuse to send up, under any circumstances, a bill with a suspending clause, if they consider a suspending clause to be improper.

But then, His Majesty has a clear and indisputable right to instruct his Governor to reject any Act, which may have been passed upon any particular subject by the Assembly, without such a restriction, and the necessity of exercising this right, in the present instance, must be particularly evident, when

the object of the Assembly was in fact to defeat His Majesty's right of negative, by inserting a particular provision in an Act, to which it had no necessary reference, upon the ground that, though they knew His Majesty had disapproved of the provision, the Act was in other respects absolutely necessary, and could not, without great public inconvenience, have been refused to be passed, if other means had not been found unforeseen by the Assembly of obviating the inconvenience of its rejection.

I am commanded, therefore, to acquaint you, that His Majesty is determined in no way to recede from his right on this important point, and that you will accordingly consider your instructions of 7th June last in full force, and not give your consent to any Act respecting religion without a suspending clause, except in the case of an Act being submitted to you in conformity to the principles which have been already approved by His Majesty.

In order to avoid any misapprehension on this subject, I enclose the draft of an Act, which, if it should be passed by the Assembly in consequence of any private communication which you may judge it expedient to have with any of the members, His Majesty will allow you to sanction without a suspending clause. But if the adoption of such an Act shall be found impracticable, the Assembly must make their option between the alternative of leaving the island without any legislative proceedings on this subject, or of inserting a suspending clause in any law which they may think proper to present to you for your approval.

His Majesty trusts that the new Assembly will be actuated by more temperate and conciliatory sentiments, that they will feel all the objections which have been stated to the conduct of their predecessors, and that they will adopt a course of proceeding more consistent with the constitution of the island, and the general interest of the Empire to which they belong.

I have, &c.

*His Grace the Duke of Manchester,*  
 &c.            &c.            &c.

(Signed)    LIVERPOOL.

WHEREAS it is expedient that some precaution should be taken in permitting persons to preach the Gospel to assemblies of negroes and persons of colour, for the purpose of excluding from the exercise of such sacred functions, all ignorant and ill-designing persons, who, under the pretext of preaching the Gospel, may disseminate principles subversive of the peace and good order of society: Be it enacted, That from and after the passing of this Act, no person shall preach or teach in any meeting or assembly of negroes, or persons of colour, unless he shall first qualify himself for that purpose in the Supreme Court, by taking the oaths of allegiance and supremacy, and by making and subscribing the declaration against Popery, contained in an Act passed by the Parliament of England in the 30th year of the reign of His Majesty King Charles II., intituled "An Act for the more effectual preserving the King's Person and Government, by disabling Papists to sit in either House of Parliament;" and also the declaration contained in an Act passed by the Parliament of Great Britain in the 19th year of His present Majesty's reign, intituled, "An Act for the further relief of Protestant Dissenting Ministers and Schoolmasters," which qualification shall be registered in the said court, and a certificate thereof shall be delivered to him by the officer of the court upon paying the fee of sixpence only.

And be it further enacted, That no person shall be admitted to take the said oaths, and make and subscribe the said declarations for the above purpose, who shall not appear to the Judges of the said court to be a fit and proper person to perform the office of preacher or teacher at a meeting or assembly of negroes or persons of colour.

And be it further enacted, That no meeting or assembly of negroes, or persons of colour, for the purpose of preaching or teaching, shall be holden in any house, or at any place whatsoever, but such only as shall be notified to the Supreme Court as intended to be used and resorted to for that purpose, which notification shall be registered in the said Supreme Court, and a certi-

ificate thereof shall be delivered to the person making such notification upon paying the fee of sixpence only.

And be it further enacted, that if any person shall be found preaching or teaching in any meeting or assembly of negroes, or persons of colour, without being qualified, and such qualification being registered as aforesaid, or if any person so qualified, and whose qualification is registered as aforesaid, shall be found preaching or teaching in any house, or at any place not so notified and registered as aforesaid, such person, and also every negro or person of colour found at such meeting or assembly, shall suffer such penalty and punishment respectively, and shall be liable to be dealt with in such manner as is prescribed in an Act passed by the Parliament of England in the 22d year of the reign of His Majesty King Charles II., intituled "An Act to prevent and suppress seditious conventicles."

Provided always that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons teaching or preaching to any negroes or people of colour, with the consent of the proprietor or overseer of such negroes or people of colour, in any private house or place, belonging to such proprietor or overseer, or belonging to any person who shall by himself, or by his overseer, consent to the same, or to any person preaching to or teaching any free negroes or people of colour and their families in the private house of such free negroes or people of colour.

And be it further enacted, that if on complaint made to the Supreme Court, and after hearing the parties and examination of witnesses on oath, on both sides, it shall appear to such court that any person so qualified as aforesaid, is a person not fit and proper to perform the function of a preacher or teacher in such meetings or assemblies of negroes or persons of colour, or if it shall appear to such court that the house or place so registered as aforesaid is improper for such meeting or assembly, then it shall be lawful for the judges of the said court, to declare such qualification of such preacher or teacher, and such registry (of house or place) for such meeting or assembly to be from that time null and void, to all intents and purposes whatsoever.

And be it further enacted, that in all cases where the Supreme Court shall refuse to admit any person to qualify himself by taking the oaths, and making and subscribing the declaration as aforesaid, for the said purpose of preaching or teaching, or shall refuse to register any house or place for such meeting or assembly as aforesaid, or shall declare null or void any such qualification of a preacher or teacher, or any registry of a house or place for a meeting or assembly, it shall be lawful for the party aggrieved to appeal to the Governor, who, upon hearing the parties, and upon examination of witnesses upon both sides upon oath, in a summary way, shall make such order therein as to him shall seem proper, which order shall be final.

## BAHAMAS.

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SIR,

*Downing-Street, March 5, 1828.*

AN Act of the Governor, Council, and Assembly of the Bahama Islands, passed in the month of December 1826, intituled "An Act to amend an Act intituled an Act to amend, consolidate, and bring into one Act the several laws relating to slaves, and for giving them further protection and security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other purposes," having been referred by His Majesty in Council to the Lords of the Committee of Council for the Affairs of Trade and Foreign Plantations, their Lordships have reported to His Majesty in Council their opinion that this Act ought to be left to its operation; and His Majesty in Council has been pleased to approve that report.

The Order in Council upon this subject will be transmitted to you as soon as the necessary official forms can be completed. In the meantime, I have received His Majesty's commands to make to you the following communication, with reference to this Act.

It is greatly to be regretted that the Legislature of the Bahama Islands has not adopted the course which has been taken in most of the West India Colonies, of consolidating the whole of their Slave Code into one Act. By continuing in force the Act of 1824, of which the present law is an amendment, great difficulty has been created in ascertaining the real state of the law upon many subjects of the highest importance. Without a careful collation of the two Statutes, and, indeed, of many preceding Acts of the Colony, it would be scarcely possible even for persons conversant with the practice of the law to decide what rules are really established even upon questions of the most frequent and familiar occurrence.

On the subject of evidence, the general principle seems to be recognized that the servile condition of a witness should not prevent the admission of his testimony. But the rule would appear to be almost wholly lost in the variety of the subsequent exceptions.

I cannot discover any valid reason why a native of Africa may never be a witness, nor why a slave whose residence in the Bahama Islands has continued for five years, is more entitled to credit than slaves who have resided there for a shorter period.

The rule which rejects slave evidence on the prosecution of a free person "by way of libel, plaint, or other proceedings at law, in cases of penalty or forfeiture or otherwise, on any account whatsoever, when the facts of the same are tried, or liable to be tried, otherwise than by trial by jury, according to the usual course of the common law, or some Act or Acts of the General Assembly of the Bahama Islands," is a rule of which I have in vain endeavoured to ascertain either the object or the precise meaning.

The same remark applies to the provision, that no slave can give evidence on the prosecution of any free person "by way of information, *ex officio*, "or otherwise, in any court of law or equity, even in cases in which the parts of the case may be tried by a jury."

The power of certifying that a slave has been properly instructed to be a competent witness, is confined without any apparent reason to the clergy of the Established Churches of England and Scotland.

I am not aware what is meant by the rule that a slave may not give evidence against his owner "in any *common* prosecution whatsoever."

The rejection of the evidence of slaves upon all questions involving the right of freedom, or the title of an owner to his slave, or in which a deed of manumission is to be proved, does not seem to rest upon any valid principle. Slaves, it is true, may be generally pre-disposed to favour the claim of a fellow-slave to freedom, but when the witness has no personal interest in

the result of the trial, that disposition, although it might affect the value of the evidence, ought not to prevent its admission. In many cases such a rule might entirely destroy the proof of the most valid title to freedom.

The rule of evidence established in the twentieth section of the Act appears to be, that any court or jury may, in forming their decision, reject the testimony either of a slave or a free person, although not contradicted or impugned by any other evidence, if they should be induced conscientiously to refuse credence to it, from any one of the following circumstances:—"Notorious bad character"—"obvious ignorance or incapacity"—"great improbability of statement"—"inconsistency of statements," or "any fair ground of violent presumption that the testimony of the witness is given under the influence of vindictive or dishonest motives," or "any direct though latent interest in the cause." It is stated that this rule of law is introduced for the relief of "sundry conscientious persons," and to settle doubts with which their minds have been affected. It is not very readily to be understood in what sense the doubts to which reference is thus made are described as "conscientious." But it can hardly be denied that such a principle of law, if established, must deprive the administration of justice in the colony of all certainty, and subject it to the mere caprice of the jurors. Instead of giving their verdict "according to the evidence," they will be bound to pronounce that verdict with reference to their opinion of the character, motives, or *latent* interests of the witness. A test of truth, so vague and fluctuating, will leave property, reputation, and even life itself, in the utmost insecurity.

With reference to the preceding observations, you will recall the attention of the Council and Assembly to the highly important subject of slave evidence, apprising them that His Majesty's Government consider that the numerous exceptions which are made by this Act to the admissibility of this class of witnesses, have nearly deprived the general rule itself of its practical value.

On the subject of the manumission of slaves, it is provided that no manumission shall be valid unless it be made by a will duly executed, or by a written instrument. The effect of this rule will be (and, as I presume, such was its object) to prevent constructive manumissions, that is, any title to freedom founded upon legal inferences deduced from the conduct of the parties. But His Majesty's Government must pause before they can sanction a principle of so much novelty, and of such extensive operation. In every other slave code the title to freedom by construction, or, as it has been usually termed, implied manumission, has, I apprehend, been admitted as a principle of law. It appears, indeed, from the reports of the Commissioners of Legal Inquiry, that the same principle has been acknowledged in some of the West India Islands. The absolute rejection of it in the Bahamas becomes, therefore, still more questionable.

Another effect of this principle of law would be, to destroy a title to freedom founded upon a mere contract, and not perfected by an actual conveyance. But, considering the ignorance of the slaves, and the improvident habits which they must unavoidably form, it would seem highly objectionable that the loss of freedom should be the consequence of their neglect of legal solemnities, the necessity of which they might, in many cases, not understand.

The rule that a manumission executed to defraud creditors shall be void, should, I apprehend, have been qualified by a declaration that it was to be void only so far as the interest of those creditors might be concerned. It would be at once impolitic and unjust to permit a man who had executed a fraudulent manumission to treat his own act as a nullity.

I observe with satisfaction that all taxes on manumission are repealed.

I have also to signify to you His Majesty's peculiar approbation of the adoption, by the Council and Assembly, of the principle that a slave may purchase his own freedom upon appraisement, even against the consent of the owner. It is true, indeed, that this Act has introduced some qualifications of that general principle, to the propriety of which I am not prepared to assent. But circumstances, to which it is unnecessary to advert more particularly on the present occasion, have induced His Majesty's Government to postpone the further discussion of this branch of the general subject. I trust, however, that it will be in my power, at no distant period, to make a full communica-

tion to you on that question; and, until then, it will be more convenient to abstain from any comment on the details of this part of the present law.

On the subject of marriage, the Legislature of the Bahamas have adopted the suggestions of His Majesty's Government, with the exception, that the consent of the owner is an indispensable condition, and that no provision is made for the very possible case of that consent being withheld from caprice or improper motives.

The abolition of markets on Sunday appears to be immediate and complete. Some other day ought, however, to be appointed for this purpose; since a law, which would have the effect of preventing altogether the resort of slaves to the market, would be felt by them as a severe privation.

I observe that the Act is silent respecting the prohibition of labour on Sunday.

On the highly important subject of the property of slaves, I have peculiar satisfaction in acknowledging, that the legislature have fully concurred in the suggestions of His Majesty's Government. The rule which prohibits a slave from engaging in any trade or profitable occupation, in which his owner is at the same time engaged, although not beyond the reach of some plausible objections, would yet on the whole appear to be founded on good policy. It may often prevent a direct opposition between the interest of the slave, and that of his owner, and diminish the temptation to indolence and dishonesty, to which the slave might otherwise be exposed.

The provision made on the subject of savings banks would, I should fear, entirely defeat the objects of that part of the law. For, instead of receiving interest upon his deposit, the slave is to pay a commission of three per cent. upon every sum which is drawn out within twelve months from the time of its being deposited. Upon such terms as these few slaves will probably be disposed to avail themselves of the opportunity offered them for securing their savings.

On the subject of the separation of members of the same family, this Act has not merely adopted the recommendations conveyed in Lord Bathurst's despatch, but has gone materially further. For such separations are prohibited not only upon judicial sales, but when effected by private conveyances.

Under the head of punishments inflicted by the domestic authority of the owner, the legislature have prohibited the use of the whip as an immediate stimulus to labour, an enactment of great value, and of which His Majesty is graciously pleased to express his particular approbation. I may however observe, that the law might have been more conveniently expressed by extending the prohibition to all places in which the whip could be used for this purpose, instead of limiting it to the plantations and the salt ponds.

The limit of domestic punishment is fixed at thirty-nine lashes, instead of twenty-five, and the Act does not require the attendance of any free person to witness the punishment; nor is it provided that some definite interval must first have elapsed from the commission of the offence. The use of the whip is expressly allowed in the domestic punishment of women, if the owner be present, and if no other male person be the spectator. It is impossible to admit the propriety of these departures from the measures recommended to the legislature by His Majesty's command, and you will impress upon them the necessity of revising this part of the law.

I am disposed to admit that there is great weight in the arguments urged by the Assembly against requiring records of all domestic punishments to be kept in the Bahama Islands, in the form established at Trinidad, and suggested for the adoption of the other Colonial Legislatures: Still it is important to maintain the general principle—that any person entrusted with the power of convicting and punishing slaves at his discretion should render a periodical account of the manner in which that power has been used. The general incapacity of slave proprietors to read and write, however conclusive an objection to their keeping records of this nature, would not prevent their making verbal reports, at stated intervals, to some competent authority. Nor can it be disputed that the exercise of power by persons so wholly illiterate, must be a subject of just and peculiar jealousy.

The statement made by the Assembly respecting the prevalent want of education among the proprietors of the colony, forcibly suggests the import-



ance of consolidating the slave code into a more simple and compendious form. Persons in such a state of ignorance as is here represented, must be wholly unable to understand the rules of the law of slavery, which it is their daily duty to obey, so long as those rules remain in that state of complexity to which I have adverted in the commencement of my present despatch.

It is readily admitted that the objections urged to the establishment of the office of protector and guardian of slaves, in the form recommended by His Majesty's Government are unanswerable. But although the geographical character and position of the Bahama Islands render many of the details of that plan impracticable, no sufficient reason is assigned why the measure might not be introduced at the island of New Providence, and perhaps in one or two other of the more densely peopled islands. The appointment of an officer responsible for the due execution of the laws for the protection of slaves, forms so essential a part of the general scheme, that, without it, all other plans of reform would probably lose much of their efficacy.

His Majesty's Government have not failed to observe, with much satisfaction, that the Assembly have suspended the operation of some of those parts of their former Act to which objections were stated by Lord Bathurst.

It is provided by one of the clauses of the present Act, that free persons of colour, threatening unlawful violence or injury, or using any scandalous or abusive language to any white person, may be tried before any two magistrates in New Providence, and before any one magistrate and two white freeholders in any other island, and adjudged a fine of twenty pounds, or imprisonment for six months.

I have stated this enactment the more at length, because I am persuaded that the attention of the legislature was not sufficiently directed to the full effect of the expressions which they employed. It cannot really have been intended that a free man should be subject to an imprisonment for six months for any abusive language to a white person, and that he should be liable to this extreme severity of punishment without a trial by jury, upon the summary conviction of a single magistrate and two freeholders. I am convinced that it is only necessary to direct the attention of the legislature to this part of the law, to insure its immediate repeal.

Having thus communicated to you such observations as it has appeared necessary to make, with reference to the Act under consideration, I am commanded by His Majesty, in conclusion, to express to you his very gracious approbation of the disposition which the Legislature of the Bahama Islands have manifested, to acquiesce in so large a proportion of the suggestions, which were made by his command, for the improvement of the condition of the slave population of the colony. His Majesty is persuaded that the same laudable disposition will induce the Council and Assembly to weigh with attention and candour the objections which it has been my duty to make to some parts of this Act; and that they will cheerfully adopt such amendments as may be necessary for the further improvement of the slave code.

*Major-General Grant,*  
*&c. &c. &c.*

I have, &c.

(Signed)

W. HUSKISSON.

## BARBADOES.

### No. 1.

SIR,

*Downing Street, 18th October 1827.*

TWO Acts passed by the Governor, Legislative Council, and Assembly of the Island of Barbadoes, in the month of October 1826, intituled respectively,

“ An Act to repeal several Acts and clauses of Acts respecting slaves, and for consolidating and bringing into one Act the several laws relating thereto, and for the better order and government of slaves, and for giving them further protection and security, for altering the mode of trial of those charged with capital and other offences, and for other purposes.” and

“ An Act for the encouragement of baptisms and marriages among slaves, and for the due observance of the Lord’s-day, commonly called Sunday, Christmas-day, and Good Friday,” having been laid before His Majesty in Council, were, by His Majesty in Council, referred to the Committee of Privy Council for the Affairs of Trade and Foreign Plantations, and that Committee having reported to His Majesty their opinion that these Acts ought to be confirmed and allowed by His Majesty, I have the honour herewith to transmit to you an Order of His Majesty in Council, approving that report, and confirming the said Acts accordingly.

In obedience to His Majesty’s commands, I proceed to communicate to you the reasons by which he has been induced to confirm these Acts.

It appears from Sir Henry Warde’s despatch of the 24th October 1826, that Lord Bathurst’s despatch of the 21st May 1826, with its various enclosures, were not brought by the Governor under the notice of the Legislative Council and Assembly, and that the Acts under consideration were not passed with a distinct reference to the recommendations contained in that despatch. The Assembly, therefore, do not expressly invite a comparison between the provisions of these laws and the corresponding clauses of the drafts transmitted in Lord Bathurst’s despatch. It is, however, not the less necessary to enquire how far these Acts have really given effect to his Lordship’s recommendations.

On the subject of the protection of slaves, it is impossible to regard the establishment formed under the present law as an effectual substitute for the office of protector and guardian of slaves, as suggested by Lord Bathurst. There is a very serious objection to entrusting the selection of the acting protector to any other authority than that of His Majesty’s Government. It is also highly inconvenient that the Governor of the Colony should be associated with other persons on a footing of precise equality in discharging any duty connected with the Executive Government. The salary of four hundred pounds currency *per annum*, is plainly insufficient to ensure the constant attention of any gentleman of adequate qualifications. The power of removing the officer at pleasure by the Committee, will place him too much within the reach of local and personal influence. He is not required to perform the duties of his office in person, to be constantly resident in the island, or to keep his official records with punctuality, or in any prescribed form. There is no provision for appointing persons to assist the protector in the discharge of his duties in the more distant parts of the island. The accounts of the administration of his office are not to be rendered on oath, nor at any fixed intervals. The exhibition of such accounts is not required, as the condition upon which alone his salary can be paid. His powers are limited in such a manner as to deprive the office of the greater part of its value and efficiency. He is permitted to be himself the owner of slaves, an indulgence which, for very obvious reasons, ought not to have been granted. It would be vain to suppose that a law thus imperfectly con-

stituted, would ensure an effectual protection to the slaves, or the punctual execution of the laws in their favour.

On the subject of Sunday markets, His Majesty is graciously pleased to express his unqualified approbation of the measures adopted by the Colonial Legislature. The abolition of such markets is immediate and complete, and as it appears by the preamble, that it has been customary for slaves to bring the produce of their labours to market on other days than Sundays, the measure will not, I should trust, be productive of distress or hardship to them.

The rules for the prevention of labour on Sunday are framed in the same spirit of cordial acquiescence in the views of His Majesty's Government. The law permits Sunday labour only in cases of unavoidable necessity, although I should doubt whether the casking of sugar till the hour of ten o'clock can be justified on that ground. It may, however, be observed, that the Act seems open to the construction that a slave might be lawfully employed to work on Sunday for any person except his master, an effect which I am satisfied was not contemplated, and which may be readily obviated by an explanatory enactment.

Upon the subject of punishment by the domestic authority of the owner, these Acts do not prohibit the use of the whip in the fields as a stimulus to labour. They do not attempt to define the extent of punishment which an owner may inflict. They impose no restraint on the frequency of punishments, nor do they require the suspension of them for any period after the commission of the crime. The punishment of negroes may be inflicted in the absence of all free witnesses, and women are to remain liable to be corrected by the whip. The owner is not required to record the punishments he may inflict, nor to make any report of them to any official authority. A second conviction for cruelty in punishing slaves is not to be followed by any forfeiture of the property, or by any incapacity for having the future management of slaves.

As a substitution for the precise and specific enactments on the subject of punishment recommended by Lord Bathurst, provision has been made, enabling any two justices to impose upon any person convicted of cruelty to his slaves, a fine varying from twenty-five pounds to one hundred pounds. But neither this enactment, nor the argument adduced in support of it, appear to His Majesty's Government satisfactory.

It may be perfectly true that the number of stripes received by a slave may be a very inadequate criterion of the severity of the punishment. It is not, however, to be disputed, that such a test may be of some value, even though not entitled to implicit confidence. Upon such a subject it is obvious that no exact and perfect criterion can ever be found. The good feelings of the justices, to which it is proposed in every case to refer the question of the undue severity of any punishment, is itself a test of the most vague and uncertain nature.

The enactment by which a slave exhibiting his person in a state of laceration, and making a particular, consistent and probable charge, is enabled to throw upon his owner the burthen of proving that the punishment was not unlawful, would be entirely consistent with the recommendations of His Majesty's Government, were it not for the qualification by which the accused party is enabled to exonerate himself from the charge by his own oath; under such a law I should fear it is highly improbable that a conviction would ever take place.

The clause requiring that punishments by whipping should be inflicted "with the like instrument, and in the like manner, now in use in the navy and army," would seem to have been inconsiderately adopted. Those instruments are intended for the correction of men in the maturity of life guilty of serious offences. They would be most formidable instruments if the young, the aged, or the infirm, were to be the sufferers, and in the case of females, I should hope that no man could seriously think of resorting to them. The case supposed of a woman being flogged in an indecent manner, or of a pregnant woman being flogged at all, would seem to require some much more severe punishment than a fine of ten pounds currency.

There is no limitation as to the time during which refractory, disorderly, or runaway slaves may be confined in the stocks.

The offence of maiming, mutilating, or dismembering a slave, even if twice committed, is to be punished in a manner very inadequate to the enormity of such an offence. Such a criminal certainly ought not to retain the future profits to arise from the property he had so misused.

On the subject of marriage, I regret to say that the provisions of this Act are very defective. The consent of the owner is an indispensable condition in every case, however capricious or unjust may be the grounds of his refusal. It is necessary also that the slaves to be married should be both the property of the same person. No provision is made for the very numerous cases where the same person may own one or two slaves only in his domestic service, or where, from consanguinity or other causes, inter-marriages between the slaves of a small gang may be impossible. Nor can it be permitted that any class of His Majesty's subjects should be deprived of the power of forming matrimonial connexions, except upon conditions which may often be revolting to their feelings, and injurious to their moral character. It is difficult also to perceive the policy of confining the right of celebrating marriages to the clergy of the Established Church, nor why other teachers of religion should be deprived of the salutary influence over the minds of the slaves which the enjoyment of this power would confer.

These Acts sufficiently recognize the right of a slave to become the proprietor of personal property to any amount. But the means of protecting that right are very inadequate. A remedy is given in the single case of property being taken away. But this is only one of many injuries which the slave may sustain. If an article lent be not replaced, or if money due be not paid, or if any contract respecting property be broken, or if any injury be wantonly or accidentally done to property, no action could be brought by the slave, or for his benefit. The right of property is further restricted without any apparent necessity by the long list of articles of which a slave is not permitted to be the proprietor. I find no provision in these Acts for the establishment of savings' banks, nor for affording slaves any other safe and convenient method of accumulating the produce of their industry.

On the subject of manumission, the legislature have declined entirely to adopt the recommendations of His Majesty's Government, and no enactments are substituted which could be compared with those suggested in Lord Bathurst's despatch. Upon this subject I may probably at an early period be enabled to make some further communication to you.

Upon the subject of evidence, a subject second in importance to none of those to which I have adverted, His Majesty's Government have perceived with much pleasure that some real and substantial improvement has been made. But the rule admitting the evidence of slaves is laid down with so many qualifications as greatly to impair its value. There is no necessary connexion between the baptism of a witness and his credibility; nor is it apparent why a man's testimony is the less entitled to belief, if his baptism has taken place amongst Dissenters from the Established Church. Slaves instructed wholly by Dissenters will continue incompetent to give evidence, whatever may be their character or their knowledge. Neither will a slave be admissible as a witness, if the prejudice or interest of the master should induce him to discredit the character of the slave. To require circumstantial evidence in all cases will frequently operate as a practical exclusion of the most unobjectionable evidence. But if these various restrictions be necessary, it is not easy to perceive the justice of entirely disregarding them all, when the party against whom the evidence is given is himself a slave. Neither can I discover why slave testimony, when in favour of a slave, is not to be received with the same latitude as when it is adduced against him. In one respect it may be doubted whether this Act does not admit the testimony of slaves too readily. They may be witnesses for their owners—a rule of questionable policy, when the extent of the owner's influence is considered.

On the subject of the separation of families, these Acts are professedly silent, on the ground that an earlier statute of the Island had already prevented that abuse. But upon referring to that statute, the effect of it will be found to differ widely from the representation of it contained in the address of the House of Assembly. The object of that Act was to prevent the inconvenience which debtors sustained by having the whole of their slaves sold together. With that view it declares that the provost-marshal shall never sell more than five slaves in one lot, unless when they are members of the same family, in which case he may sell the whole family together. But this statute does not prevent the provost-marshal from seizing one member of the family apart from the rest, nor of seizing an entire family and selling them in separate lots.

The only additional enactments aiming at the improvement of the condition of the slaves to be found in these Acts, are those which relate to clothing, coroners' inquests, and religious instruction. The law respecting clothing is, I fear, too indefinite to produce any practical results. The rules respecting religious instruction, whatever may be their value as the recognition of an important principle, are plainly not framed in such a manner as to ensure obedience.

On the subject of the crimes committed by slaves, these Acts contain an enumeration of offences so numerous, and in some instances, so trivial, as to impart to the law a tone of jealousy and harshness which it might have been more convenient to avoid. On the other hand, there are not wanting provisions on the subject of the criminal law, which have been conceived in a spirit of impartial equity. Such are the rules which require the justices to be satisfied that the slave was not driven to commit the offence from a want of food; and the rules by which slaves are to be removed from persons appearing on the trial to be incapable of sustaining them, and by which owners are to be punished who force their slaves into the commission of crimes, by withholding subsistence which they have the power to afford.

No distinction is made between the attempt to steal and the actual commission of the crime. Although the moral guilt of an attempt to steal does not depend upon its success or failure, yet, for reasons which might easily be stated, the legal consequences ought not to be the same.

The words "rebellion" and "insurrection" should have been distinctly defined, because the common law affixes no specific sense to those expressions.

The word "forgery" standing alone without qualification, as descriptive of a capital crime, is very indefinite, and might comprise many actions which it could not really be meant to punish with death.

The compassing or imagining the death of any person, is an offence which it is most inexpedient to introduce into the catalogue of capital crimes, or indeed to notice at all, except with reference to the person of the King.

The general application of the criminal law of England to all crimes committed by slaves, should have been accompanied by a declaration that the same law is in force for the punishment of all crimes committed against them.

The Act speaks of the common law of Great Britain, meaning of course the common law of England—an error which, obvious as it is, might not perhaps be found unimportant in practice.

The abolition of petty courts for the trial of slaves accused of capital crimes, and the substitution of the mode of trial employed in the case of free persons, is an important improvement in the law.

His Majesty's Government have on former occasions expressed their disapprobation of the rule by which the value of a slave executed or transported is always to be paid to his owner, even though the crime might be distinctly shewn to be the consequence of the owner's negligence or misconduct.

The crime of obeah is made capital, without any attempt to define it. The crime of preparing poison with intent to administer it, is defined in such terms as to include many actions of a venial, and some of a perfectly innocent character.

Upon the subject of fugitive slaves, this Act contains many salutary provisions which were not to be found in the Act of 1825, and which appear well adapted for the prevention of abuses.

The enactment which prevents a slave paying hire for himself to his owner is an aggravation of the evils of slavery, which is not compensated by any apparent advantage. Neither is it easy to discover the necessity or policy of the rule which would prevent their trading as hucksters and petty chapmen. On the subject of the amusements of slaves, it is satisfactory to perceive that the rigour of the law of 1825 has been considerably abated.

The preceding observations will sufficiently prove that His Majesty's Government have not been able to regard these Acts with unqualified approbation. The omissions are numerous and important, nor are there wanting many positive objections to these enactments. But on the other hand, the provisions for the due observance of Sunday—for the abolition of markets on that day—for the admission of evidence—and for the repeal of many oppressive laws passed in remote times—are unequivocal advances towards a better system of law, of which His Majesty is graciously pleased to mark his approbation by the allowance of these Acts. You will, however, call the attention of the Legislative Council and Assembly to the preceding remarks, and you will apprise them, that, unless a further and more decisive progress be made in the improvement of the slave code of the colony, His Majesty's expectations will not be satisfied. I earnestly hope, that, upon further consideration of this most important subject, the gentlemen of the Council and Assembly will be induced to proceed further in the course upon which they have entered, assured, as they may be, that the difficulties of their situation are well understood, and that the value of their labours will be fully estimated by His Majesty's Government, and by Parliament.

With these Acts, Sir Henry Warde transmitted a bill passed by the Governor and Assembly for repealing the duties on manumissions, to which he had not thought himself at liberty to assent, because it repealed certain Acts which His Majesty had formerly allowed, and did not contain a suspending clause. The Governor, therefore, desired that His Majesty's approbation of the bill might be signified by His Majesty in Council. As, however, it would be difficult to discover any recent precedent for such a course of proceeding, and as there is no necessity for deviating from the established usages in similar cases, His Majesty has not been pleased to make any Order in Council respecting this bill.

I have, &c.

(Signed) W. HUSKISSON.

*Officer Administering the Government of Barbadoes.*

No. 2.

SIR, *Government House, Barbadoes, 16th January 1828.*

I HAVE the honour to enclose you herewith, a copy of the speech which I addressed on the 8th instant to the two branches of the legislature on the occasion of my meeting, for the first time, a new House of Assembly.

I have, &c.

*The Right Hon. Wm. Huskisson,* (Signed) J. B. SKEETE.  
 &c. &c. &c.

*Extract from a Speech made by the Officer Administering the Government of Barbadoes to the two Branches of the Legislature, dated 8th January 1828.*

I HAVE the pleasure to inform you, that His Majesty has been graciously pleased to confirm the "Slave Consolidation Act," and the "Act

for the encouragement of baptisms and marriages amongst the slaves, and for the due observance of the Lord's-day, commonly called Sunday, Christmas-day, and Good Friday." I will lose no time in causing the despatch of the Secretary of State relating to these Acts to be laid before you, in order that you may have the opportunity of taking into your early consideration those suggestions which His Majesty's Government still deem it necessary to offer. The operation of these two Acts, I most anxiously anticipate, will be found to be of great benefit, and I cannot doubt that we shall all unite in giving to them the earliest and most extensive effect.

## No. 3.

SIR,

*Government-House, Barbadoes, 22d January 1828.*

I HAVE the honour to transmit to you a copy of a petition which has been presented to me by the free coloured people, together with copies of an Act giving effect to the prayer of the petition, and of a letter from the Acting Attorney General to me relative thereto. When I considered the nature of the relief prayed for, I did not hesitate to give my assent to the Act, confidently hoping to be honoured with His Majesty's most gracious approbation for so doing.

I have, &amp;c.

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

(Signed) J. B. SKEETE.

## BARBADOES.

To the Honourable John Brathwaite Skeete, President of His Majesty's Council, Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, &c. &c. &c.

The humble Petition of the Undersigned Free Coloured Inhabitants of the Island abovesaid,

*Most humbly sheweth,*

THAT whilst your petitioners most cheerfully coincide in the general sentiment of pleasure and satisfaction, which the anticipation of the benefits likely to be derived by the colony from His Majesty's confirmation of the Consolidated Slave Act, has generally diffused throughout the island, your petitioners deeply regret that they should be compelled to approach your honour with the language of complaint respecting certain clauses contained in the said Act, by which they find themselves divested of certain privileges and advantages hitherto enjoyed by them in common with their white fellow subjects; their interests slighted; the ban of political exclusion pronounced against them by former legislatures reiterated and confirmed, and their personal security most materially endangered.

Your petitioners, relying on the well known indulgent and benign deportment of your honour towards all classes of His Majesty's subjects, and more especially towards those who approach your honour with their petitions, beg leave most humbly to express their anxious hopes, that when the omissions in the clauses of the Act before-mentioned, and the hardships and grievances thereby likely to be entailed on your petitioners (should the said clauses be suffered to remain in their present state) shall have been pointed out to the notice of your honour, that your honour will be ready to grant to your petitioners such relief as to your wisdom shall seem meet.

Far be it from your petitioners to wish to add to the penal enactments of that code, which, wherever slavery exists, must necessarily be sufficiently coercive; but they beg leave most respectfully to represent to your honour, that neither the interests of justice nor humanity can possibly be advanced by depriving them of all legal remedy against

personal assaults, and other behaviour tending to provoke a breach of the peace, committed by the largest class of the population of the island.

Yet such is the state in which your petitioners are placed by the omissions in clauses twenty-seven and forty-two of the above-mentioned Act; which, providing with scrupulous particularity for the personal security of their white fellow subjects, leaves them without legal redress for the same offences committed against themselves. Thus whilst your petitioners have a legal remedy for an assault, or defamation of character, committed by the master, they have none against the slave, unless they can prove that he was at the same time guilty of any disorderly behaviour in the squares, streets, lanes, paths, or highways, of this island. Thus any turbulent slave, who, instigated by his own malignant suggestions, or those of an unprincipled master, may be disposed to insult or injure your petitioners, may, under particular circumstances, escape with impunity, in which views your petitioners are further supported by the expressed opinions of the acting magistracy of the town.

However such an anomalous state of the law may qualify the feelings, and accord with the narrow policy of weak and prejudiced minds, your petitioners are too fully assured of the well known liberality of sentiment, the enlightened and comprehensive views and generous feelings of your honour, to suffer them for one moment to imagine that the omissions, to which they have just adverted, could possibly have escaped the notice of your honour from any other than merely accidental causes, arising out of the arduous nature of the task of consolidating and digesting into one uniform whole, so vast a variety of enactments.

Your petitioners deeply regret that they cannot attribute to the same cause the exception against them contained in the twenty-fourth clause of the above-mentioned Act; an exception which is the more unexpected, as from their previously expressed opinions of the kind intentions and good feelings of your honour towards them, your petitioners fondly anticipated rather a removal of previous disqualifications, than the addition of new ones; an exception which they cannot but deplore that your honour should have thought necessary at all, but which on those of your petitioners, who own landed property, operates with peculiar hardship, and which they trust your honour will be induced, on further consideration, to remove.

Your petitioners, fearing they have already trespassed too long on the valuable time of your honour, presume confidently to appeal to the wisdom and justice of your honour, to afford them such relief in the premises as will exonerate them from these new and unmerited grievances and disabilities; at the same time imploring your honour to give their case your earliest consideration, as the evils of which they complain may be of daily occurrence, and are calculated by a protracted delay in their removal, to produce in their minds feelings the most painful, and reflections on their general situation, the most insupportable.

And your Petitioners, &c. &c.

Signed by 526 free coloured and free black persons.

(Signed) W. B. GIBBONS, Private Secretary.

## BARBADOES.

An Act to extend the benefits enjoyed by white persons under certain Clauses of the Consolidated Slave Act of this Island to all free coloured and free black persons.

WHEREAS in and by the twenty-seventh and forty-second clauses of a certain Act or Statute of this island, intituled "An Act to repeal several Acts and clauses of Acts respecting slaves, and for consolidating and bringing into one Act the several laws relating thereto, and for the better order and government of slaves, and for giving them further protection and security, for altering the mode of trial of those charged with capital

Preamble.



## Clause 1.

All free coloured and free black persons to be protected against the insults of slaves, as white persons are by 27th and 42d clauses of the Consolidation Slave Act;

and Justices are required to hear and determine the complaints of free coloured and free black persons against the insults of slaves, and to punish such offences accordingly.

## Clause 2.

Free coloured and free black persons shall inspect the cotton and aloes of their own slaves, and of any other slaves reaped under their inspection;

and inspectors shall administer the like oath to them as to other persons.

and other offences, and for other purposes," bearing date the 18th day of October 1827, white persons are protected against the insults, assaults, and aggressions of slaves; but no protection is afforded in such cases to free coloured and free black persons.—Be it therefore enacted by the Honourable John Braithwaite Skeete, President of His Majesty's Council, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that from and after the passing of this Act, all free coloured and free black persons shall enjoy the like protection against the insults, assaults, and aggressions of slaves, as is secured to white persons in and by the said twenty-seventh and forty-second clauses of the aforesaid Act or Statute, in as full and ample a manner, to all ends, intents and purposes whatsoever, as if free coloured and free black persons were expressly named in the aforesaid clauses of the said Act or Statute. And the several justices of the peace of this island shall, and they are hereby severally authorized, directed, and required in cases of complaints made to them, by free coloured or free black persons, against any slave or slaves for insults, assaults, or aggressions, to proceed to hear and determine the same in such manner, and to impose such punishment for such offences, as such slave or slaves would be subject and liable to, if such offences had been committed against white persons, any thing in the aforesaid clauses of the Act or Statute aforesaid, seeming to the contrary notwithstanding.

And whereas by the twenty-fourth clause of the Act or Statute aforesaid, white persons are alone authorized to inspect the cotton or aloes which may be planted by slaves to their own use; and as free coloured and free black persons ought to be allowed to inspect the cotton and aloes of their own slaves, and of any other slaves under their lawful charge, Be it further enacted by the authority aforesaid, that free coloured and free black persons shall be, and they are hereby fully authorized and empowered to inspect the cotton and aloes of their own slaves, and of any other slaves under their lawful charge, in such manner and under such and the like provisions as are mentioned and contained in the said twenty-fourth clause of the Act or Statute aforesaid. And the several inspectors of this island are hereby directed and required, in such cases to administer the like oath to free coloured and free black persons as are required to be administered to white persons in and by the said last mentioned clause of the aforesaid Act or Statute, any thing in the said clause seeming to the contrary notwithstanding.

Passed the 10th January 1828.

## No. 4.

SIR,

*Government House, Barbadoes, 6th February 1828.*

I HAVE the honour to transmit to you copies of the addresses of the Council and House of Assembly, in answer to the speech which I delivered to those two branches of the Legislature, on the occasion of my meeting a new House of Assembly.

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

I have, &c.

(Signed)

J. B. SKEETE.

*Extract from an Address of the Council to the Officer Administering the Government of Barbadoes, dated 5th February 1828.*

WE learn with satisfaction His Majesty's gracious confirmation of the two Acts which were passed by the legislature of this island, in October 1826, and sincerely hope that the result of their operation may be of benefit to the community; and we beg further to assure your honour, that the despatches of the Colonial Secretary shall receive, when brought under our notice, our most serious consideration.

*Extract from an Address of the Assembly to the Officer Administering the Government of Barbadoes, dated 5th February 1828.*

WE reciprocate the pleasure expressed by your honour at the royal confirmation of the bills connected with the slave population of the island, which passed the legislature during the last session; and we venture to anticipate, if those bills are enforced in the same liberal spirit in which they were enacted, that they will prove beneficial to all the parties interested in their operation.

We have to acknowledge the receipt of a despatch from His Majesty's Secretary of State, which will be considered when the House find it expedient to advert to the matter to which it refers.



## ANTIGUA.

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MY LORD, *Government House, Antigua, 16th June 1827.*

I HAVE the honour to transmit a copy of the speech delivered by me on the 4th instant, to both branches of the legislation in this island, on occasion of their first meeting, subsequent to the dissolution of the late Assembly; and also copies of their respective addresses in reply thereto.

I have, &c.

(Signed) PATRICK ROSS.

*The Right Hon. Lord Viscount Goderich,*  
&c.
&c.
&c.

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*Extract from the Speech of His Excellency Sir Patrick Ross to the  
 Legislature of Antigua, 4th June 1827.*

IT is on every 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 these 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:—

Firstly.—The appointment of an officer, to be denominated the 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 thus brought at once under your view the whole of the topics contemplated by His Majesty's Government, who are at the same time aware, that, upon some of these, the wishes of Government have 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.

*Extract from an Address of the President and Members of the Council of Antigua to Sir Patrick Ross, dated 7th June 1827.*

WE now come 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 we all have in view, consistent with our unalienable 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.

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*Extract from the Reply of Sir Patrick Ross to the Address of the President and Members of the Council of Antigua, of 7th June 1827.*

IT gives me pleasure to assure you, that my experience during the last twelve months has enabled me to form the most favourable judgment and conviction of the reciprocity of attachment which I have observed invariably to exist between the higher orders and proprietors throughout this colony on the one part, and the slave population on the other; an attachment which could have originated alone, and been gradually cemented by those benevolent and humane feelings, which you with justice attribute to yourselves, and which are confirmed by the various legislative enactments which are already contained in your code of laws.

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*Extract from the Address of the House of Assembly at Antigua to Sir Patrick Ross, dated 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 the 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 the 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 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 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 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 to 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 exacted; 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 connexion 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 long 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 impression 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.

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*Extract from the Reply of Sir Patrick Ross to the Address of the House of Assembly at Antigua, on the 7th June 1827.*

I HAVE attended with very considerable interest to the contents of the address now delivered on the part of your honourable House.

I am highly gratified at the opportunity it has afforded me of bearing, thus publicly, my testimony, derived from my own experience, to the justness of that character for humanity and benevolence towards her slave population, to which this island so fairly lays claim, and which the various enactments already comprehended in her code of laws, so amply verify.

Whenever, therefore, the legislative labours to which you refer, and which were of necessity interrupted by the dissolution of the late Assembly, shall come before me, I cannot doubt that they will, in a great measure, fulfil the expectations which have been already expressed by me in His Majesty's name, and will establish the fact, hitherto not sufficiently known, that the higher orders of society in this community have, at all periods, been actuated by those feelings of kindness and indulgence towards their labouring population, which the successive laws of the colony, to all who are yet acquainted with them, so clearly evince.

## ST. CHRISTOPHER.

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No. 1.

MY LORD,

*St. Christopher, 1st June 1827.*

WITH reference to my despatch of 5th May last, I have the honour to enclose a copy of a letter from Mr. President Porter, detailing the proceedings in the House of Assembly of the Virgin Islands, towards fulfilling the wishes of His Majesty's Government, respecting the bills for the amelioration of the state of the slave population.

I have, &c.

(Signed)

CH. W. MAXWELL.

*The Right Hon. Earl Bathurst, K. G.*

&c. &c. &c.

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SIR,

*Tortola, 8th May 1827.*

I HAD the honour to receive your Excellency's despatch of the 4th instant, requiring a report of the progress which may have been made in carrying into effect the intentions of His Majesty's Government, for the amelioration of the condition of the slaves in these islands.

As none of these bills have yet been sent up to Council, I applied to the Speaker of the Honourable the House of Assembly, who, after referring to the minutes of the House, has communicated to me the following information:

"On the 19th January 1827, the several slave bills were introduced into the House, when the bill for the protector of slaves appointment, also the slave bill, were read the first time, and it was moved and seconded that they have their second reading next meeting. On Friday the 2d of February, the bill to prevent the separation of slave families was read, and it was moved to have its second reading at next meeting. Same day, the bill allowing slaves to purchase their own freedom was read, and moved to have a second reading at the next meeting. Friday 16th February, it was moved and seconded, that the eight slave bills be referred to a special committee, which was then appointed for that purpose, to take into consideration the expediency of passing the eight bills, and to report their opinion thereon with all convenience.

"The report of such committee is expected to be laid before the House at their next meeting." I have, &c.

(Signed)

G. R. PORTER, President.

*His Excellency Chas. W. Maxwell, Esq.*

&c. &c. &c.

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No. 2.

*Extract from a Despatch from the Officer Administering the Government of St. Christopher to Lord Goderich, dated 31st July 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 31st May and 6th June.

I have communicated to Mr. Woodley the observation contained in your Lordship's despatch of 6th ult. The bills therein referred to are still under the consideration of the House of Assembly. The present Assembly will expire early in the month of September; and, should they arrive at no conclusion respecting these bills, I shall feel it my duty to call the earliest attention of the new House to the discussion of them, in the manner prescribed by Earl Bathurst's despatch.



No. 3.

MY LORD,

*St. Christopher, 12th November 1827.*

I HAVE the honour to transmit to your Lordship a copy of my address to the Council and Assembly of St. Christopher, at the meeting of the new Assembly, on the 28th September last, together with copies of their answers thereto, and

I have, &amp;c.

(Signed)

STEDMAN RAWLINS.

*The Right Hon. Lord Viscount Goderich,*  
&c. &c. &c.

*Extract from the Address of the Officer Administering the Government of St. Christopher to the two Houses of Legislature, dated 28th September 1827.*

THE late House of Assembly having concluded their session, without perfecting the bills which had been submitted for their discussion, respecting the improvement of the condition of the slave population, and other matters connected therewith, I feel myself especially bound to claim your attention to that very important subject, with a sincere hope that you will give it that immediate and earnest consideration which it so justly merits.

*Extract from the Address of the Council of St. Christopher to the Officer Administering the Government of that Island.*

WE regret the delay that has taken place in perfecting the bills for the improvement of the condition of the slave population, and other matters connected therewith, and this Board is quite ready to meet the subject, with a sincere desire to do justice to the various important interests which it involves.

*Extract from the Address of the House of Assembly of St. Christopher to the Officer Administering the Government of that Island, dated 5th October 1827.*

WE regret that the session of the late Assembly expired before that Body could perfect bills for the amelioration of the condition of the slave population; the more so when we call to mind the steady exertion of the Assembly next preceding the one lately expired, and the zeal they manifested by the Melioration Act which passed that Body. This important subject shall meet our earliest attention, and whilst we shall feel a pride in exonerating those Bodies from unjust imputations, we will take care, by our public measures, to shew to the world, that we are not deaf to the calls of humanity, nor unmindful of the interests confided to our care.

No. 4.

SIR,

*St. Christopher, 9th January 1828.*

IN reference to my despatch to you by the last packet, I have now the satisfaction of transmitting to you herewith, an Act passed by the Legislature of this Island, intituled, "An Act for further improving the condition of the slave population in the island of St. Christopher," and which I sincerely hope will meet with His Majesty's gracious approval.

I have, &amp;c.

(Signed)

STEDMAN RAWLINS.

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

*An Act for further improving the condition of the Slave Population in the Island of St. Christopher.*

WHEREAS it is expedient that certain parts of the laws now in force relating to the slave population of this island should be repealed, and that other regulations for improving their condition should be made; We, therefore, your Majesty's most loyal and dutiful subjects, the Commander-in-Chief, for the time being, in and over St. Christopher, Nevis, Anguilla, and the Virgin Islands, and the Council and Assembly of St. Christopher, humbly 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—

Preamble.

First. That from thirty days after the publication of this Act, all markets to be held within the said island on Sunday shall be limited to the hour of eleven o'clock in the forenoon, and that from and immediately after the hour of eleven in the forenoon of the Lord's-day, no person or persons whatsoever shall shew forth or expose for sale in any market or other place, any meat, poultry, vegetables, provisions, fruits, herbs, wares, or merchandize, goods or effects, or shall remain in any market, upon pain of forfeiting the goods so exposed for sale, which may be seized by any constable, and be divided by any justice of peace, between the person who shall seize the same and the poor of the parish, and if a free person, upon pain of forfeiture, also, of the sum of nine shillings, by every such free person remaining in such market exposing for sale, or purchasing any such goods, wares, or merchandize as aforesaid, on the Lord's-day, after the hour of eleven of the clock in the forenoon, to be levied by order in writing, under the hand and seal of any such justice of peace, and paid to the person who will inform for the same: Provided always, that nothing contained in this clause shall be construed to affect or interfere with the market now held every other day in the week.

Markets on Sunday, limited to the hour of eleven in the forenoon.

Penalty.

2.—And for giving facility to the more effectual breaking up markets at the appointed time on Sunday, and to prevent the nuisance of extraneous markets, Be it further enacted, that the markets in the town of Basseterre shall be held in part of the Gaol-yard, and at the foot of the Girt leading towards Irish Town, and no where else in the town; and that all and every markets or market held, or attempted to be held, in any street or corner of streets, or on the steps appertaining to houses leading into the streets, or otherwise than the places herein appointed to be held, shall be at all times broken up by the supervisor or any constable, and the articles exposed for sale shall be forfeited, one moiety to the supervisor or constable seizing the same, and the other moiety to be distributed to the poor of the parish where the offence is committed, by the order of any such justice as aforesaid, and the person or persons committing the offence, upon conviction, on examination before any two justices of the peace, shall, if free, also pay a fine not exceeding nine shillings, and stand committed, for want of payment, for any time not exceeding three days, by warrant under the hands and seals of such justices of the peace before whom such complaint is made; and the places of holding the markets in the town of Sandy Point, Old Road, and elsewhere, shall be regulated by any two justices of the peace of those parishes, and all and every person or persons offending against such regulations, shall be subject to the like forfeiture and penalties as aforesaid, and the weekly sitting magistrates, or any other justice, in the several towns within this island, shall, on the Lord's-day, direct some one or more of the constables within his parish, to repair to the market places of the said towns, one half-hour before the aforesaid hour of eleven o'clock in the forenoon, and there loudly, and three successive times, by the ringing of a bell, declare that the said market must cease and determine as aforesaid; and all and every person neglecting to obey the said declaration as aforesaid, after the said hour of eleven o'clock in the forenoon, shall be and are hereby subject to the pains and penalties as hereinbefore enacted.

Markets where to be held.

3.—Be it further enacted, by the authority aforesaid, that it shall not be lawful for any person whatsoever to employ their slaves at any kind

Slaves not to be worked on Sunday, except domestics, &c.

Mills not to be worked between 10 on Saturday night and day-light on Monday.

The use of the cart-whip prohibited.

Respecting baptism.

Slave evidence allowed under certain restrictions.

of work on Sunday, except domestics, slaves employed in watching, stock-keepers, water-drawers, and such slaves as are employed in potting sugar; nor shall it be lawful for any person to put about, or cause to be worked any sugar-mill between the hour of ten o'clock on Saturday night and day-light on Monday morning, under the penalty, in such case, of fifty pounds current money.

4.—And be it further enacted by the authority aforesaid, that it is, and shall henceforth be, illegal for any person or persons within the said island to carry any such instrument of correction as is commonly called a cart-whip, while superintending the labour of any slave or slaves in or upon the fields or cane-pieces upon any plantation within the said island, or to use any such cart-whip for the purpose of impelling or coercing any slaves or slave to perform any labour of any kind or nature whatever, or to carry or exhibit upon any plantation, or elsewhere, any such cart-whip, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same over any slaves or slave; and in case any person or persons so carrying or exhibiting the same over any slaves or slave, and in case any person or persons shall carry any such cart-whip, while superintending the labour of any slave or slaves in or upon any plantation or cane-piece within the said island, or shall use any cart-whip for the purpose of impelling or coercing any slave or slaves to perform any labour of any kind or nature whatsoever, or shall carry or exhibit, upon any plantation or elsewhere, any such cart-whip as a mark or emblem of their, his, or her authority over any slave or slaves, the person or persons so offending, and each and every person who shall or may direct, authorise, instigate, procure, or be aiding, assisting, or abetting in any such illegal driving, use, or exhibition of any such cart-whip, shall be, and be deemed, adjudged, and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter provided: Provided, nevertheless, that if the person or persons so offending shall be a slave or slaves acting otherwise than under the authority of the master or driver, he, she, or they shall be tried by any two justices of the peace; and if convicted of the offence aforesaid, shall be sentenced to receive any number of lashes not exceeding twenty-five.

5.—And be it further enacted by the authority aforesaid, that all owners and possessors of slaves, and their agents, attornies, or representatives, shall, as much as in them lies, use his, her, or their endeavours to instruct his, her, or their slaves in the principles of the Christian Religion, and as soon as conveniently can be, cause to be baptized all such adult slaves, (not already baptized) as they make sensible of a duty to God and the Christian Faith, and all slaves hereafter to be born, within six months after their respective births, which ceremony the clergymen of the respective parishes wherein such slaves are resident, shall, and they are hereby required to perform gratis, and also to attend any slave or slaves in sickness, when their spiritual aid may be required; and the clergymen of each parish within this island shall, under a penalty of ten pounds for each name omitted, enter into the parish register 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 they are hereby required to give such slave so baptized a certificate of such baptism, so often as the same may be required.

6.—And be it further enacted by the authority aforesaid, that no person shall from henceforth be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal justice in the said island, by reason of his or her being in a state of slavery, if the person producing or tendering him or her as a witness, shall produce and exhibit to the court a certificate, under the hand of any clergyman of the Established Church of England, or any minister of the Kirk of Scotland, that the slave named is sufficiently instructed in the principles of religion to understand the nature and obligation of an oath: Provided that such certificate shall have been duly registered in the secretary's office of the said island, at least three months before the same shall be so produced in court: Provided, nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any criminal or civil suit or action

in which his or her owner, or the attorney, manager, or director of the estate to which such slave belongs, is directly concerned, or in any case where any white or free coloured person may be charged with, or prosecuted for, any offence punishable with death: Provided always, that nothing herein contained shall extend, or be construed to extend, to render any slave a competent witness, in any case in which such slave would be incompetent to give evidence, if he or she were of free condition.

7.—And be it further enacted by the authority aforesaid, that in all cases where the evidence of slaves is admitted to be given in any court or courts of justice in this island, under and by virtue of this Act, a writ of subpoena shall and may issue under the hand of the secretary of this island, or his lawful deputy, and under the seal of the court, in the usual manner, upon the application of any person or persons requiring the testimony of such slaves, directed to the owner or possessor of such slave or slaves, or the person under whose immediate charge such slave or slaves may be, requiring him, her, or them, under the penalty of twenty pounds, to bring and produce, or cause to be brought and produced, in court, such slave or slaves, for the purpose aforesaid: Provided, nevertheless, that the expences of such slaves who shall be subpoenaed as aforesaid, shall be at the time of serving the subpoena, tendered to the said master, owner, proprietor, or director of the said slave, at the rate of nine shillings per day for the attendance of said slave, and that in cases where the attendance of the said slave or slaves may be prolonged beyond the time for which such expence shall be tendered, the person or persons on whose behalf he, she, or they may be so subpoenaed as aforesaid, shall be, and are hereby declared to be, liable to pay all further expences attendant thereon, at the said rate of nine shillings per day for every slave over and above the time for which the expences of the said slave or slaves may have been so tendered at the time of serving the subpoena as aforesaid: Provided that every slave who shall attend any trial as a witness, under or by virtue of any subpoena, shall be protected and exempted in going to, attending at, and returning from, such trial, in such manner as other witnesses are by law protected; and that no slave attending as such witness under subpoena, shall, in going, attending, or returning as aforesaid, be taken upon or by virtue of any execution or process issued against his master; Provided also, that if any such slave or slaves shall be guilty of corrupt, wilful, and false swearing, upon the trial of any cause, or in any matter or proceeding in which such corrupt, wilful, and false swearing, if committed by a witness of any other description, would amount to wilful and corrupt perjury, such slave or slaves, upon conviction of so swearing corruptly, wilfully, and falsely, shall be punished by imprisonment, with hard labour, for any term not exceeding six months, or by any number of stripes not exceeding one hundred, at the discretion of the court before which he, she, or they shall be tried and convicted; and such slave and slaves shall be utterly afterwards disabled from being a witness or witnesses in any cause or matter whatever: Provided, nevertheless, that the owner be paid for the time the slave be so confined in prison, at the rate of six shillings per day, at the public expence; and all and every such offence or offences of corruptly, wilfully and falsely swearing, by slaves hereinbefore mentioned, shall and may be tried at or before any special sessions of the justices of the peace, to be held under and by virtue of an Act of this island, intituled, “An Act for settling and regulating the trial of criminal slaves by jury,” in the manner and according to the provisions of that Act, and of another Act of the said island, intituled “An Act to alter and amend an Act, intituled ‘An Act for settling and regulating the trial of criminal slaves by jury,’” except that the owner, manager, or director of every slave charged with such corrupt, wilful, and false swearing, may, if he, she, or they shall think fit so to do, give bail or security for the appearance of such slave or slaves at the time and place of trial, for the purpose of standing such trial, and upon such bail obtain the liberation of such slave or slaves from prison in the mean time.

8.—And be it enacted by the authority aforesaid, that it shall be lawful for persons in the state of slavery to contract marriage either with slaves

Owners of slaves required as witnesses to be subpoenaed to produce such slaves in court.

Expences to be paid by persons requiring the evidence of slaves 9s. per day.

Slaves going to, attending at, and returning from, any trial to be protected, and to be exempted from arrest by virtue of any execution, &c. against the owner.

Slaves guilty of corrupt, wilful, and false swearing, how tried and punished.

Slaves allowed to contract marriage with

slaves, or with persons of free condition.

Owners refusing their consent to such marriages, the slaves to apply to the Court of King's Bench, &c.

or persons of free condition, with the consent of their owners, or the attornies of such owners, expressed in writing; but if any such owner, or attorney of such owner, shall refuse such consent, or omit to give the same, then it shall be lawful, in every such case, for such slave to apply to the Court of King's Bench, by summary petition, to be presented by the Attorney General (or other superior Crown Officer in his absence) upon application made by such slave to him, and thereupon the owner of such slave, or his attorney or attornies, shall be duly summoned to appear before the said court, at a time to be appointed for the purpose, to state his or their objection to such marriage; and if such owner or owners, or his or their attorney or attornies, being duly summoned, shall fail to attend, or attending shall not shew just and sufficient or reasonable cause for withholding his, her, or their consent to such marriage, the court shall order that such marriage shall be solemnized, and therefore it shall be lawful for any clergyman of the Established Church of England, or any minister of the Kirk of Scotland, to solemnize the marriage of such slave after due publication of banns, or by licence obtained from the ordinary, or his lawful deputy, and the same, when so solemnized, shall be binding and effectual in the law: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to render any such marriage valid or effectual, which would be illegal or void if such persons were of free condition: Provided also that no such marriage shall alter, impair, abridge, or in any manner prejudice the property of the owner, or respective owners, of such slaves of, in, and to such slaves, and their issue and progeny.

Slaves allowed to acquire, hold, enjoy, and dispose of property.

9.—And whereas persons in a state of slavery in this island have been permitted to acquire, hold and enjoy property free from the controul or influence of their owners, and it is expedient that the said laudable custom should be recognized and established by law, Be it therefore enacted by the authority aforesaid, that no person in this island being in a state of slavery, shall be, or be deemed or taken to be, by reason or on account of such his condition, incompetent to purchase, acquire, possess, hold or enjoy, alienate or dispose of property, but every such slave shall, and is hereby declared to be, competent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of money, cattle, household furniture, or other effects of such or the like nature, of what value or amount soever, except slaves, arms, and ammunition, and to bring, maintain, prosecute, and defend any suit or action in any court of justice for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition: Provided that no slave shall be liable to be arrested or taken in execution, or imprisoned, or detained in custody, for or on account or by reason of any action, cause of action, suit, judgment, or execution, which may be had, taken, or obtained against such slave, by reason of any thing hereinbefore contained, nor for any costs which may be incurred by any such slave in any such suit or proceeding, either as plaintiff or defendant, or otherwise however: Provided also that nothing herein contained shall repeal an Act of this island, intituled "An Act to restrain thefts committed by negro slaves, and to prevent the dishonest traffic carried on by such as deal with them," or to the following articles, that is to say, sugar, syrup, molasses, rum, canes, sprouts, megass, pewter, brass, lead, iron, copper, oats, lumber, and plantation utensils.

And bring, prosecute, and defend suits or actions, and to be exempt from arrest or imprisonments on account of any judgment or execution; or of any costs as plaintiff or defendant.

Not to deal in certain articles.

The party claiming any person as a slave, or objecting to a witness, on the ground of his being a slave, to prove the slavery.

10.—And be it further enacted by the authority aforesaid, that whenever any question shall arise touching the liberty of any person detained or claimed as a slave, who shall not actually have been in possession of any person as a slave, for the space of three months before the claim made, or the detainer complained of, other than any slave who may have been so long out of possession of his owner, by reason of his being a runaway slave, the proof of the slavery shall, in all such cases, lay upon the claimant of such person as a slave; and that when the competency of any person as a witness, in any court of justice, or other tribunal, shall be disputed, on the ground of his or her being a slave, the party taking such objection, shall be bound to prove the slavery of the person so challenged or objected to as aforesaid.

11.—And be it further enacted by the authority aforesaid, that it is, and shall from henceforth be, illegal for any person or persons to inflict, in any one day, upon any slave, for any crime or offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding twenty-five in the whole, or to inflict upon any such slave any punishment or correction by the whipping, scourging, or beating of his, her, or their person or persons, unless the person of such slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any recent former whipping, scourging, or beating, or to inflict upon any such slave any punishment or correction by the whipping, scourging, or beating of his person, beyond twelve stripes, until the day after the commission of the offence for or in respect of which any such punishment or correction may be inflicted, or to inflict upon any such slave any such punishment or correction beyond twelve stripes, as aforesaid, unless one person of free condition shall be present at and witness the infliction of such punishment. And in case any person or persons shall inflict, in any one day, upon any such slave, any number of stripes or lashes exceeding twenty-five in the whole, or shall whip, scourge, or beat any such slave, at any time when there may be upon his or their person or persons any laceration occasioned by any recent former whipping, scourging, or beating, or shall inflict upon any such slave any such punishment or correction beyond twelve stripes, as aforesaid, previous to the day next after the commission of the offence, for or in respect of which the same may be so inflicted, or without the presence and attendance during the whole of such punishment of some person of free condition, other than and besides the person by or by the authority of whom the same may be so inflicted, the person or persons so offending, and each and every person who shall or may direct, authorise, instigate, procure, or be aiding, assisting, or abetting in any such illegal punishment of any slave, shall be, and be deemed to be, guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as hereinafter provided: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishment which may be inflicted upon any slave, under or by virtue of any sentence or judgment of any court of competent jurisdiction within the said island. Provided always, that no female slaves shall be flogged or punished by the exposure of her or their person or persons, but all punishments by flogging, inflicted on any female slave, shall be inflicted on the back and shoulders of such female slave. Provided also, that in all cases when the owner, proprietor, attorney, manager, or other person having charge of any slave or slaves, shall conceive the fault committed (the same not being cognizable by law) to be of such enormity as to deserve more exemplary punishment than is hereinbefore allowed to be inflicted, it shall and may be lawful for such owner, proprietor, attorney, manager, or such other person as aforesaid, to cause such offenders, slave or slaves, to be carried before any two or more justices of the peace, and such justices are hereby authorised and required to hear and examine every such complaint, and to direct such corporal punishment as the offence shall in their discretion merit; after which punishment, inflicted by the order of the justices as aforesaid, no further or other punishment whatever shall be inflicted on such slave for that offence, by any person or persons whomsoever, under a penalty not exceeding one hundred pounds current money; and the justices before whom such slave or slaves shall be brought shall enter, or cause to be entered, in a book to be kept for that purpose, the nature of the complaint, and the punishment inflicted by their order.

12.—And be it also enacted by the authority aforesaid, that there shall be kept upon every plantation and estate throughout the said island, a book, to be called "The Plantation Record Book," and that it be the duty of the owner, proprietor, manager, or other person having the direction of and the chief authority in the said plantation, to enter and record in the said book, at or immediately after the time of the infliction of any corporal or other punishment whatsoever, a statement of the nature and particulars of the offence, for or in respect of which such corporal

Punishment of slaves by their owners limited.

Persons punishing slaves contrary to this Act, guilty of a misdemeanour.

The persons of female slaves not to be exposed.

Justices of the peace may order punishments at their discretion, as the offence shall merit.

Penalty on persons punishing slaves for the same offence, after punishment by magistrates, and such punishments to be recorded.

Directors of estates to record all punishments not exceeding twelve lashes, or confinement not exceeding forty-eight hours, with all particulars, in the book to be called the Plantation Record Book, which shall be produced when called for by any magistrate, &c.

or other punishment may be inflicted; and the time at which, and the place where, such punishment was inflicted, and of the nature, extent, and particulars of the punishment, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted, and of the persons or person of free condition present and attending at the infliction of every such corporal or other punishment: Provided always, nevertheless, that it shall not be necessary to enter into such book any corporal punishment not exceeding twelve lashes, or any confinement not exceeding forty-eight hours for one continuance; and such record, so to be kept, shall be produced, when called for by any justice of the peace, or any court having jurisdiction herein.

Directors of estates omitting to record punishments, as herein required, subject to a fine not exceeding fifty pounds.

False entries and erasures, or the destroying, &c. of the record book, declared to be a misdemeanour, and punished accordingly.

Owners and directors of slaves inflicting, or causing to be inflicted, other or heavier punishment, or punishing at other or different times than prescribed, liable to fine or imprisonment, or both.

Upon the prosecution of any person being the owner, &c. of any slave for inflicting, or causing to be inflicted, on such slave any punishment hereby declared illegal, such person may be convicted on the evidence of such slave, unless such person shall shew to the satisfaction of the court and jury that such punishment was not inflicted by him, or that the same was a legal punishment, or prove the same upon his own oath.

13.—And be it further enacted, that if any person being the owner, proprietor, or manager of any plantation or estate within the said island, or having the management thereof, or the chief authority therein, shall neglect, or omit to make in the said plantation record book, any entry, which, according to the provisions of this Act, ought to be made therein, or shall not make such entry within forty-eight hours next after the infliction of each and every punishment to which the same may refer, the person so offending shall incur, and become subject and liable to a penalty not exceeding fifty pounds, nor less than five pounds, current money, to be fixed and determined by the court before whom such offender shall be tried, and to be recovered and applied in manner hereinafter mentioned. And if any person or persons shall wilfully or fraudulently make, or cause or procure to be made, any false entry or fraudulent erasure in any such plantation record book, or shall wilfully, or fraudulently burn, destroy, cancel, or obliterate the same, or any parts or part thereof, the person or persons so offending shall be, and be deemed and taken to be, guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as hereinafter provided.

14.—And be it further enacted by the authority aforesaid, that if any proprietor, attorney, manager, overseer, or other person, having the charge or direction of slaves, shall, upon any pretence whatsoever, take upon himself or herself to inflict, or cause, or knowingly suffer to be inflicted, on any slave or slaves any heavier, greater, or other kind of corporal punishment than hereinbefore limited and prescribed, or to inflict punishment at other and different times than hereinbefore mentioned, such proprietor or attorney, manager, overseer, or other person having the charge or direction of such slaves, shall, for every such offence, be proceeded against by indictment in a court of criminal jurisdiction to be holden for this island, and if found guilty, shall be punished by fine or imprisonment, or both, at the discretion of the court before whom such offender shall have been tried and convicted.

15.—And be it further enacted, that upon the prosecution of any person being the owner, proprietor, or manager of any plantation, for inflicting, or causing or procuring to be inflicted, on any slave or slaves any punishment hereby declared illegal, if the slave so alleged to be illegally punished shall be produced in open court, and if the marks or traces of recent flogging or laceration shall appear on the person of such slave; and if such slave shall in open court declare such traces to be the consequences of any such unlawful punishment or correction, and being duly examined by the said court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, and in every such case, although such slave may not be a competent witness within the provisions of this Act, the owner, proprietor, manager, or other person having the charge of such slave, shall be bound to shew, to the satisfaction of the court and jury, or prove upon his own oath, that the punishment, of which the marks and traces may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or to prove that such punishment was a lawful punishment within the meaning of this Act, and was inflicted in the presence of one such witness of free condition, as is required by this Act, and in default of his shewing to the court and jury, or giving proof on his own oath, or otherwise, such owner, proprietor, manager, or other person as



aforsaid, shall and may be convicted and adjudged to be guilty of the offence imputed to him.

16.—And be it enacted, that it shall not be lawful, in the execution of any judgment, sentence, decree, or order of any tribunal of any court of justice within the said island, to seize and sell, in satisfaction thereof, any slave having a husband or wife, or a child under the age of twelve years, or a reputed husband or wife, or child under the age aforsaid, who may be the property of the same persons or person, unless such husband and wife and child, or reputed husband, wife and child, shall be sold together, and in one and the same lot, and to the same person or persons. And if in the execution of any such judgment, sentence, decree, or order, any slave or slaves shall be sold separate or apart from any such husband or wife, or child, as aforsaid, then, and in every such case, such sale and execution shall be, and the same is hereby declared to be, absolutely null in the law to all intents and purposes whatsoever: Provided that no such sale of a slave shall be void or invalid by reason or on account of the husband or wife, or child under twelve years, or the reputed husband or wife, or child under twelve years, belonging to the same owner, not being sold together with such slave in the same lot, if such slave being questioned thereto by the marshal, or other officer who shall make such sale, which such marshal, or other officer, is hereby required so to do, under the penalty of fifty pounds current money, to be recovered as hereinafter mentioned, shall not give to the said marshal, or other officer, information thereof, and declare the name or names of such his or her husband, wife, or child under twelve years, or reputed husband, wife, or child under twelve years, belonging to his or her owner; and if the marshal, or other officer, who shall make any such sale of any slave without selling any husband or wife, or child or children, with such slave, shall enter a memorandum in his book of sales of his having made inquiry of such slave as to his or her having a husband, or wife, or child, or children under twelve years, or a reputed husband, or wife, or child under twelve years, belonging to his or her owner, and his or her having failed to give such information thereof as aforsaid, which memorandum, duly signed by the marshal, or other officer making such sale, shall in all courts be had and taken as sufficient evidence that such inquiry as hereinbefore directed was made, and of such default in such slave of giving such information of his or her having such husband, wife, or child, or reputed husband, wife, or child, belonging to such owner. And it is further enacted and declared, that in case the marshal, or other officer who shall make any such sale, after having made such inquiry as hereinbefore directed, upon which no such information shall have been given by such slave so sold of his or her having such husband, wife, or child, or children under twelve years, or reputed husband, wife or child, or children under twelve years, belonging to his or her owner, shall neglect and omit to enter and sign such memorandum thereof, as hereinbefore mentioned, in his book of sales, as hereinbefore directed, or shall make or enter any false entry or memorandum concerning any such inquiry and want of information, or shall fraudulently and wilfully destroy, cancel, erase, alter, or obliterate any such entry made in such sales' book, all and every such marshal, or other officer, shall be deemed and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as hereinafter provided.

17.—And whereas by the usage of this island, slaves have been permitted to acquire, hold, and enjoy personal property, free from the controul or influence of their owners; and it is expedient that such laudable custom should be continued and established by law, Be it therefore enacted by the authority aforsaid, that if any person or persons whatsoever shall unlawfully take away from, or purchase from, and neglect to pay, any slave or slaves, or in any manner deprive, or cause him, her, or them, to be deprived, of any species of personal property by him, her, or them possessed, such person or persons shall forfeit and pay a sum not exceeding ten pounds current money, over and above the value of any such property so taken away, or purchased and not paid for as aforsaid, to be levied by warrant under the hands and seals of

Husband or wife, or child under twelve years, or reputed husband or wife, or child, not to be sold separate or apart by the marshal under execution, &c., otherwise such sale to be void, unless such slave being questioned by the marshal fail to give information of his or her having a husband, wife, or child under twelve years, or reputed husband, wife or child, belonging to same owner.

Penalty on persons depriving slaves of any species of personal property.



any two or more magistrates, and directed to the provost-marshal, or any constable of the said island.

Slaves to be allowed an interest of five per cent. for any money they may deposit in the public treasury.

How to be disposed of, in case of the death of such slaves.

No deposit to be received by the treasurer from any slave, at any one time, or in any one week, exceeding nine pounds, without the written consent of the owner; and such consent being refused, two or more magistrates to decide, whether the deposit tendered beyond that sum, shall be received by the treasurer.

Penalty on persons discarding their diseased or infirm slaves

18.—And it is further enacted, that the treasurer of this island is hereby authorized to receive into the public treasury of this island, any money which any slave may be desirous to deposit therein, for which an interest of five per cent. per annum shall be allowed and paid out of the public revenue of this island; and any slave making any deposit of money in the public treasury of this island, shall be at liberty to make a declaration of the manner in which, and the name of the person or persons to whom, in the event of his or her death, the amount of his or her deposit in the said treasury shall be paid, applied, and disposed of, and such declaration shall be recorded in a book to be kept for that purpose at the treasurer's office, where such deposit shall be made; and upon the death of the slave making such declaration, the same shall be deemed and taken to be the last will and testament of such slave, in the absence of any other last will; and in case any such slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be, a revocation in the law of such declaration. And it is also enacted, that in case any slaves or slave in the said island shall die intestate, and without having made such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of every such slave shall go, and be disposed of, to and in favour of such persons or person, as by virtue of the several Acts of Parliament for the distribution of intestate's estate would, according to the law of England, be entitled to any such property; and in cases where any slave or slaves may die intestate, without leaving any relations in and amongst whom his, her, or their property, could or might descend by course of law, or become distributable according to the several statutes of distributions, that in such and every such case, the property of the said slave or slaves, of any value or kind soever, shall, and it is hereby declared to be revertable, and of right to belong and vest in the owner or owners of such slave or slaves so dying intestate, and without such next of kin as aforesaid. And be it further enacted, that no deposit of money shall, at any one time, or within any one week, be received at the public treasury from any slave, exceeding the sum of twenty dollars in the whole, unless such slave, at the time of tendering any such deposit, shall produce the consent in writing of his owner or manager, or the attorney of such owner, to such deposit being made; and in case any slave shall be desirous, at any one time, or in any one week, to make any such deposit of money, exceeding the sum of twenty dollars, and the owner, attorney of such owner, or manager of such slave, shall refuse his consent to such deposit being made; then, and in every such case, any two or more magistrates, upon application to them for that purpose made, shall issue a summons under their hands, requiring the owner or manager of the slave, or the person or persons under whose direction the said slave may be, to appear before them, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner or manager, or other persons as aforesaid, being duly cited, shall fail to appear before the said two or more magistrates, or appearing, shall fail to lay before them good and sufficient cause why such deposit ought not to be made; then, and in every such case, the said two, or any other two or more magistrates, shall issue an order under their hands and seals, requiring the treasurer of the said island to receive the amount of such deposit, and the same shall be received by him accordingly.

19.—And be it further enacted by the authority aforesaid, that no master, owner, or possessor of any slave or slaves, whether in his or her own right, or as attorney, guardian, trustee, or otherwise howsoever, shall, under any pretence whatsoever, discard or turn away any slave or slaves rendered incapable of labour or service, by reason of sickness or disorder, age or infirmity. But every master, owner, or possessor, shall keep such slave or slaves upon his, her or their respective properties or premises, and feed and provide them with wholesome food, and decent comfortable clothing and lodging and other necessaries; and not suffer them for

want thereof to wander about at large and become a nuisance, and burthensome to others for subsistence. And it shall and may be lawful for any white or free coloured person to take up all such diseased or infirm slave or slaves who may be found going about at large as above-mentioned, and to carry him, her, or them before any of His Majesty's justices, who shall, and he is hereby directed to make immediate inquiry into the conduct of the master, owner, or possessor of such slave or slaves; and if it shall appear to such justice that the slave or slaves going about at large be owing to neglect or maltreatment from the owner or possessor, he, she or they so offending, shall forfeit, for each offence, a sum not exceeding fifty pounds current money, and such owner or possessor shall forthwith enter into recognizance in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds each, that such slave or slaves in future shall be well treated, lodged, fed, and clothed. But in case of neglect or refusal to enter into recognizances as aforesaid, then it shall and may be lawful for the justice to commit the slave to the charge of the cage-keeper of the nearest town where taken up, to be by him lodged and fed, for which he shall be entitled to receive from the owner or possessor, at the rate of one shilling and sixpence per diem, recoverable on his goods and chattels weekly, by warrant under the hand and seal of any justice of the peace, until he, she, or they shall enter into said recognizance as aforesaid.

20.—And be it further enacted by the authority aforesaid, that any person who may be convicted of any act hereby declared to be a misdemeanour, shall, if of free condition, be and become liable to a fine not exceeding one hundred pounds of current money, or to imprisonment for any time not exceeding six months, or both to fine and imprisonment, at the discretion of the court before which any such person may be convicted, and in case any person be convicted of cruel and unlawful punishment of any slave, and that if such person so convicted be the owner of such slave, the said court is hereby authorised, at their discretion, to order and direct a sale of such slave or slaves by the deputy provost marshal, and the money arising therefrom to be paid over to the said court, to be by them paid over to such person or persons as may be the owner or owners of such slave or slaves, or have the legal interest therein, and all such offences shall be tried in the Court of King's Bench and Common Pleas of the said island, and all fines and pecuniary penalties shall be recovered by indictment, and shall be divided and paid, one half to His Majesty for the use of the public of this island, and the other half to the use of the person or persons who shall prosecute for the same: Provided that all and every indictment, suit, or prosecution to be instituted by any private prosecution for any offence committed under or against this Act, shall be sued and brought within six months from and after the commission of the offence or offences for which the same may be prosecuted, if there should have been a Court of King's Bench and Common Pleas actually held within six months after the commission of such offence, and if not then, such indictment or suit may be prosecuted at the next Court of King's Bench and Common Pleas which shall be held after the expiration of six months from the commission of such offence, and not after, and every indictment or prosecution, other than such as shall be instituted by private prosecutors, for any offence or offences under this Act, shall be prosecuted within one year after the commission of such offence or offences, and not after.

21.—And be it further enacted, that the third, fifth, twelfth, and fifteenth clauses of an Act of this island, intituled "An Act for attainting several negroes therein mentioned, and for the more effectual preventing negroes from running away from their master's service, and for explaining and rendering more effectual an Act intituled an Act for the better government of negroes and other slaves," shall from and after the passing of this Act, stand and be absolutely and entirely repealed; and also that such part of the tenth section of the said Act, as relates to the prosecution of any slave who shall have absented himself from his master's service above the space of six months, be repealed from and after the passing of this Act.

Punishment of misdemeanours and for cruel and unlawful punishment of slaves.

Limitation for prosecution of offences under this Act.

Clauses of former Acts repealed.

## ST. CHRISTOPHER.

22.—And be it further enacted by the authority aforesaid, that no fee or gratuity shall be demanded or received by any magistrate, constable, or other persons for any duty to be performed under this Act.

Passed the Assembly, this 20th day of December 1827,

(Signed) JOHN HAZELL, junior, Clerk of the Assembly.  
(Signed) W. K. WATTLEY, Speaker.

Passed the Council, this 3d day of January 1828,

(Signed) THOMAS HARPER, Clerk of Council.

Dated at St. Christopher, the 7th day of January 1828, and in the 8th year of His Majesty's reign.

(Signed) STEDMAN RAWLINS.

L. S.

A true Copy,

(Signed) THOMAS HARPER, Colonial Secretary.

## No. 5.

SIR,

*Downing-Street, 7th March 1828.*

AN Act, passed by the Legislature of the Island of St. Christopher, on the 3d of January last, intituled "An Act for further improving the condition of the slave population of the Island of St. Christopher," having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for the Affairs of Trade, their Lordships have reported to His Majesty in Council their opinion, that this Act ought to be confirmed; and His Majesty in Council has been pleased to approve that report. The Order of His Majesty in Council will be transmitted to you as soon as the necessary official forms can be completed. In the meantime I have received His Majesty's commands to make the following communication to you on the subject of this Act.

I am commanded by the King to convey, through you, Sir, to the Legislative Council and Assembly of St. Christopher, the expression of His gracious and high approbation of the measures which they have adopted for improving the condition of the slave population of the island. This Act is remarkable for the wisdom and humanity of the greater part of its provisions; and it is peculiarly gratifying to find that the legislature of this ancient colony have given the full sanction of their authority to measures which have elsewhere excited so much alarm, and called forth such urgent remonstrances. The benefits of the law under consideration will not be confined to the single island of St. Christopher; but the Council and Assembly will, I doubt not, have the gratification of influencing the legislatures of neighbouring colonies to adopt their enlightened views, and to imitate their example.

His Majesty's approbation of this Act is not indeed to be considered as wholly unqualified. But it is impossible to doubt that the same liberal and humane policy which has induced the legislature to adopt so many of the suggestions of His Majesty's Government, will induce them to consider with candour such objections as may be made to the law, and to perfect their own work by such additional enactments as, upon a review of the subject, may appear necessary.

In the progress of the recent discussions on the subject of the law of slavery, His Majesty's Government have had frequent occasion to direct the attention of the different Colonial Legislatures, to the distinction between the toleration of markets on Sunday as a temporary regulation, justified by peculiar and transitory circumstances, and the toleration of the same practice as a permanent system. So long as any large proportion of the slave population are destitute of the means of religious instruction, and unable to employ any part of the Sunday in public worship, the prohibition of markets on that day would perhaps be attended by no

real advantage either to themselves or to the other inhabitants of the colony. But it is plainly objectionable to sanction this practice by a positive Statute, without a distinct recognition of the general obligation of preventing labour on Sunday, and of the peculiar circumstances which require or justify a temporary departure from it. The relaxation of the general principle should be expressly made to terminate upon the removal of these temporary difficulties, by which alone it can be justified.

With respect to labour on Sunday, it would seem doubtful whether the words employed in this Act may not be open to a verbal criticism, which would materially counteract the obvious intention of the legislature. It is not plain that the law would be broken if any person should engage the slaves of another to labour on Sunday for hire; and the grammatical structure of the sentence might justify a doubt whether the fine of fifty pounds currency would be incurred, except for the single offence of working the slaves on Sunday at the mills. These, however, are mere verbal inaccuracies, which may be readily corrected.

Under the head of punishments inflicted by the domestic authority of the owner, it is peculiarly gratifying to observe, that the use of the whip in the field is entirely prohibited. In the language of this enactment, I, however, remark an inaccuracy unintentional no doubt, but which it would be important to remedy by an explanatory enactment. The prohibition is confined to "that instrument of correction which is commonly called a cart-whip." I am fully persuaded that it was not intended, under this form of expression, to enable any person to evade the law by the substitution of some other instrument equally formidable; yet I fear it is indisputable that the penalties of the Act would not be incurred except by the use of this particular kind of whip.

This Act appears to have adopted, in substance, the various provisions suggested in Lord Bathurst's despatch, for limiting the extent of punishment which may be inflicted by the owner's authority—for postponing the actual infliction of it until a sufficient time has elapsed from the commission of the offence—and for requiring the attendance of a free person as a witness of every punishment. I regret, however, that the regulation respecting the postponement of punishments, is to apply only to cases where the number of stripes may exceed twelve. The great object of the rule being to check the excesses of sudden anger, I should fear that the permission to inflict twelve lashes on the instant, would scarcely be compatible with that general purpose.

There is, I apprehend, some inaccuracy in the language respecting the attendance of a free witness, since it is not expressly provided that he must not be either the person authorizing, or the person inflicting the punishment.

The use of the whip in the domestic punishment of females is expressly permitted, and although the provisions made to prevent some of the worst abuses of that practice, deserve commendation, yet they are insufficient to remove the objections which have been so frequently stated by His Majesty's Government, to the practice itself. I confidently anticipate that, upon a reconsideration of the subject, the Council and the Assembly will acknowledge the importance of entirely abolishing a mode of punishment so destructive of self-respect, and, therefore, so calculated to debase the female character.

This law makes provision for the punishment of those offences which, though not cognizable by law, may yet deserve a more severe correction than the owner is permitted to inflict. It is not easy to understand how any offence, really requiring more than twenty-five lashes, should be beyond the reach of the general law of the colony. But, supposing that crimes, thus refusing all previous definition, should be committed, it is plainly objectionable that any two magistrates should be allowed to punish the offenders with no other limitation than their own discretion.

The Council and Assembly of St. Christopher's, in adopting the plan for preserving a record of all punishments, have satisfactorily refuted the objections which have been elsewhere urged against the practicability of such a measure. I cannot, however, but remark, that their humane objects

in this enactment will, to a considerable degree, be defeated by the rule which exempts persons from recording punishments not exceeding twelve lashes, or a confinement of forty-eight hours. In omitting to require that a periodical return shall be made of all the records to some public officer, the legislature would appear to have neglected the most obvious and effectual sanction for the due observance of the law.

In adopting the provision that a slave, though incompetent to give evidence, may, under certain circumstances, raise a presumption of guilt against his owner, the rule is qualified by the declaration, that the oath of the owner may be received by the court as a satisfactory refutation of the charge preferred against him by the slave. Understanding the Act to mean, not that the owner's oath is to be conclusive, but that the court are to attach such weight to it as under all the circumstances of each particular case may be just, I am not prepared to object to such an addition to the original proposal.

Upon the subject of the separation of members of the same family, the legislature concur entirely in the views which have been taken by His Majesty's Government. The additional rule which prevents a sale being invalidated by the subsequent discovery of kindred, whom the slave himself had disowned, is a reasonable and proper addition to the measure as originally suggested.

Under the head of the property of slaves, this Act has not only executed the suggestions made by Lord Bathurst, but, in some respects, has even exceeded them. In their anxiety to afford the most ample protection to the slaves, the Assembly may perhaps have been betrayed into an unintentional error of the opposite kind. Persons depriving them of property are not only required to make restitution, but are subjected to a penalty of ten pounds. The unlawful taking away of property may, however, in some cases, amount to an act of robbery; and it is not clear that an indictment for theft might not be defeated by a Statute which denounces a mere pecuniary penalty against the offence. I am, however, perfectly aware that this will be an effect of the law, entirely remote from the intention of those who framed it.

Upon the highly important subject of the evidence of slaves, the provisions of this Act approach nearly to a perfect compliance with the recommendations of His Majesty's Government. It will, however, be desirable for the Council and Assembly to resume the consideration of the question—whether other religious teachers than the clergy of the Established Churches of England and Scotland, ought not to be permitted to certify that the slave has been adequately instructed to understand the nature of an oath. The rejection of the evidence of slaves, in all cases in which the owner or manager is directly concerned, may, I fear, exclude their testimony on many occasions where the admission of it would be most important. The Act, however, is framed upon the just and equitable principle of rejecting the evidence indifferently, whether the slave be produced as a witness against his owner, or in the owner's favour.

With regard to the marriage of slaves, the only important deviations from the suggestions of His Majesty's Government appear to be; that the power of celebrating marriages is confined to the established clergy of the Churches of England and Scotland, and that in the event of the owner's refusal to consent, the slave is to appeal, not to an official protector, but to the Court of King's Bench. I should apprehend that, in each of these respects, it would have been more convenient to have adhered to the original proposal. You will, however, bring these questions under the consideration of the Council and Assembly, who, I am well persuaded, will review them with a sincere desire to render the law upon this important branch of the general subject as effectual as possible.

I regret to perceive that this Act is totally silent respecting the office of protector and guardian of slaves. You will invite the very particular attention of the legislature to this subject. Liberal and humane as the present Act is, I should greatly doubt whether it could be effectually executed, without the appointment of an officer expressly responsible for the due observance of it, to whom the slaves might, in case of ne-

cessity, resort, who would be the depositary of all information respecting their property, marriages, and other interests, and who would be bound to make periodical reports, upon all subjects more immediately affecting their welfare. I have also perceived, with regret, that this Act contains no provision on the very important subject of manumission. Circumstances, to which it is unnecessary to advert more particularly, have induced His Majesty to suspend, for the present, the discussion of the subject of what has been termed *compulsory manumission*, although I hope that it will be in my power, at no distant period, to make a full communication to you upon that question. You will, however, earnestly recommend to the attention of the Council and Assembly, the other provisions which have been suggested for the removal of every unnecessary impediment to the acquisition of freedom by donation or voluntary contracts.

The provisions respecting the religious instruction and baptism of slaves, although they may have but little efficacy, if considered as positive rules of law, are yet important, if considered as the solemn recognition of a religious duty.

The clause which imposes upon the claimant the burthen of proof in all cases where the liberty of a person detained as a slave may be in question, would be of the highest value and importance were it not for the subsequent provision, which reverses this rule of law when the asserted slave has been in the possession of the claimant for three months before the claim is preferred. The question respecting the legal presumption in cases of this nature, is certainly not exempt from serious difficulties. But if it be necessary to raise in any case the presumption in favour of the owner's title, and against the claim of freedom, it would seem just that the fact of possession should be carried back to a period more remote than three months. This, however, is one of those subjects upon which I am not desirous to intimate any positive opinion, because it may perhaps be sufficient, for the present, to confine the discussion respecting the improvement of the condition of slaves, to those topics which were the subject of Lord Bathurst's repeated communications to the Governor of St. Christopher's. I am, therefore, satisfied to refer this particular branch of the question to the further deliberations of the Council and Assembly, who, upon a careful attention to it, will not fail to perceive, that the rule which they have laid down could not, without injustice, be admitted as a permanent principle of law.

The regulations for preventing the discarding of sick, aged, or infirm slaves, are conceived in the spirit of humanity and sound policy.

I have observed, with satisfaction, the provision for depriving of his slave any person convicted of having punished him in a cruel and unlawful manner. It will, however, be necessary to remind the legislature of the importance of totally depriving of the management of slaves any person who may be convicted the second time of such an offence.

The limitation of all prosecutions to a period of six months after the commission of the crime, will, I should fear, be productive of much inconvenience. A much more considerable interval might in many cases elapse before sufficient evidence for the conviction of the offender could be procured.

Having thus drawn your attention to the various provisions of this law, which have appeared to me to require any particular remark, I cannot conclude this despatch, without renewing the expression of the very sincere satisfaction with which His Majesty's Government have regarded the cordial acquiescence of the Colonial Legislature in so many of the suggestions which were made to them by Lord Bathurst, in obedience to His Majesty's commands. The difficulties with which they have had to contend, and the humane and liberal spirit in which these have been encountered, are fully appreciated by His Majesty, and will not fail to be duly estimated by Parliament, and by all classes of society in this country.

I have, &c.

(Signed) W. HUSKISSON.

*The Officer Administering the Government of St. Christopher.*



## TRINIDAD.

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No. 1.

SIR,

*Downing-Street, 7th June 1827.*

I HAVE received your despatch of the 23d December last, enclosing a printed copy of the instructions addressed by you to the protector of slaves of Trinidad, on the subject of voluntary manumissions.

I observe that, in the third clause of these instructions, the word "not" occurs in a sentence, where it has been apparently introduced by a clerical error. The effect of it is to reverse the probable meaning of the instruction.

The last clause provides, in effect, that the protector is not to institute any inquiry respecting reversionary interests on mortgages, in cases where a slave has been transferred since the last triennial registration. I have failed to discover the reason of this regulation, and the apparent effect of it would be not less inconvenient in the case supposed than in other cases.

Until I shall have received additional explanations with reference to the preceding remarks, it will not be in my power to signify to you His Majesty's approbation of those instructions.

I have, &c.  
(Signed) GODERICH.

*Governor Sir Ralph Woodford, Bart.*  
 &c.                    &c.                    &c.

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No. 2.

MY LORD,

*Trinidad, 30th June 1827.*

I BEG leave to lay before your Lordship copies of a correspondence that has taken place between the judge of criminal inquiry and myself, upon the result of a complaint preferred before him by the protector of slaves, in behalf of a slave girl that had been flogged with a cart-whip, and of a proclamation that I found it indispensably necessary to issue, for the reasons given by the protector in his report.

At the same time, I beg to solicit from your Lordship the issue of the amended order in council, which is intended to set at rest the doubts which have arisen under the present order, as well as to relieve the planters from the quarterly returns, by allowing them to be made half-yearly, an improvement that has been promised, and to which I earnestly request your Lordship's favourable attention.

I have, &c.  
(Signed) RALPH WOODFORD.

*The Right Hon. Lord Viscount Goderich,*  
 &c.                    &c.                    &c.

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SIR,

*Government-House, 18th May 1827.*

I HAVE this morning received the enclosed representation from the protector and guardian of slaves, and I hasten to transmit the same to you, with my request that you would inform me of the grounds upon which you have declined a jurisdiction that is expressly conferred upon you by the sixth clause of the proclamation of the 23d June 1824, this being the complaint of a slave to his legal protector against his manager, as recited in the fourth clause, and the penalties of the offence charged being such as subjects the party accused to public prosecution, under the order in council of the 10th March 1824, as stated in the sixth clause.

(Signed) RALPH WOODFORD.

*L. F. C. Johnson, Esq.*  
*Judge of the Court of Criminal Inquiry.*



*Protector and Guardian of Slaves' Office,  
17th May 1827.*

SIR,

I HAVE the honour to report, for your Excellency's information, that, on the 23d March last, a little slave girl, named Marie Noel, accompanied by her mother, appeared at my office, and preferred a complaint against Mr. Lamphier, the manager of the Resource Estate, in Jacarigua, who, she alleged, had directed her to be punished with the cart-whip on the preceding evening.

Having ascertained, by personal inquiry, the truth of the girl's statement, and considering Mr. Lamphier's offence to be a misdemeanour under the order in council of the 10th March 1824, I felt it my duty to refer the case to the judge of criminal inquiry, with such information as I had been able to procure. On the 6th of April I received a decree from the Court of Criminal Inquiry, in which his honour declared, (for the reasons therein stated) that the court had not jurisdiction over the offence said to have been committed by Mr. Lamphier.

A copy of his honour's decree I herewith enclose, (No. 1.)

This decree, debarring me from entering the Court for the Trial of Criminal Prosecutions in the usual manner, compelled me to pursue the only course which then remained for my adoption, and in consequence, I filed in the Court for the Trial of Criminal Prosecutions, an accusation against Mr. Lamphier, in nature of a *qui tam* information, which was set down for trial on the 15th instant, after a due notice to Mr. Lamphier. The document, No. 2, is a copy of this information.

On the day of trial Mr. Lamphier, by his counsel, declined the jurisdiction of the court, on the ground that it had no authority over any criminal case that did not emanate from the Court of Criminal Inquiry. This doctrine was recognised by the court, as will appear by reference to the sentence annexed (No. 3).

Under these decisions, the royal order in council of the 10th March 1824, has, in many of its provisions, become a dead letter—there being no jurisdiction within the country to take cognizance of the offences thereby created, nor to enforce any one of its penal clauses, which are eleven in number.

(Signed) HENRY GLOSTER, Guardian of Slave  
Governor Sir R. Woodford, Bart.  
&c. &c. &c.

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No. 1.

WITH reference to the within report of Henry Gloster, Esq., guardian of slaves, in respect to the alleged flogging, on the 23d of last month, of a female slave, named Marie Noel, on the Resource Estate, in the quarter of St. Joseph, by the order, and in the presence, of Mr. Lamphier, the manager of the said estate, considering that such punishment hath been declared illegal by the 13th clause of the order in council, of the 10th March 1824, and that the person convicted of such act is thereby declared to be guilty of a misdemeanour, and liable to suffer the punishment prescribed by the 41st clause of the said order in council, and considering, also, that specific or special provision is, by the said 41st clause, made for hearing, trying, and inquiring into all offences created by the said order in council, and lastly, considering that the said order in council is posterior in date to the order in council of the 16th September 1822, which established this tribunal, the court is of opinion, that it has not jurisdiction over the said offence; and, therefore, with further reference to the 8th and 21st clauses of the said order in council of the 10th March 1824, it takes leave to refer the guardian of slaves to the competent tribunal for the hearing, trying, and inquiring into the subject matter of his said communication.

A copy of the foregoing decree will be transmitted to Henry Gloster, Esq. guardian of slaves.

6th April 1827.

(Signed) LEWIS F. C. JOHNSTON,  
Judge of Criminal Inquiry.

No. 2.

**TRINIDAD.**—*In the Court for the Trial of Criminal Prosecutions.*

Before the Honourable Ashton Warner, Esquire, Chief Judge and President of the said Court; Antonio Gomez, Esquire, Assessor of His Excellency the Governor; His Honour John Boissieré, Esquire, Alcalde in ordinary of the First Election; and His Honour Archibald Watherston, Esquire, Alcalde in ordinary of the Second Election; the other Judges of the said Court.

*Be it Remembered,*

That Henry Gloster, Esquire, the protector and guardian of slaves in the island of Trinidad, who, as well for our Lord the now King, as for himself, doth prosecute, cometh before the said Judges of the Court for the Trial of Criminal Prosecutions within the said island of Trinidad, appointed and empowered to hear, try, and inquire of all offences declared to be misdemeanours under a certain order of His Majesty in Council for the religious instruction of the slaves in the said island of Trinidad, and the improvement of their condition, dated the 10th day of March, in the year of our Lord 1824, and duly promulgated in the said island on the 24th day of May in the said year, in his own proper person, and as well for our said Lord the King, as for himself, giveth the court here to understand and be informed, that William Lamphier, of this jurisdiction, planter, being the manager of a certain sugar plantation or estate called the Resource, in the quarter of Saint Joseph, in the said island, not regarding the said order of His Majesty in Council of the 10th day of March 1824, or the provisions and injunctions therein contained, did some time during the month of March, of this present year of our Lord 1827, in the said quarter of Saint Joseph, in the said island of Trinidad, order and direct a slave of the said Resource Estate, named Joshua Joseph, commonly called Joshua, the said Joshua Joseph, commonly called Joshua, then and there being under the orders and directions of the said William Lamphier, to whip and flog a certain female slave, also of and belonging to the said estate, named Maria Noel Wethered, commonly called Mary Noel, and that thereupon, to wit, in the same month of March, the said Joshua Joseph, commonly called Joshua, by the order and direction of the said William Lamphier, with a certain whip or instrument, commonly called a cart-whip, did correct, punish, flog, and whip the said female slave, in and upon her posteriors and other parts of her body, and thereby lacerated the person of the said female slave, contrary to the provisions and directions of the said order of His Majesty in Council, of the said 10th day of March 1824, in that case made and provided. And the said Henry Gloster, the protector and guardian of slaves in the said island, further giveth the court here to understand and be informed, that the said William Lamphier, being the manager of the said sugar plantation or estate, called the Resource Estate, in the quarter of Saint Joseph, in the said island, and not regarding the said order of His Majesty in Council of the said 10th day of March 1824, or the provisions therein contained, in the same month of March, in the said year of our Lord 1824, in the quarter of Saint Joseph, in the said island of Trinidad, did cause and procure a flogging and whipping to be inflicted in and upon the person of a female slave, named Mary Noel Wethered, commonly called Mary Noel, with a certain whip or instrument, commonly called a cart-whip, contrary to the provisions of the said order of His Majesty in Council of the said 10th day of March 1824, in that case made and provided. Whereupon the said Henry Gloster, protector and guardian of slaves, as well for our said Lord the King, as for himself,

Prays the advice of this honourable court in the premises, and that the said William Lamphier, for the said offences, or one or other of them, may forfeit the sum of £500 sterling English money, or such other sum of money, not less than £50 sterling money, as this honourable court shall direct, and that the said Henry Gloster, protector and guardian of slaves aforesaid, may have one moiety thereof according

to the directions contained in the said order of His Majesty in Council, in that behalf; or that the said court will condemn the said William Lamphier, to such other lawful punishment as by the said order of His Majesty in Council, is directed and provided against persons in the like case offending.

(Signed) **HENRY GLOSTER,**  
Protector and Guardian of Slaves.

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No. 3.

TRINIDAD.—*In the Court for the Trial of Criminal Prosecutions.*

*Tuesday, May 15, 1827.*

Present

**HIS HONOUR THE CHIEF JUDGE.**  
**ANTONIO GOMEZ, ESQ. ASSESSOR.**  
**HIS HONOUR THE FIRST ALCALDE.**  
**HIS HONOUR THE SECOND ALCALDE.**

In the matter of Henry Gloster, Esq. Syndic Procurador General, Protector and Guardian of Slaves, against William Lamphier. Advocate for the Defendant, E. Jackson, Esq.

THE list of witnesses, and the information, having been read over by the acting escribano, the advocate for the defendant was heard in exception to the proceedings, upon the grounds that they were irregular and informal, inasmuch as they were inconsistent with the order in council of the 16th September 1822, which established the mode of proceeding in criminal matters.

The syndic procurador-general was heard in reply.

The advocate of the defendant rejoined, and the court retired for the purpose of deliberation, and on its being resumed, his honour the president delivered the following sentence:

This is an information preferred by the protector of slaves against William Lamphier, the manager of the Resource Estate, in the quarter of Saint Joseph, charging him with the illegal punishment, by flogging, of a female slave, named Mary Noel Wethered, belonging to the said estate Resource, and praying the enforcement of the penalties prescribed by the 41st clause of the royal order in council of the 10th March 1824, providing for the religious instruction of the slaves, and for the improvement of their condition. To this information no written plea or defence has been put in on the part of the defendant. He has been permitted, however, to urge his protest against the mode of proceeding pursued by the protector of slaves, on the ground of irregularity, for want of the previous necessary investigation before the Court of Criminal Inquiry, and the consequent incompetency of this court to entertain it.

In the judgment which this court feels it to be its duty to pronounce, it begs to be expressly understood as not taking upon itself, in any manner, to decide upon the question of competency or incompetency of jurisdiction, as concerns the Court of Criminal Inquiry, but as the proceedings are deficient upon the face of them, in certain very material forms, prescribed by the order in council of the 16th September 1822, by which this court is constituted, and as the proclamation of the 23d June 1824 provides, that in all cases in which a complaint made by any slave against his master to any magistrate, be such as may subject the party accused to public prosecution or punishment, under the royal order in council of the 16th September 1822, or under the provisions of the royal order in council of the 10th March last, the complaint shall be referred, with the evidence in support of it, to the judge of criminal inquiry; and as this is a prosecution instituted for the purpose of enforcing penalties provided by the latter order, the court does not consider that it has any jurisdiction to entertain it in its present shape, and the information must, therefore, be dismissed.

SIR,

*Court of Criminal Inquiry, 21st May 1827.*

I HAVE to acknowledge the receipt of your Excellency's letter of the 18th instant, enclosing a representation to your Excellency from the protector and guardian of slaves, on the subject of a complaint reported by that officer to me, as judge of criminal inquiry, and of an information filed by him in the Court for the Trial of Criminal Prosecutions, against Mr. Lamphier, the manager of the Resource Estate, in the quarter of Saint Joseph, for having flogged Marie Noel, a female slave attached to the said estate, in contravention of the 13th clause of the order in council of the 10th March 1824, and having thereby subjected himself to the penalty denounced by the 41st clause thereof.

My desire to comply with the request expressed in your Excellency's letter, in the fullest manner, has induced me to trouble your Excellency with the copy of a letter, which I had the honour to address to Mr. Wilnot Horton, under secretary of state for the colonies, on the 1st July 1825, on the subject, among other points of representation, of defect of jurisdiction in the Court of Criminal Inquiry, under the order in council of 10th March 1824, in the hope, that if it should be held advisable or necessary to initiate proceedings, in relation to acts affecting slaves, declared misdemeanours under the order in council, but which were previously permissible, and sanctioned under the practice and law of the colony, by the medium of the Court of Criminal Inquiry, as a foundation to their progress and ulterior decision in the Court for the Trial of Criminal Prosecutions; the necessary power or cognizance might be extended to the Court of Criminal Inquiry, in the same way as in respect to crimes or offences made the subject of its jurisdiction and inquiry, by the order in council of the 16th September 1822, for the administration of criminal justice. A copy of this enclosure (No. 1.) I should have before submitted to your Excellency, but I was under the impression, erroneous as I have learnt very recently, that your Excellency had been furnished therewith from the office of the Secretary of State for the Colonies. To this letter I had not the honour of a reply; and I concluded, from the silence to my representation, that it had not been deemed expedient or convenient to alter the order in council of the 10th March 1824, which had given an exclusive jurisdiction to the chief judge, as to civil matters therein treated of, in respect to slaves, which were questions previously cognizable under the order in council of the 16th September 1822, for the administration of civil justice, by the court of first instance of civil jurisdiction, composed of four judges, the presence of two of whom was, as your Excellency knows, necessary to form a court, and similar jurisdiction to the Court for Criminal Prosecutions, under the 41st clause, in respect to acts created misdemeanours by the said order in council of 10th March 1824.

This letter, and the opinion or decree which I felt it to be my duty judicially to express, in the complaint referred to me by the protector of slaves, would furnish, I humbly apprehend, sufficient reasons for my having abstained from entering on an inquiry, or investigation of an act, over which I did not consider myself to have judicial competency.

Your Excellency, however, has desired that I would inform you of the grounds upon which I have declined a jurisdiction, that your Excellency is pleased to state, is expressly conferred upon me by the 6th clause of the proclamation of 23d June 1824. It, therefore, becomes necessary to afford a specific answer to that inquiry, and to trouble your Excellency with some additional observations, to relieve me from the possible supposition of having shunned the performance of a labour which the law required from me.

In proceeding to this task, I have to assure your Excellency, that I would not, under any circumstances or situations, shrink from a responsibility which duty or occasion cast upon me; and that, if I had considered myself invested with that authority, which your Excellency states to be conferred by the 6th clause of the proclamation of the 23d June 1824, I would unhesitatingly have exercised it in respect to the case in question.

I must observe to your Excellency, that when I addressed to Mr. Horton the enclosure, and when I perused the decree, in the present case declaratory

of the want of jurisdiction in the Court of Criminal Inquiry, I was in the knowledge of the provisions of the proclamation of the 23d June 1824, but I did not consider that the proclamation supplied the omission, supposing that it had been unintentional on the part of the framer of the order in council of the 10th March 1824, of the interference of the Court of Criminal Inquiry, in respect to the acts it created misdemeanours, and the penalties and forfeitures it prescribed. This view of the order in council of the 10th March 1824, I must take leave to remind your Excellency, was not peculiar to my mind, for if I may be permitted to call your Excellency's attention to your opinion, as expressed in your correspondence with Earl Bathurst, published by direction of the House of Commons, your Excellency was therein pleased to state to his Lordship, that, in the 41st clause of the order in council of the 10th of March 1824, it would be necessary to provide for the inquiry and trial of offences under the order, in the manner established by the order in council of the 16th September 1822, in the courts established for the administration of criminal justice, in which terms the clause should have been.

Under the like permission, and from the same source, I may add, that I am aware Earl Bathurst, in answer, stated, that "it would have been superfluous to enact that prosecutions should be conducted in the manner established by the order in council of the 16th September 1822, in the courts constituted for the administration of criminal justice. The court in which prosecutions are to take place, is sufficiently indicated by the naming of that court according to its legal style and appellation, namely, the Court for the Trial of Criminal Prosecutions. There is but one such tribunal in Trinidad, therefore no mistake can arise as to what court is meant. The law of September 1822, having already prescribed the mode of proceeding in that court, it would have been redundant to have enacted that the necessary forms of that court should be observed."

But his Lordship does not say that the interference of the Court of Criminal Inquiry was intended, desired, or required, nor indeed one word in respect to that court.

In reference to the statement of his Lordship, it may be supposed that when a law grants express or special jurisdiction to a court, the power to carry into effect that jurisdiction is implied.

I may further take leave to advert to the opinion of Mr. Warner, the chief judge, obtained through the same medium; who, with the knowledge of the provisions of the proclamation of the 23d of June 1824, passed with the special view directed by the order in council of 10th March 1824, and in reference to the above explanation of Earl Bathurst, and to his late despatch to your Excellency of the 14th July 1824, says, on the 14th September 1824, to your Excellency, "the order in council of the 16th September 1822, as your Excellency knows, establishes three courts for the administration of criminal justice,—a Court of Criminal Inquiry. The order in council of the 10th March directs that offences against that order shall be heard, tried, and inquired of by and before the Court for Criminal Prosecutions (which is not the legal style and appellation of any court existing in the island), and if, as Lord Bathurst observes, in his letter of 14th July, offences against the last mentioned order are to be prosecuted in the same manner and by the same persons as offences against any other part of the criminal law of the colony, it is needless for me to remind your Excellency, that such prosecutions must have their commencement in the Court of Criminal Inquiry, which would be at variance both with the order in council, and with the letter of 24th June."

I thus, therefore, have the satisfaction to find my opinion, in respect to the want of jurisdiction in the Court of Criminal Inquiry, in regard to acts termed misdemeanours, emanating from the order in council of the 10th March 1824, unquestioned by Earl Bathurst, supported by your Excellency's recommendations to his Lordship, and strengthened and confirmed by the deliberate opinion of the chief judge.

The power of construing the legislative enactments made for the guidance of courts of justice, must be left to the judges of such courts.

Whatever may be, therefore, the consequences which may result from a construction which my conscience and my judgment, on mature reflection,

tell me I am bound to attach to the ordinance in question, and which the sounder judgment of my professional colleague in office, more than confirms, I trust your Excellency will hold me acquitted of any disposition to withhold my assistance from the necessary operations of the objects of the ordinance in question.

Without considering the special object for which the proclamation of the 23d June 1824, was passed under the delegated authority of the order in council of the 10th March 1824, I will now proceed to bring to your Excellency's attention the provisions of that proclamation.

I will premise, that, under the order in council of 16th September 1822, the alcaldes in ordinary possessed a criminal jurisdiction to the extent specified.

As the order in council of the 10th March 1824, was silent in respect to the alcaldes in ordinary, as it was in respect to the Court of Criminal Inquiry, it appears to have been considered necessary in framing the proclamation of 23d June 1824, to invest the alcaldes in ordinary with an authority, in regard to the newly created offences, under this last order in council, and accordingly provision is made for conferring such authority, as well in respect to complaints preferred by slaves against their masters, as to those preferred by the latter against their slaves, as will be seen by reference to the 3d and 4th clauses of this proclamation, both of which, together with the 5th clause, most distinctly and minutely provide for the exercise and enforcement of this jurisdiction; and the 3d clause limits, in respect to offences by slaves, the authority which the alcaldes in ordinary possessed under the order in council of 16th September 1822, over persons of all conditions, by restricting the punishment to imprisonment to one month.

The 6th clause of this proclamation, it is true, provides, that in all "cases in which the complaint made to any such magistrate as aforesaid, be such as may subject the party accused to public prosecution or punishment under the royal order in council of the 16th September 1822, or under the provisions of the royal order in council of the 10th March 1824, the complaint shall be passed, with the evidence in support of it, to the judge of criminal inquiry, by whom notice shall be given to the procurador syndic, who," &c.

The first part of this clause, I speak with all respect, was unnecessary, because the order in council of 16th September 1822, had provided for the procedure of the alcaldes in ordinary, in reference to acts then considered offences; with respect to the latter part of this clause, the order in council of the 10th March 1824, under and in conformity with which the proclamation was directed to be framed, had prescribed, in its 41st clause, the court by and before which all offences created by the order were to be heard, prosecuted, and inquired of, and in which all the pecuniary fines imposed by the order were to be recovered.

The mere direction, therefore, by the proclamation to the judge of criminal inquiry to give notice to the procurador syndic of all complaints passed to him, which came under the provisions of the order in council of 10th March 1824, could never, in my humble opinion, be construed into a repeal of its 41st clause, and could not, I must pray excuse for stating, be held as conferring expressly upon the judge of criminal inquiry any jurisdiction over the subject matter of complaint under the enactments of the order in council of 10th March 1824. If the clause of the proclamation in question had enjoined me to inquire into the subject matter of complaint under this last order in council, and to act in the same manner as I was empowered and directed to act under the order in council of 16th September 1822, I should unhesitatingly have conformed to this direction, in addition to giving the notice to the procurador syndic, which, as the proclamation now stands, I must consider ordered with the view to the procurador syndic's proceeding in the Court of Trial for Criminal Prosecutions to obtain the investigation and inquiry by that court into the complaint under the 41st clause of the order in council of the 10th March 1824.

Upon a subject of this important nature I shall be excused for, perhaps, extending my answer beyond the letter of your Excellency's question, and for saying, that from the circumstance of the provisions of the order in council of 10th March 1824, in respect to civil and criminal cases affecting slaves,

having deviated from the former established course of judicial proceeding, it may be concluded that it was the intention of the framer of the order in council of the 10th March 1824, to consider these cases *suorum generarum*, and to give a more summary remedy in regard to such matters than was afforded by the previous law. We, therefore, find the chief judge alone invested with the authority over the cases termed civil, to the exclusion of the jurisdiction of the Court of First Instance of Civil Jurisdiction; and the Court of Trial for Criminal Prosecutions clothed with the whole power of hearing, trying, and inquiring without reference to the Court of Criminal Inquiry.

Misdemeanours, it is known, are generally tried in England on informations before the Court of Quarter Sessions, without recourse being had to the previous solemn inquiry of a grand jury, and as the order in council of the 10th March 1824, must be said to have been framed in England, it may have been considered advisable to dispense with the previous investigation before the Court of Criminal Inquiry, in respect to acts created misdemeanours by the order in council of the 10th March 1824. Besides which, motives of considered policy or prudence, into which I do not presume to inquire, to prevent the possibility of a dismissal of a case of complaint by the Court of Criminal Inquiry, without a public contentious investigation, may have produced the virtual exclusion of interference on the part of the Court of Criminal Inquiry under the order in council of the 10th March 1824. It may be allowed to suppose that this virtual exclusion of the Court of Criminal Inquiry, did not necessarily defeat or render ineffectual the special and express jurisdiction given in the particular cases to the Court of Trial for Criminal Prosecutions.

Difficulties, perhaps, may have suggested themselves in consequence of the exclusion, but which rules or regulations under due authority may have removed.

Without presuming to question the decision of the Court of Trial in the present case, as transmitted to me by your Excellency among the papers submitted for your consideration by the protector of slaves, I may be permitted to say, that this judgment does not appear decisive of the question of sole jurisdiction in the Court of Trial in a case brought before it in another shape. It is true the decree so transmitted, mentions the ground of objection taken under protest by the counsel employed by the defendant to attend the trial, and after citing so much of the 6th clause of the proclamation of the 23d June 1824, by which complaints are thereby directed to be referred to the judge of criminal inquiry, it adds, "and as this is a prosecution instituted for the purpose of enforcing penalties provided by the latter order, the court does not consider that it has any jurisdiction to entertain it in its present shape, and the information must be therefore dismissed;" but I must observe, that the quotation in the judgment does not form the conclusion of the sentence in the clause of the proclamation, and that the words which therein immediately follow after a comma, as a direction to the judge of criminal inquiry, are omitted in the decree, I must, therefore, beg the favour of your Excellency to bear them in mind in considering the representation which I have now the honour to make.

Adverting to the information, as transmitted to me by your Excellency, which was filed by the protector of slaves in the Court for the Trial of Criminal Prosecutions, it does not appear that any process was prayed to enforce the due appearance of the defendant; and it would seem that no personal appearance was made by or entered on behalf of the defendant, and that no written plea or defence to the information was filed by him.

Without pretending to offer any opinion on proceedings in another court, I may be allowed to repeat my humble opinion, that the decree of the Court of Trial for Criminal Prosecutions in the particular proceeding, is not conclusive of the question, in regard to that court having entire sole jurisdiction over offences created by the order in council of the 10th March 1824.

The court expressly declared as not in any manner deciding upon the question of competency or incompetency of jurisdiction, as concerned the Court of Criminal Inquiry, and I am fortified by the extra-judicial, but deliberate and publicly recorded opinion of the professional judge presiding in the Court for the Trial of Criminal Prosecutions, in stating, that the Court

of Criminal Inquiry has not such jurisdiction. If, however, notwithstanding the observations with which I have thought it necessary to trouble your Excellency, you should now hold an adverse opinion to that which my conscience and my judgment lead me to entertain and to act upon, I have to request your Excellency will be pleased to promulgate an order having the effect of law, explanatory of the 6th clause of your Excellency's proclamation of the 23d June 1824, and authorising the judge of criminal inquiry to proceed in respect to misdemeanours and penalties under the order in council of 10th March 1824.

I beg to return, as desired, the papers which accompanied the letter of your Excellency.

(Signed) LEWIS F. C. JOHNSTON.

*Governor Sir R. Woodford, Bart.*  
 &c. &c. &c.

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*Extract of a Letter to Robert Wilmot Horton, Esq., M. P., from Lewis F. C. Johnston.*

*First*—As to want of Jurisdiction in Trinidad in respect to Piratical Offences.

*Second*—As to the case of Aliens holding real property.

*Third*—As to defect of Jurisdiction of the Court of Criminal Inquiry as to misdemeanours in respect to Slaves, created under Order in Council of 10th March 1824.

*London, 15th July 1825.*

BEFORE I conclude, I must take leave to advert to another point, which in your apparent occupation at my last interview, and after the suggestion you were pleased to offer, I abstained from bringing to your then attention, but about which I am personally anxious, namely, that some legislative declaration should be promulgated in Trinidad, to remove any impediment in the way of the fullest operation of a measure, in the success of which I believe Earl Bathurst takes much interest. I trust in this step his Lordship will do me the justice to believe, that my motive has reference to the promotion of the result about which he is solicitous.

The 41st clause of the order in council of the 10th March 1824, in respect to slaves, declares, that all offences created by the order shall be heard, tried, and inquired of, by and before the Court for Criminal Prosecutions. Without intending or presuming to impute any want of due attention in the framer or framers of this order, to the existing legal regulations or judicial establishments of the colony, I pray excuse for stating that it appears to me the recent changes which were effected by the order in council of the 16th September 1822, in regard to the administration of justice and the courts of the island, were not in the view or recollection of the framer of the order in council of the 10th March 1824.

His Lordship will see, by reference to the order in council of the 16th September 1822, in regard to the administration of justice in criminal cases, that three tribunals for the administration of criminal justice are thereby established.

*First*—A Court of Criminal Inquiry.

*Second*—A Court for the Trial of Criminal Prosecutions.

*Third*—A Court of Appeal in all cases of condemnation to death. And that rules or forms of proceeding in each court are thereby prescribed.

His Lordship will further observe, that the Court for the Trial of Criminal Prosecutions can only be put in operation by the previous act of the Court of Criminal Inquiry. No mention whatever of the Court of Criminal Inquiry is made in the order in council of the 10th March 1824; and on the contrary, inquiry and trial of the acts declared misdemeanours and offences by this last order in council, are specially directed by the court designated thereby the Court for Criminal Prosecutions.

To shew further that a special cognizance of matters relating to slaves is provided by the order in council of the 10th March 1824, it may be observed, that by the 29th, 30th, 31st, and 32d clauses, special jurisdiction in civil



cases is given to only one of the judges of the Court of First Instance of Civil Jurisdiction, namely the chief judge; and his Lordship will find, by reference to the first clause in the order in council of the 16th September 1822, relating to the trial of civil causes, it is declared "that from and after the publication of the order in the island, there shall be only one Court of First Instance for the trial of civil matters, those of the chief judge, and alcaldes in ordinary, being from henceforth united, and composing only one court, to be called the Court of First Instance of Civil Jurisdiction," and by reference to the 2d clause, this court shall consist of the chief judge, the judge of criminal inquiry, and the alcaldes in ordinary, of whom there are two. Two of whom, one being the chief judge, or the judge of criminal inquiry, shall form a court.

It is true the chief judge alone exercises summary jurisdiction, or has sole cognizance over matters of debt, &c. under a specified amount in a court called the Complaint Court; but no reference is made to this last tribunal in the order in council of 10th March 1824.

Now, when this last order in council creates new offences and imposes heavy penalties, and prescribes a cognizance, inquiry, and trial in civil cases, and also in criminal, in respect to such newly created offences, I trust I shall not be considered fastidious, in my doubts of possessing jurisdiction, as Judge of Criminal Inquiry of Trinidad, over such newly created offences under the order in council of 10th March 1824.

These doubts occurred to me, on my first perusal of this order in council, and I then mentioned their existence to the proper quarter in the island. Fortunately no case under this order in council came under my inquiry after its promulgation, and before my obtaining leave of absence from my judicial duties, so as to render it necessary to bring in question these doubts. I have lately had the opportunity to observe, that the view which I took of the legal effect of the order in council of the 10th March 1824, and which I have here submitted for Earl Bathurst's consideration, is supported by the opinion of Mr. Warner, chief judge of Trinidad, under this concurrence of opinion of the only two professional judges in the courts of the colony, I feel additional confidence in looking to his Lordship's favourable estimate of the resolution which I have taken to bring the matter to his Lordship's notice, and to respectfully press that he will recommend the adoption of the necessary measure, to relieve me from the unseemly position of withholding my judicial labours, from the effectuation of what may have been his Lordship's intention.

His Lordship will be pleased to bear in mind, that my doubts apply exclusively to the new misdemeanours or offences created by the order in council of the 10th March 1824, in respect to acts affecting slaves. In all other respects, acts of a criminal nature, in regard of their persons exceeding the legalized domestic correctional authority of their owners, or their delegates, committed by any persons whomsoever, were, and are subject to the same inquiry and process of investigation and trial, as acts of a similar nature committed against white persons, and those of free condition.

I fear my observations on the several points herein submitted, have been carried to a greater length than the convenience of his Lordship or yourself may have desired. In excuse for this, I can only reurge my wish to give effect to the expressed desire of His Majesty's representative in Trinidad, and to the supposed intention of His Majesty's Government here.

(Signed) LEWIS F. C. JOHNSTON.

SIR

*Government House, May 24, 1827.*

I YESTERDAY received your communication of the 21st inst. in reply to mine of the 15th, in which you detail at length the doubts you have entertained of the import of the directions conveyed in the latter part of the 41st clause of the order in council of the 10th of March 1824, and conclude by requesting me to issue an order to have the force of law explanatory of the 6th clause of the proclamation of the 23d June 1824, which directs that all complaints of offences subjecting a party to prosecution or punishment under the order of the 10th March, be passed, with the evidence in support of it, to the judge of criminal inquiry. As these directions are explicit, and

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accord with the intention of His Majesty's Government in not altering the established law, and as in a former similar case (*Marie Louise Dumaine*) in your absence such a course was adopted, and the application entertained by the Court of Trial for Criminal Prosecutions, I beg to recommend to your reconsideration the precedent already established.

The Secretary of State has expressed his disapprobation of any new orders being issued without his sanction. I am really at a loss to perceive the necessity of any further declaration in support of the law; I, therefore, hope that you will no longer decline entertaining these causes, and thereby prevent the very serious consequences anticipated by the protector and guardian of slaves.

(Signed) RALPH WOODFORD.

*The Judge of Criminal Inquiry,*

&c. &c. &c.

SIR,

*Government House May 23, 1827.*

THE protector of slaves having brought under my consideration the course of proceeding adopted by him, for the purpose of bringing to punishment a manager, William Lamphier, accused of a misdemeanour under the order in council of the 10th March 1824, and the decree of the Court for the Trial of Criminal Prosecutions of the 15th instant, having been transmitted to me by the protector, I am to request that you would be pleased to inform me, with reference to that decree, whether if the proceedings usual in criminal cases had been had in the present instance by the judge of criminal inquiry, the Court of Trial would in such case have entertained the prosecution.

*The Hon. the Chief Judge,* (Signed) RALPH WOODFORD.  
*President of the Court for the Trial of Criminal Prosecutions.*

SIR,

*Court House, Port of Spain, 24th May 1827.*

I HAVE the honour to acknowledge the receipt of your Excellency's letter of yesterday's date, wherein you inform me, that the protector of slaves had brought under your consideration the course of proceeding adopted by him for the purpose of bringing to punishment a manager (Mr. Lamphier), accused of a misdemeanour under the order in council of the 10th March 1824, and the result of such proceeding under the decree of the Court for the Trial of Criminal Prosecutions of the 15th instant, pronounced in that case, and request that I would inform your Excellency, with reference to that decree, whether, if the proceedings usual in criminal cases had been had in this case by the judge of criminal inquiry, the Court of Trial would have entertained the application.

In obedience to your Excellency's request, I have the honour to state, that it appears to me that, if the course of proceeding pointed out by the order in council of the 16th September 1822, providing for the more speedy administration of justice in criminal offences, had been followed in this case, the Court of Criminal Trial would have been enabled to proceed, and I am confirmed in this opinion by reference to a case very similar to that of Lamphier, which was brought before the acting judge of criminal inquiry, in the year 1825, and in which a coloured woman, named Marie Louisa Dumaine, was charged with a misdemeanour, under the order in council of the 10th March 1824. The acting judge of criminal inquiry entertained the complaint, received the summary information, and passed it to the protector of slaves for prosecution. That officer instituted a proceeding in the Court of Criminal Trial; and, although he was unsuccessful in the prosecution of it, yet no plea to the jurisdiction of the court was interposed, nor was such jurisdiction in any manner questioned.

As I am only one of four, however, and have no casting voice, of course the decision of any question raised upon this point, must depend upon the coincidence of the opinions of the other judges with mine. I, however, entertain little doubt, as to the result upon the question of jurisdiction, should such question be raised after the investigation before the Court of Criminal Inquiry shall have been previously had. (Signed) ASHTON WARNER.

*Governor Sir Ralph Woodford, Bart.*

&c. &c. &c.

SIR,

*Court of Criminal Inquiry, 25th May 1827.*

I YESTERDAY received your Excellency's acknowledgement of the day of my reply to your communication of the 18th instant, on the subject of the representation made to your Excellency, by the protector and guardian of slaves, on the case of complaint against Mr. Lamphier, for a contravention of the order in council of 10th March 1824.

Your Excellency must excuse my still entertaining the opinion, as to the want of jurisdiction in the Court of Criminal Inquiry, under the 41st clause of the above order, in respect to misdemeanours, &c. thereby created and considered that the clause in question fixes and limits the jurisdiction to the court thereby mentioned.

If I might be permitted to trouble your Excellency with a further reason for this opinion, I would refer your Excellency to the 24th clause of the order in council of the 16th September 1822, which, in making a special provision and exception, in respect to offences committed by military persons in this island, and intending to use the interference of the Court of Criminal Inquiry, distinctly marks such intention, by declaring that the jurisdiction in question shall appertain to the Courts of Criminal Inquiry and of Criminal Trial, to be established under the order. I might further be permitted to remind your Excellency, that the order in council of 16th September 1822, provided for the trial of then existing offences, and did not, in terms nor by inference, preclude the possible future deviation by the proper legislative power from the mode or course of proceeding thereby established, nor does it contain any declaration that, under any future legislative enactment, the Court of Criminal Trial shall not take cognizance of any act which might be thereafter created a misdemeanour or offence, without a previous inquiry by the Court of Criminal Inquiry. When, therefore, I requested your Excellency, in my letter of the 21st instant, to issue an order explanatory of the 6th clause of the proclamation of 23d June 1824, as to the Court of Criminal Inquiry, it was only in case the inquiry and active interference by that court should be deemed indispensable to the effectuation of the object of the order in council of the 10th March 1824, on the ascertained opinions of the majority of the Court of Trial (two of the members of which court are annually eligible offices, your Excellency will have the goodness to recollect), and that the effectuation of that object could not be obtained by the adoption or formation of any rules for the guidance of the Court of Trial, which might be deemed necessary for such purpose.

In becoming deference to your Excellency's recommendation, for the reconsideration of the precedent called to my attention by your Excellency, namely, of the complaint entertained by the then acting judge of criminal inquiry, during my absence from the colony, against Marie Louise Dumaine, free coloured woman, for having flogged or whipped her female slave, Bridget, in contravention of the order in council of 10th March 1824, I applied for, and obtained, the necessary inspection of these proceedings remaining on the records of the Court for the Trial of Criminal Prosecutions.

I am thankful for your Excellency having directed my attention to this case, for when the particulars of the opportunity which was allowed to me, are placed before your Excellency, I entertain every reasonable expectation that your Excellency will admit the necessity for the legislative explanation of the mode in which the Court of Criminal Inquiry is to proceed, under the 6th clause of the proclamation of the 23d June 1824.

From your Excellency's communication of yesterday, I may be allowed to suppose that your Excellency was only informed of the fact of the complaint against the person in question having been inquired into by the then acting judge of criminal inquiry, of its having been subsequently passed by him for prosecution, its having been consequently brought before the Court of Criminal Trial, and of its having been entertained by that court. I will therefore trouble your Excellency with the particulars of this case:

The complaint, with some written declarations of persons taken before the protector of slaves, as to the cause, was reported by that officer to the acting judge of criminal inquiry, on the 25th October 1825, against Marie Louise Dumaine, and Anne Pascal, for having illegally flogged the slave Bridget, contrary to the provisions of the order in council of the 10th

March 1824, with a request by the protector of slaves, for further inquiry by the acting judge of criminal inquiry; the latter thought fit to comply with this request, and the said Marie Louise Dumaine, and Anne Pascal, both free women of colour, submitted themselves to the jurisdiction thus undertaken, without offering any objection to its competency. The acting judge of criminal inquiry, on the result of his investigation, took bail from the said two persons, and decreed, on the 28th October 1825, with reference to the 21st clause of the order in council of the 10th March 1824,—let the proceedings be passed to the protector and guardian of slaves, for prosecution, with notice to Marie Louise Dumaine, and Anne Pascal, to appoint advocates defender; let notice be given to their sureties, Edward Lyucht, and Charles Bain.

This decree was complied with, and on the 10th November following, an accusation was filed by Henry Gloster, Esq., solicitador fiscal, and procurador syndic, and protector and guardian of slaves, in the Court for the Trial of Criminal Prosecutions, against Marie Louise Dumaine, one of the said persons complained of; to this accusation, the said Marie Louise Dumaine, on the 15th November 1825, pleaded as exceptions—First, that the said Henry Gloster, Esq., in his capacities mentioned, had no authority to make the said accusations in the name of the King.—Second, that, by the 6th clause of the order in council of the 10th March 1824, the protector of slaves was a magistrate, and being such, was prohibited, by the laws in force, from becoming the criminal accuser of any person, and could not legally carry on an action against Marie Louise Dumaine.—Third, that, by order in council of 16th September 1822, it was provided, that all criminal accusations should be filed by the attorney-general, or law officer of the Crown; and that the mode of proceeding in all criminal cases was thereby strictly limited and defined; but that said H. Gloster was not such attorney general, or law officer of the Crown, and had no power thereunder to institute or carry on the said criminal accusation against the said Marie Louise Dumaine, and concluded with a plea to the merits, or of not guilty generally.

On the 22d November following, the advocate of the defendant, and the protector of slaves, were heard in support of, and in opposition to, the said exceptions; and at an adjourned meeting on the 6th December following, the opinion of the court on the exceptions filed by the defendant was taken, *seriatim*, by the president. The exceptions were allowed by the first and second alcaldes, and by the assessor. The president stated, that the majority of the court having agreed in their sentence, it became unnecessary for him to express his opinion. “The accused, Marie Louise Dumaine, must be discharged.”

This was the first and only case brought under judicial investigation for a misdemeanour, created by the order in council of 10th March 1824, previous to the complaint against Mr. Lamphier; your Excellency sees the result. The acting judge of criminal inquiry, in the exercise of his individual judgment, and in performance of his inferred duty, passes the proceedings, in alleged conformity to the provisions of the 21st clause of the order in council of the 10th March 1824, to the recognized officer for the purpose; who, in the execution of his considered duty, without representation to the acting judge of criminal inquiry, of any supposed irregularity, as to the medium of access to the Court of Trial for Criminal Prosecutions, files the accusation against the party in that court; the Court of Trial, on the exceptions hereinbefore stated, filed by the defendant to this mode of proceeding, discharged the defendant.

I must inform your Excellency, that I was aware of this case, but I abstained from adverting to it in my last address, because I did not think it delicate or becoming to infer reasons or grounds for my own proceeding, from what I considered the conscientious, but unsupported, exercise of authority by a Spanish professional gentleman, discharging, under oath, judicial duties; nor do I now advert to it for any other purpose than to demonstrate the necessity of some legal explanatory declaration of the 6th clause of the proclamation of 23d June 1824, in respect to the Court of Criminal Inquiry. The result, in this case, was not an encouragement to repeat a judicial investigation, by the Court of Criminal Inquiry, in a similar

case, for if the Court of Criminal Inquiry had an implied jurisdiction over offences created by the order in council of 10th March 1824, the course suggested by such order, and with reference to the direction in the 6th clause of the proclamation of the 23d June 1824, appears to have been adopted by the acting judge of criminal inquiry, under his view of competency of jurisdiction in the particular case to which your Excellency has called my attention.

Under such a result, and entertaining a conviction that the Court of Criminal Inquiry had not any express jurisdiction in respect to misdemeanours or penalties, created by the order in council of 10th March 1824, I adopted the course which I thought the 41st clause of that order warranted, and the 6th clause of the proclamation of 23d June 1824 directed, by referring the case to the protector of slaves, in order that he might prefer it before the Court of Trial, which I believed might entertain it. The attempt of that officer under such reference, and the different course of proceeding, has been unsuccessful, as your Excellency knows.

The inference which appears to be deduced by your Excellency, from the decision of the Court of Trial dismissing the second case is, that the case was not previously investigated by the Court of Criminal Inquiry, as cases under the order in council of 16th September 1822; but I pray your Excellency to recollect that this is the case of an act created an offence by an order in council, much later in enactment, making special provision in reference to such declared offences; to remember also the fate of the first case sent for prosecution, by the acting judge of criminal inquiry, in supposed compliance with the provisions of this law, and then to consider whether I make an unreasonable call upon your Excellency, to spare me the unfitting necessity of looking to equivocal inferences from decrees of another court, and to uncertain implications of authority, under the undefined terms of the 6th clause of the proclamation of the 23d June 1824.

I must, under such circumstances, repeat my request, that if it be determined that the Court of Trial is not competent as the law, and as the rules of the court now stand, nor as the latter may be framed, to take cognizance of offences created by the order in council of the 10th March 1824, without the interference of the Court of Criminal Inquiry, as exercised in respect to criminal offences, under the order in council of the 16th September 1822 your Excellency, with reference to the 6th clause of the proclamation of the 23d June 1824, will be pleased to promulgate an order, directory of the exercise of such authority by the Court of Criminal Inquiry.

In conclusion, I must beg your Excellency to be re-assured that I will not shrink from any responsibility which may fairly attach to me, upon a just and impartial consideration of my conduct, on any occasion; but without participating in the serious conclusions referred to in the close of your Excellency's letter of yesterday, as deduced by the protector and guardian of slaves, I will rely upon the candour and liberality of your Excellency's character for the due estimate of the cause or source to which any consequences to result from the present subject of correspondence may be attributable.

I will now, in requesting your Excellency's excuse for the undesired length of this letter, trust your Excellency is convinced of my readiness, at all times, to carry into effect the legal ordinances of the Government to the extent of the authority with which I may be invested.

(Signed) LEWIS F. C. JOHNSTON.

*Governor Sir Ralph Woodford, Bart.*

&c. &c. &c.

SIR,

*St Anne's 25th May 1827.*

HAVING received your further communication of this day, I will only detain your messenger to request that you would furnish me with the detail of the instructions that you require, in explanation of the 6th clause of the King's proclamation of the 23d June 1824, that I may consider the same, together with your letter, as I do not at present perceive any obscurity in its enactment.

(Signed) RALPH WOODFORD.

*The Judge of Criminal Inquiry,*

&c. &c. &c.

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SIR,

*Port of Spain, 26th May 1827.*

IN compliance with the desire contained in your Excellency's communication of yesterday, I beg leave to furnish the draft of the order, in proposed explanation of the 6th clause of the proclamation of the 23d June 1824.

(Signed) LEWIS F. C. JOHNSTON.

*Governor Sir Ralph Woodford, Bart.**&c.**&c.**&c.**Draft of Explanations.*

Enactment submitted to His Excellency the Governor by the Judge of Criminal Inquiry, in respect to the 6th Clause of the Proclamation of the 23d June 1824.

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WHEREAS by the 6th clause of the proclamation of His Majesty the King, bearing date the 23d day of June 1824, making certain rules and regulations for preventing excess in the punishments of female slaves in the said island, or any abuse in the mode of inflicting the said punishments under the authority contained in the 13th clause of the royal order in council of the 10th March 1824, it was provided, that in all cases in which the complaint made to any such magistrate, as therein was mentioned, should be such as might subject the party accused to public prosecution, under the royal order in council of the 16th September 1822, or under the provisions of the royal order in council of the 10th March 1824, the complaint should be passed, with the evidence in support of it, to the judge of criminal inquiry, by whom notice should be given to the procurador syndic.

And whereas doubts have arisen, as whether, under the direction to the said judge of criminal inquiry, contained in the said 6th clause of the said proclamation of the 23d June 1824, and with reference to the 41st clause of the said order in council of the 10th March 1824, the said judge of criminal inquiry is authorised to take cognizance of, and proceed in respect to such complaints passed to the said judge of criminal inquiry, which may subject the party accused to public prosecution, under the provisions of the said royal order in council of the 10th March 1824, in the same way, and under the same regulations as are established under the royal order in council of 16th September 1822, for the administration of justice in criminal offences, committed in the said island, in respect to such last-mentioned offences. And whereas it is expedient to remove such doubts, Be it therefore, and it is hereby declared, that the said judge of criminal inquiry shall be, and is hereby authorised and empowered to take cognizance of, and proceed in respect to, complaints made and passed to the said judge of criminal inquiry, in virtue of the said 6th clause of the proclamation of the 23d June 1824, in like manner, and under the same regulations as the said judge of criminal inquiry is authorised and directed, in respect to complaints made and passed to him under the said royal order in council of the 16th September 1822, for the administration of justice in criminal offences.

SIR,

*Government House 26th May 1827.*

I HAVE to acknowledge the receipt of your letter of this day, enclosing the draft of the order, which to you appears to be necessary to enable you to take cognizance of the offences committed under the order in council of the 10th March 1824. The directions of the present law are, that the complaint shall be passed to you; and as your duties are laid down in a former order, it seems quite unnecessary to re-enact the course that you are to pursue, namely, to discharge the duties with which you are invested.

By the draft which you have transmitted, this is all that you propose should be required of you, and I have, therefore, to observe, that I am by no means convinced of the necessity of the order you have proposed. As, how-

ever, you decline taking up these causes, and as it is impossible to leave the law a dead letter, I will consent to issue the proclamation, as rendered necessary from the doubts entertained by yourself, and transmitting to His Majesty's Government the correspondence that has passed between us upon this subject.

(Signed) RALPH WOODFORD

*The Judge of Criminal Inquiry.*  
&c. &c. &c.

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By His Excellency Sir Ralph James Woodford, Bart. Governor and Commander-in-Chief in and over the said Island and its Dependencies, Vice-Admiral thereof, &c. &c. &c.

L. S.

RALPH JAMES WOODFORD.

A PROCLAMATION.

Clause 6 of Royal Proclamation, June 23, 1824, providing that such complaints as subject the party to prosecution, under order in council of 16th September 1822, and 10th March 1824, to be passed with evidence to judge of criminal inquiry, who is to notify the procurador syndic.

Doubts being entertained by judge of criminal inquiry, as to being authorised to take cognizance of complaints by order in council of 10th March 1824, in the same manner as under regulations of order in council of 16th September 1822.

To remove such doubts, it is ordered that, by clause 6 of proclamation of 23d June 1824, the judge of criminal inquiry is authorised to take cognizance of complaints, in the same manner as under order in council of 16th September 1822.

WHEREAS by the 6th clause of the proclamation of His Majesty the King, bearing date the 23d day of June 1824, it was provided, "that in all cases in which the complaint made to any such magistrate as therein was mentioned, should be such as might subject the party accused to public prosecution, under the royal order in council of the 16th September 1822, or under the provisions of the royal order in council of the 10th March 1824, the complaint should be passed, with the evidence in support of it, to the judge of criminal inquiry, by whom notice should be given to the procurador syndic.

And whereas doubts are entertained, by the judge of criminal inquiry, whether, under the direction contained in the said 6th clause of the said proclamation of the 23d June 1824, the said judge of criminal inquiry is authorised to take cognizance of, and proceed in respect to, such complaints passed, as may subject the party accused to public prosecution under the provisions of the said royal order in council of the 10th March 1824, in the same way, and under the same regulations as are established under the royal order in council of the 16th September 1822, for the administration of justice in criminal offences, committed in the said island.

And whereas it is expedient to remove such doubts, Be it therefore, and it is hereby ordered and declared, That the said judge of criminal inquiry shall be, and is hereby authorised and empowered to take cognizance of, and proceed in respect to complaints made and passed to the said judge of criminal inquiry, in virtue of the said 6th clause of the proclamation of the 23d June 1824, in like manner and under the same regulations as the said judge of criminal inquiry is authorised and directed, in respect to complaints made and passed to him under the royal order in council of the 16th of September 1822, for the administration of justice in criminal offences.

Given under my hand, and the great seal of the island, at Government-House, in the Town of Port of Spain, this 28th day of May 1827.

By his Excellency's command,

(Signed) FREDERICK HAMMET, Secretary.

No. 3.

MY LORD

Trinidad, 9th July 1827.

I HAVE the honour to forward the protector's half-yearly return to the 30th June, which has been rendered less voluminous by omitting the trans-

cript of the times and places of punishment, points void of public interest, and objects of examination for the protector.

The increase in manumission amounts to 50 per cent. over the former half-year.

I have, &c.

(Signed)

RALPH WOODFORD.

*The Right Hon. Lord Viscount Goderich,*  
 &c.            &c.            &c.

The Report of the Syndic Procurador General, Protector and Guardian of Slaves of the Island of Trinidad, for the Half-Year ending the 24th June 1827.

THE syndic procurador general, protector and guardian of slaves, has the honour to report, that during the half year, he has discharged the duties of his office on the principles already explained in his former reports.

The protector continues to publish the complaints of slaves, with the evidence and sentences thereon, in the Colonial Gazette, and he is happy to observe that they do not increase in number

In two instances, the protector not only considered the complaints preferred to be of too serious a nature to be determined by himself, but that the persons complained against, if guilty, merited more severe punishment than the ordinary tribunals of the alcaldes had power to award.

These complaints he referred to the judge of criminal inquiry, to be brought, in the usual form, under the cognizance of the Court for the Trial of Criminal Prosecutions.

The first complaint was preferred by a slave girl, named Mary Noel, against Mr. William Lamphier, the manager of a sugar estate, of which particular notice is taken in the subsequent part of this report. The second, is that of a young slave boy, against Madame Dumoland, for cutting him over the arm with a knife. This case is now before the Court for the Trial of Criminal Prosecutions, and is set down for trial on the fourth of next month.

The suits and prosecutions in which the protector has been engaged *ex officio* may be divided into five classes.

The first are criminal prosecutions, at the instance of His Majesty's Attorney-General, against slaves. They are three in number, and for the dates and the effect of the proceedings thereon, the protector begs to refer to Appendix A.

The second are criminal prosecutions at the instance of His Majesty's Attorney-General, against free persons, for maltreating slaves. They are two in number, and for the dates and effect of the proceedings, the protector begs leave to refer to Appendix B.

And the third are criminal informations filed in the Court for the Trial of Criminal Prosecutions against free persons for misdemeanours, under the order in council of the 10th March 1824; of this description of suits one only has occurred. The circumstances which induced the protector to resort to this mode of proceeding, for the purpose of bringing to justice a person he considered had committed a misdemeanour, were the following: on the 24th March last, the above named Mary Noel, a slave girl, of about ten years of age, presented herself at the protector's office, to complain of Mr. W. Lamphier, the manager of the Resource Estate, who, she stated, had, on the preceding evening, caused her to be flogged with a cart-whip. She at the same time exhibited marks of laceration on her person. After repairing to the estate, and ascertaining by eye witnesses that the child had been flogged by Mr. Lamphier's orders, as stated in her complaint, the protector (acting on what he considered to be the spirit and meaning of the 6th clause of the proclamation, bearing date the 23d June 1824), passed the complaint to the Court of Criminal Inquiry, as the only channel through which a legal prosecution could be brought before the Court for the Trial of Criminal Prosecutions. That court by a decree, of which Appendix C. No. 1, is a copy, declared its opinion that "it had not jurisdiction over the alleged offence." By this decree, only one course remained for the protector's adoption, for the purpose of



bringing the offence before the Court for the Trial of Criminal Prosecutions, and this was by filing a *qui tam* information against Mr. Lamphier. The Appendix C., No. 2, contains an abstract of the proceedings had on the information, and a copy of the decree of the court quashing them.

The protector, however, is not liable to be again placed in a similar dilemma, as a proclamation of Government, bearing date the 28th May last, has been promulgated, by which the "judge of criminal inquiry is authorised and empowered to take cognizance of, and to proceed in respect to, the complaints passed to the said judge of criminal inquiry, in virtue of the 6th clause of the proclamation of the 23d June 1824, in like manner, and under the same regulations as the judge of criminal inquiry is authorised and directed in respect to complaints made and passed to him under the royal order in council of the 16th September 1822, for the administration of justice in criminal offences."

The fourth class of suits are those instituted by the protector and guardian of slaves, before His Majesty's chief judge, under the royal order in council of the 10th March 1824, on behalf of slaves desirous to purchase their freedom. They are in number 14, and by reference to Appendix D., No. 1, (Nos. 7, 8, 9, 10, 11, 12, 13, and 14), it will be seen that under eight of them, as many slaves have obtained their freedom. Six of the suits instituted previous to the last half-yearly report, and reported in Appendix C., No. 2, of report ending 24th June 1826, and in Appendix B., No. 2, of last report, as being at the dates of the said reports, in progress, have been terminated by the sentences of the chief judge adjudging to the applicants their freedom. These persons are distinguished in the Appendix D., No. 1, by an asterisk before each of their names. The other six of the fourteen suits instituted since last report are undecided, for the causes expressed under the head "State of Proceedings," in Appendix D., No. 2.

The fifth class of suits are those before his Excellency the Governor, in which the protector has been incidentally engaged. They are in number five, and in the Appendix E, will be found their several dates, and the effect of the proceedings. The protector may here remark, that the proceedings on the application of the Father General of minors, in behalf of Jean Rosa Godin, to be allowed to enregister Clairon François, Joseph François, and François François, noticed in Appendix G. of last report, are terminated in consequence of Jean Rosa Godin having executed before the protector formal and valid manumissions in favour of the said Joseph François and François François, as will appear by reference to Appendix G., Nos. 91 and 92. Clairon François has been long since free. The applications of Joseph Hanagin to enregister the slaves Johanna Dougan and Nancy Bagnell, and of Manuel Garmendia, to enregister the slave Peter Crichton, also noticed in Appendix C. of last report, have been granted; the applicants having satisfactorily proved that the discrepancies which occasioned the refusal on the part of the registrar of slaves to admit them to registry originated in clerical errors, committed in the offices of the registrars of slaves in the islands of Tortola and Barbadoes, respectively. In the application by the protector and guardian of slaves, in behalf of Julie, also noticed in said Appendix, the will of Pierre Perez, her former owner, has been duly proved; and the executors named in the said last will and testament appeared before the protector and executed a formal manumission of the said Julie, as will appear by reference to Appendix H.

Since the last report the protector has not received any certificates of the competency of slaves to give evidence in courts of justice; nor have any marriages been solemnized between slaves during the same period.

The Appendix F., Nos. 1 and 2, contains a return of the sums of money deposited in the savings' bank in the town of Port of Spain, from the 25th December 1826, to the 24th June 1827, inclusive. The balance in deposit, on the 24th June, was 486 dollars and 2½ bits, equal to £105 7s. 1d. sterling.

During the last six months 97 slaves have been manumitted by private contract, under the authority of the order in council of the 10th March 1824, The Appendix G. contains a correct return of their names, those of their former owners, the dates of the manumissions, and of the registrations, the considerations for which freedom was granted, with the present residences and

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employment of such of the manumitted persons as have called for and taken up their manumissions.

Three manumissions, executed previous to the establishment of the office of protector and guardian of slaves, have been presented to the protector, and, under his authority, have been enrolled in the registrar's office. Appendix H. contains the same particulars relating to these individuals as are to be found in the return of manumissions executed before the protector.

(Signed) HENRY GLOSTER,  
Protector and Guardian of Slaves.

Sworn before me the 9th of July 1827,

(Signed) RALPH WOODFORD, Governor of Trinidad.

## Appendix A.

*Criminal Prosecutions at the instance of His Majesty's Attorney-General against Slaves.*

Three in Number.

No. 1.

His Majesty the King against Benoit Bridget, a Male Slave, the property of Gaudin de Hervé, Esq. and attached to the Plantation called St. Francis, situate in the Quarter of Caroni, for absconding from his Owner's service, and remaining absent for nearly three years, and for assaulting Juan Trinidad Brito.

His Majesty's Attorney-General for the prosecution; the Protector and Guardian of Slaves, and John Sanderson, Esq. Advocate, for the Prisoner.

Act of accusation filed 28th February 1827.

Plea of not guilty 7th March „

Day of trial 13th March „

The act of accusation contained three counts:

1st.—For having some time in or about the month of February 1824, in the said quarter of Caroni, run away and absconded from the employment of his said owner, and remained absent as a runaway until the month of January 1827.

2d.—For having some time in or about the month of March 1824, run away, and absconded, and remained absent as charged in the first count.

3d.—For having sometime in the month of January 1827, made an assault upon Juan Trinidad Brito, and for striking at him with a cutlass, with intention to wound, and for kicking, beating him, and biting him in the hand.

Under these charges the attorney-general prayed that the prisoner might suffer such lawful punishment as the court thought proper.

On the day of trial, after the witnesses for the prosecution had been examined, the court adjourned. On the following day the attorney-general was heard in support of the prosecution; and the protector and Mr. Sanderson for the prisoner, and the attorney-general in reply.

The court was unanimously of opinion that the prisoner was guilty of the 1st and 2d charges only, and sentenced him to hard labour in the gaol for three years, at the expiration of which time, he is to be discharged, and delivered to his owner.

## No. 2.

His Majesty the King against Simeon Zoalie and Angelique Bull, Slaves, the property of Edward Chubb and Hugh Giddy Peake, for attempting to poison the said Edward Chubb.

His Majesty's Attorney-General for the prosecution; the Protector and Guardian of Slaves, and John Lewis, Esq. Advocate, for the Prisoners.

Act of accusation filed	28th February	1827.
Plea of not guilty	6th March	„
Day of trial	13th „	„

The act of accusation contained four counts charging as follows:

1st.—That the said Simeon Zoalie, did, in the month of January 1827, in the quarter of South Naparima, make, grind, compound, mix, and prepare, certain ingredients of a poisonous and deleterious nature, or other noxious and destructive substances, into a powder, and did give the powder so prepared to a slave named Zamire, also the property of the said Edward Chubb and Hugh Giddy Peake, with directions to the said Zamire, to cause the said powder to be mixed in the drink of the said Edward Chubb, with the intent to poison, kill, and murder him.

2d.—The second count was nearly in the same terms as the first, varying in this particular, that it charged the prisoner with the intention of doing some grievous bodily harm to the said Edward Chubb.

3d.—That the said Angelique Bull did, in the month of January 1827, persuade and instigate the said Simeon Zoalie to prepare the said poisonous mixture, and that she did also persuade and instigate the said Zamire to procure the said mixture, and to administer it to the said Edward Chubb, with intent to kill and murder him.

4th.—The fourth count contained the same charge as the third, with this variation, that it charged the prisoner with the intention of doing some grievous bodily harm to the said Edward Chubb.

The attorney-general prayed that the prisoners might be sentenced to suffer death, or such other severe and exemplary punishment as the court should think proper to award.

On the day of trial, when the evidence for the prosecution and for the prisoners was closed, the further trial of the cause was postponed.

On the day following, Mr. Lewis stated that he had certain exceptions to the accusations to file; but after hearing counsel, the court decided that the exceptions were out of time, and could not be received. The attorney-general was then heard in support of the prosecution; the protector and Mr. Lewis in answer, and the attorney-general in reply.

His honour the president summed up the evidence, and the court retired to form its opinion. On its being resumed, his honour the president pronounced the following sentence:

“The prisoners, Simeon Zoalie and Angelique Bull, are declared guilty of the second and fourth charges, and they will be punished by imprisonment and hard labour in the royal gaol during the term of ten years, at the expiration of which period they will be returned to their owners.”

## No. 3.

His Majesty the King against Casimir Marianne, a Male Slave, the property of De la Forest, Brothers, and Sister, and attached to the Aranjuez Estate, for cutting and maiming.

The Attorney-General for the prosecution; the Protector and Guardian of Slaves, and Edward Jackson, Esq. Advocate, for the Prisoner.

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Act of accusation filed 3d May 1827.

Plea of not guilty 14th „ „

Day of trial 15th „ „

The act of accusation against the prisoner contained the four following counts:

1st.—For having sometime in the month of April 1827, in the quarter of Aricangua, with a cutlass, or some sharp cutting instrument, struck at and cut Maria la Passe, a female slave, the property of Mr. Pablo Almandez, and thereby inflicted upon the said Maria la Passe two wounds, one on the left fore arm, and the other on the back of the left hand.

2d.—For having with a cutlass, or some other sharp cutting instrument, struck at, cut, and wounded Maria la Passe.

3d.—For having sometime in the month of April 1827, with a cutlass, or some sharp cutting instrument, struck at and cut a male slave named William, the property of the said Pablo Almandez, and thereby inflicted three wounds upon the said slave named William, one on the left arm, the principal bone of which was divided, another on his right wrist, by which the tendons and the principal blood vessels were divided, and a slight wound on the left arm.

4th.—For having with a cutlass, or some sharp cutting instrument, struck at, and cut and wounded the said William.

Under these charges, the attorney-general prayed that the prisoner should suffer and undergo such lawful punishment as the court should think proper and fit.

On the day of trial the protector of slaves, and the advocate for the prisoner, withdrew his plea of “not guilty,” pleaded guilty, and prayed that the court would in the sentence to be pronounced be as merciful to the prisoner as the case would admit of.

Dr. Keith was then questioned by the court, and declared that he considered the person wounded to be out of danger, but to have been in imminent danger.

## SENTENCE.

“The prisoner, Casimer Marianne, having acknowledged the crime of which he stands charged, he will receive one hundred stripes, on Thursday next, the 17th instant, upon the estate of his master, in the presence of the commandant of the quarter, and the negroes of the estate, and a medical gentleman of the quarter will be required to attend.”

The sentence was carried into effect accordingly.

(Signed) HENRY GLOSTER, Guardian of Slaves.

## Appendix B.

*Criminal Prosecutions at the instance of His Majesty's Attorney-General, against Free Persons for maltreating Slaves.*

Two in Number.

No. 1.

His Majesty the King against Josef Isidro Dias, for assaulting a Slave, named Jacques Basson, the property of Mr. and Madame Dumolard and Antoine Barbaste.

His Majesty's Attorney-General and the Protector and Guardian of Slaves for the prosecution; Manuel Maria de la Sota, Esq. Advocate, for the Prisoner.

Act of accusation filed	18th December 1826.
Exceptions and plea of not guilty	20th     "     "
Day of trial	28th     "     "

The act of accusation contained three counts, charging,—

1st.—That Josef Isidro Dias, did, in the quarter of Tacarigua, between the night of the 21st, and the morning of the 22d day of the month of November 1826, assault Jacques Basson, and did throw and cast a stone at the said Jacques Basson, and therewith did strike, penetrate, and wound him, upon the right side of the head, over the right superciliary arch of the os frontis or forehead, by reason of which said blow the said Jacques Basson was forced and thrown upon a certain large fire then burning in his house, whereby he was severely burnt in several parts of his body, to wit, on the right elbow, extending for three inches above and below the same, upon the back of the right thigh, extending from the nates to below the knee, to the heads of the gastrocnemii muscles, and of which burns the said Jacques Basson languished from the said 22d day of November to the 7th of December, when he died.

The other counts charged the assault by throwing the stone.

On the day of trial the advocate for the prisoner was heard in support of the exceptions; the attorney-general in answer, and the prisoner's advocate in reply. The court unanimously ordered the exceptions to be overruled; but in consequence of the absence of two material witnesses the trial was postponed to the 11th January.

On the 11th day of January several of the witnesses were examined, and on the application of the attorney-general, the further hearing of the cause was postponed to the 25th January, on account of the absence of a material witness for the prosecution.

On the 25th the same witness being still absent, the attorney-general prayed that the trial might be again postponed. After hearing the attorney-general, the protector of slaves, and the advocate for the prisoner, on this application, the court directed the trial to proceed. The attorney-general then stated that there was no evidence to support the prosecution, and on the application of the prisoner's advocate, the court directed the prisoner to be discharged.

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#### No. 2.

His Majesty the King against Samuel Digby, for assaulting, shooting at, and wounding Charles Dawson, a Free Man, and Lewis Howard, a Male Slave, the property of George Bland.

His Majesty's Attorney-General, and the Protector and Guardian of Slaves, for the prosecution; Maria Manuel de la Sota, Esq. Advocate for the Prisoner.

Act of accusation filed	9th June 1827.
Plea of not guilty	16th     "     "
Day of trial.	20th     "     "

The act of accusation contained five counts, the three first of which related to the offence committed against the said Charles Dawson; the fourth and fifth were as follows:—

For assaulting, and for having, in the month of May 1827, shot off and discharged a certain gun, musket, or fowling piece, loaded with gunpowder and divers leaden shot, and which he held in his hand, at and against the said Lewis Howard, and for having therewith shot and wounded the said Lewis Howard, in and upon the back of his right leg, with the intention of doing him some grievous bodily harm.

The fifth count charged the assault only.

On the day of trial, after the evidence for the prosecution was closed, the advocate for the prisoner called two witnesses as to the prisoner's character.

The attorney-general was then heard in support of the prosecution, the advocate for the prisoner in answer, and the attorney-general in reply.

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## SENTENCE.

“The court is unanimously of opinion that the prisoner is guilty of the charges preferred against him. He is condemned to be imprisoned for the term of six months, and to pay all the costs of these proceedings.”

(Signed HENRY GLOSTER, Guardian of Slaves.

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## Appendix C.

## No. 1.

*Copy of a Decree of the Court of Criminal Inquiry, with reference to the Report of the Protector and Guardian of Slaves, in respect to an alleged flogging, on the 23d March 1827, of a Female Slave, named Mary Noel, by order, and in the presence of William Lamphier, Manager of the Resource Estate.*

WITH reference to the within report of Henry Gloster, Esq. guardian of slaves, in respect to the alleged flogging, on the 23d of last month, of a female slave, named Marie Noel, on the Resource Estate, in the quarter of Saint Joseph, by the order, and in the presence of Mr. Lamphier, the manager of the said estate, considering that such punishment has been declared illegal by the 13th clause of the order in council of the 10th March 1824, and that the person convicted of such act is thereby declared to be guilty of a misdemeanour, and liable to suffer the punishment prescribed by the 41st clause of the said order in council; and considering, also, that specific or special provision is, by the said 41st clause, made for the hearing, trying, and inquiring into of all offences created by the said order in council; and, lastly, considering that the said order in council is posterior in date to the order in council of the 16th September 1822, which established this tribunal.

The court is of opinion, that it has not jurisdiction over the said alleged offence, and therefore, with further reference to the 8th and 21st clauses of the said order in council of the 10th March 1824, it takes leave to refer the guardian of slaves to the competent tribunal for the hearing, trying, and inquiring into the subject matter of his said communication

(Signed) HENRY GLOSTER.

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## No. 2.

*Prosecution, at the instance of the Protector and Guardian of Slaves, against a Free Person for maltreating a Slave*

Henry Gloster, Esq. Syndic Procurador General, Protector and Guardian of Slaves, against William Lamphier, Manager of the Resource Estate, Quarter of Saint Joseph.

**INFORMATION.—For flogging a female slave.**

The Protector and Guardian of Slaves, for the prosecution; Edward Jackson, Esq. Advocate for the accused.

Information filed  
Day of trial „

The information filed by the protector against the said William Lamphier, contained the following charges:—

That the accused, not regarding the royal order in council of the 10th of March 1824, or the provisions and injunctions therein contained, did, sometime during the month of March 1827, order and direct a slave of the Resource Estate, named Joshua Joseph, who was then under the orders and directions of the accused, to whip and flog a female slave belonging to the said estate, named Mary Noel, and that the said Joshua Joseph, by the order and direction of the said accused, with a certain whip or instrument, commonly called a cart-whip, did correct, punish, flog, and whip the said female slave in and upon the posteriors, and other parts of her body, and thereby lacerated her person, contrary to the provisions and directions of the said order in council. And also that the accused did cause and procure the said slave to be punished, flogged, and lacerated as aforesaid.

On the day of trial, the advocate for the accused objected to the jurisdiction of the court, and the formality of the proceedings, on the ground that the matter had not been investigated, and passed to the court for the trial of criminal prosecutions by the Court of Criminal Inquiry, in terms of the order in council of 16th September 1822. The protector produced the decree of the judge presiding over the Court of Criminal Inquiry, declaring that it had no jurisdiction in the matter; and after a full hearing of counsel, the court pronounced the following decree:—

“This is an information, preferred by the protector of slaves, against William Lamphier, the manager of the Resource Estate, in the quarter of Saint Joseph, charging him with the illegally flogging a slave, named Mary Noel Wethered, belonging to the said estate, Resource, and praying the enforcement of the penalties prescribed by the 41st clause of the royal order in council of the 10th March 1824, providing for the religious instruction of the slaves, and for the improvement of their conduct.

“To this information no written plea or defence has been put in on the part of the defendant; he has been permitted, however, to urge his protest against the mode of proceeding pursued by the protector of slaves, on the ground of irregularity, for want of the previous necessary investigation before the Court of Criminal Inquiry, and the consequent incompetency of this court to entertain it.

“In the judgment which this court feels it its duty to pronounce, it begs to be expressly understood as not taking upon itself, in any manner, to decide upon the question of competency or incompetency of jurisdiction, as concerns the Court of Criminal Inquiry; but as the proceedings are deficient upon the face of them, in certain very material forms, prescribed by the order in council of the 16th September 1822, by which this court is constituted, and as the proclamation of the 24th June 1824, provides that in all cases in which a complaint made by any slave against his master, to any magistrate, be such as may subject the party accused to public prosecution, or punishment under the royal order in council of 16th September 1822, or under the provisions of the royal order in council of the 10th March last, the complaint shall be passed, with the evidence in support of it, to the judge of criminal inquiry; and as this is a prosecution instituted for the purpose of enforcing penalties provided by the latter order, the court does not consider that it has any jurisdiction to entertain it in its present shape, and the information must therefore be dismissed.”

(Signed) HENRY GLOSTER, Protector of Slaves.

## TRINIDAD.

## Appendix D.

No. 1.

*Return of Slaves manumitted by His Majesty's Chief Judge in Suits instituted by the Protector and Guardian of Slaves, under the Order in Council of the 10th March 1824, from 25th December 1826, to 24th June 1827, inclusive.*

Fourteen in Number.

No.	Name of Slave.	Personal or Plantation.	Names of Owners.	Date of entering Suit.	Day of Trial.	Date of the Chief Judge's certificate that the proceedings had been duly had before him.	Consideration in Sterling Money.	Date of recording Manumission.	Remarks.
1	George Williams Louise	Plantation	Clement Johnston	1826 19 April	1826 10 May	1827 26 April	£ s. d. 43 6 8	1827 26 May	Manumission not called for.
2	Charles Wellington Browne	—	—	—	—	—	43 6 8	—	—
3	James Hall	—	The heirs of Samuel Span, deceased	20 June	13 July	18 May	21 13 4	30 May	—
4	Jean Louis Lubin	—	The Heirs of Thos. Dakins, deceased	7 Sept.	21 Sept.	17 May	162 10 0	—	—
5	Pierre Janvier	—	The Minor Children of Adelaide Simon Emerie Dreudonné	13 Oct.	13 Nov.	23 Feb.	65 0 0	20 March	Delivered to Pierre Janvier on 22d May 1827. He is apprenticed to Mr. Wark Mason.
6	Tony Richmond	—	The Crown and the Heirs of the late Philip Langton	—	—	6th April	65 0 0	28 April	Manumission not called for.
7	Jean Francois Suzanne	Personal	The Heirs of Louise Chapelle, deceased	1827 2 Jan.	1827 22 Feb.	1827 23 Feb.	32 10 0	1827 20 March	—
8	Sophia Lucie	Plantation	Louis Laforest, Brothers and Sisters	2 Jan.	8 Feb.	8 March	32 10 0	28 March	—
9	Angelique Rose	—	Pierre Raymond	10 Feb.	22 Feb.	6 April	58 10 0	28 April	Delivered to Angelique Rose on 5 May 1827. She lives with her husband at Fort George.
10	Silvia Marie	—	The Heirs of Besson	17 Feb.	8 March	—	43 6 8	—	Manumission not called for.
11	Eugenia Ricard	Personal	The Minors Bertrand	—	—	—	19 10 0	—	Delivered to Rosetta Degan on 9 May 1827. She is mother of the child Eugenia Ricard, and a Slave of the Minors Bertrand.
12	Phillis James	—	The Minors Fell	14 April	28 April	8 June	43 6 8	..	Manumission not returned from Registrar's Office.
13	Antonio Ferguerva	Plantation	The Heirs of Angel Forfan, deceased	19 May	31 May	13 June	54 3 4	..	—
14	Mary Ann Jenness	—	The Heirs of Richard Annesley, deceased	—	—	8 June	65 0 0	..	—

(Signed) HENRY GLOSTER, Guardian of Slaves.



## TRINIDAD.

No. 2.

*List of Suits to obtain the freedom of Slaves, instituted by the Protector and Guardian of Slaves, before His Majesty's Chief Judge, since 24th December 1826, and depending on the 24th June 1827.*

Six in Number.

No.	Date of entering Suits	Name of Slave.	Personal or Plantation.	Name of Owner.	Date of Trial.	State of Proceedings.
1	1827 2 Jan.	Rosette Degan	Personal	The Minors Bertrand	1827 8 Feb.	This Slave has not produced any money for the purchase of her freedom.
2	—	Elsey Drape	Plantation	J. R. Drape	—	The same as above.
3	14 April	Henry Welling- ton Joseph	Personal	The Heirs of Bridget Vivey, deceased	28 April	The same as above.
4	19 May	Louis Baham	Plantation	André Boirfaye	31 May	Awaiting the instructions of the Commandant of South Naparima.
5	9 June	Anna Bella	—	The Assignees of Turn- bull, Forbes, and Co.	21 June	This Slave has been for several years, and still is, in the enjoyment of her freedom. The certificate of the Chief Judge, that the proceedings have been duly had before him, will be obtained in a few days.
6	—	Penny Williams	—	Sir Alexander Inglis Cochrane, Bart.	—	This Slave has not produced any money for the purchase of her freedom.

(Signed) HENRY GLOSTER, Guardian of Slaves.

## Appendix E.

*List of Applications to his Excellency the Governor, in which the Protector and Guardian of Slaves has been incidentally engaged.—From 24th December 1826 to 24th June 1827.*

Name of the Applicant as claimant.	Name of person claimed as a Slave.	Date of commencement of proceedings.	Nature of claim or application, and state of proceedings.
Jean Louis Marc, praying to be allowed to remove sixteen Slaves from the Island of Monos to a cocoa plantation in the Quarter of Chaquaramus.		1827 1 Jan.	In this application the Applicant established that he was proprietor of a tract of land in the Quarter of Chaquaramus, and that the removal of the Slaves from Monos to Chaquaramus would be for their advantage and comfort. Upon the report of the Protector the application was granted on 3rd April 1827.
Jean Murphy, praying to be allowed to remove a Slave named Cupidon, from the Island of Monos to a cocoa plantation in the Quarter of Caroni.		27 March	On the report of the Protector, the Applicant's title to the land, and his property in the Slave have been established; but no sentence has yet been pronounced.
Mr. Isaac Pickering.	Phoebe Gillen, alias Phoebe Ellis, and her two children named Althonze and Alexander.	21 April	This was an application by Phoebe Gillen, or Phoebe Ellis, on behalf of herself and two children, stating that they were always considered free in the Island of Tortola, of which place they are natives; that, in consequence of ill health, she and her children accompanied Mr. Pickering to Trinidad about three years ago, and that they have since then lived on his estate as free persons; that Mr. Pickering has left the Island, and his Attorney now claims them as Slaves, and insists on their working on the estate. The proceedings were passed to the Registrar of Slaves, and from his report it appears that the claimants were legally imported in Nov. 1824. The proceedings were then passed to the Protector, who has written to the President of the Virgin Islands, requesting him to procure all the information that can be obtained on the subject of this claim. The Protector has not yet received an answer. In the mean time the woman and her children have been placed by his Excellency the Governor under the charge of the Protector.

TRINIDAD.

Name of the Applicant or Claimant.	Name of Person claimed as a Slave.	Date of commencement of proceedings.	Return of claim or application, and state of proceedings.
		1827	
John St. Hill, praying to be allowed to correct an error in the certificate of registry of a Slave named Tillohy Linton.		1 May	The Slave Tillohy Linton was imported from Barbadoes by Mr. St. Hill, but the description in the certificate of the Registrar of Slaves in that Island being contradicted by the appearance of the man, the Registrar of Slaves here refused to admit him to registration. The Applicant however established that this difference originated from a clerical error committed in the office of the Registrar at Barbadoes, and on the report of the Protector the Slave was admitted to registration
Robert Neilson, administrator of the Paradise and Cane Farm estates, praying permission to register a Slave named Eliza Ham.		22 May	In this case it appeared that the principal clerk in the Registrar of Slaves office was employed by the manager of the Paradise and Cane farm estates, to prepare the return of the slaves at the period of registration, in the year 1819, and that he by mistake returned Eliza Ham "as dead," instead of Thomas Ham who was dead, and who was returned as being alive. The proceedings were passed to the Registrar of Slaves, and afterwards to the Protector, but no sentence has been pronounced on his report, which is favourable to the application.

(Signed) HENRY GLOSTER, Guardian of Slaves.

Appendix F.

No. 1.

*A Return of the Sums of Money deposited in the Savings Bank in the Town of Port of Spain from the 24th December 1826 to the 24th March 1827, and also of the Sums paid out, shewing the balance remaining in deposit at the latter date.*

Date of Deposits.	By whom received.	Names of		Principal.		Interest.			Remarks.
		Depositors	Owners or Estates.	Dollars.	Bits.	Period.	Dols.	Bits.	
1826 Dec. 3	Henry St. Hill.	Moses Mack omitted Dec. Quar.	Mrs. Mc Namara	16					Grace Carr received on the 6th of February 1825 D 5, amount of interest for one year on her Deposit of D 100.
		Balance 24th Dec. 1826		1337	5½				The following Sums have been withdrawn by Depositors during this Quarter, including the Interest arising from their several Deposits:
1827 Jan. 8	—	Azore Bric	Colonial Governm.	274					Feb. 8. John Pierre. .... D 92 4½
Jan. 10	—	Sophy Lucy	John Louis Delaforest, Brother and Sister	69	3¾				Feb. 15. Richard ——— . . . . . 167 4
		Sam. Rochford	William Hill	66					March 8. Sophy Lucy. . . . . 158 9¼
Jan. 16	—	Sophie Lucy	John Louis Delaforest, Brother and Sister	9					————. Azore Bric. . . . . 500 0
Jan. 17	—	Mary Anne	Louis Panten	17					D 913 8¼
Feb. 5	—	Azore Bric	Colonial Governm.	6					Since his last Report the Treasurer has received in deposit D 770 4½ (D 21 0½ of which being interest on previous deposits), and he has re-paid D 913 8¼. The General Statement for the present Quarter will, therefore, stand thus:
Feb. 8	—	John Pierre	Marabella Estate	..	..	85 days	..	1½	Balance last Quarter . . . . . D 1387 5¼
Feb. 15	—	Rich. ———	Dr. Garcia	..	..	338 days	7	4	Amount of Deposit. . . . . 770 4½
Feb. 20	—	Sophia ———	Henry St. Hill	..	..	1 year	10		D 2107 9½
Feb. 25	—	Azore Bric	Colonial Governm.	97	9				
March 4	—	—	—	22					
March 5	—	Sophy Lucy	John Louis Delaforest, Brother and Sister	..	..	6 mths.	3	6	Re-paid. . . . . D 913 8¼
March 6	—	Azore Bric	Colonial Governm.	50	1				Balance. . . . . 1194 1¼
March 8	—	—	—	50					D 2107 9½
March 21	—	Sophia ———	Henry St. Hill	72					

Amount of Principal received in deposit . . . . . 2086 9  
 Add Interest on various deposits . . . . . 21 ½

Total Receipts . . . . . 2107 9½  
 Amount withdrawn this Quarter . . . . . 913 8¼

Total amount in deposit this day . . . . . 1194 1¼

HENRY ST. HILL, Treasurer.

TRINIDAD.

I hereby certify the foregoing to be a just and true Account of all Monies received into the General Savings Bank of this Island, between the 25th December 1826, and 24th March 1827.

(Signed) HENRY ST. HILL, Treasurer.

Sir Ralph Woodford, Governor.

No. 2.

Return of the Sums of Money deposited in the Savings Bank in the Town of Port of Spain, from the 24th March to the 24th June 1827, and also of the Sums of Money paid out, showing the balance remaining in deposit at the latter date.

Date of Deposits.	By whom received.	Names of		Principal.		Interest.			Remarks.
		Depositors.	Owners or Estates.	Dollars.	Bitts.	Period.	Dollars.	Bitts.	
1827				1194	1 $\frac{1}{4}$				The following sums have been withdrawn by Depositors during this Quarter, including the Interest arising from their several deposits: Grace Carr..... D100 Maria..... 312 3 $\frac{1}{2}$ Sophy Margaret ... 90 Martinez ..... 121 3 $\frac{1}{2}$ Mary Anne..... 17 Sophie ..... 371 9 $\frac{1}{2}$ Samuel Rochford .. 66
				25	2 $\frac{1}{4}$				
				1219	3 $\frac{1}{2}$				
March 28	Hy. St. Hill	Maria	Henry St. Hill	58		214 days	3	9	
	—	—	—	..	..	204 days	..	4 $\frac{3}{4}$	
April 9	—	Sophy Margaret	Marg. Piquet	90	..	189 days	3	1 $\frac{1}{2}$	
April 17	—	Mary Frances	James Farrel	40	..	1 year	..	7	
April 22	—	John Thos. Cave	Samuel Hyde	26	..	1 year	1		
April 25	—	Martinez	Las Cuevas	..	..				
April 26	—	John Coulston	Hugh Fraser	..	..				
April 28	—	John Thos. Cave	Samuel Hyde	..	..				
April 30	—	Mary Frances	James Farrel	32	..				
May 2	—	Sophia	Henry St. Hill	64	..				
	—	—	—	24	..				
	—	—	—	..	..	72 days	1	9 $\frac{3}{4}$	
June 19		John Thos. Cave	Samuel Hyde	..	..	1 year	..	5	
				1553	3 $\frac{1}{2}$		D 11	6	
				11	6				
				1564	9 $\frac{1}{2}$				
				1078	7				
				486	2 $\frac{1}{2}$				

I hereby certify the foregoing to be a just and true account of all Monies received into the General Savings' Bank of this Island, between the 25th March, and 24th June 1827.

(Signed) HENRY ST. HILL, Treasurer.  
RALPH WOODFORD, Governor.

Since his last Report the Treasurer has received in deposit three hundred and forty-five Dollars and six Bitts, eleven Dollars and six Bitts of which being Interest on previous deposits; and he has repaid one thousand and seventy-eight Dollars and seven Bitts; the general statement for the present Quarter will therefore stand thus:

Corrected balance last quarter.....	D. 1219	B. 3 $\frac{1}{2}$	Repaid.....	D. 1078	B. 7
Amount deposited.....	345	6	Balance .....	486	2 $\frac{1}{2}$
	<u>D 1564</u>	<u>9 <math>\frac{1}{2}</math></u>		<u>D 1564</u>	<u>9 <math>\frac{1}{2}</math></u>

(Signed) HENRY ST. HILL, Treasurer.  
HENRY GLOSTER, Guardian of Slaves.

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## Appendix G.

*Return of Slaves manumitted by Private Contract, from 25th December 1826, to 24th June 1827, inclusive.*

Ninety-seven in Number.

No.	Name of Slave.	Probable age.		Personal or Plantation.	Names of Owners.	Date when Manumission was signed.	Date when Manumission was registered.	Consideration in sterling money, or otherwise.	No. in Record.	Remarks.
		Years.	Mon.							
1	Desiré Marie	30	..	Personal	Ignace Dubisset	1826 26 Dec.	1827 23 Jan.	£. s. d 60 13 0	3287	Delivered to Desiré Marie on the 23 Feb. 1827. She cultivates a piece of ground in the Valley of St. Anne's.
2	Marie Elise	45	..	Plantation	Marie Madelaine Adelaide Bertete, daughter and sole heiress of Marie Madelaine Picou Cognet, dec. and Paul Rene Geo Bertete, her husband.	27 Dec.	—	The desire and wish expressed by the said Marie Madelaine Picou Cognet, dec. in her last will and testament.	3288	Delivered to Marie Elise, on the 21 Feb. 1827. She resides on the St. Madelaine estate, Quarter of Nap'me.
3	Marie Clarie Salveron	45	..	—	—	—	—	—	3291	Delivered to M. C. Salveron, 6 March 1827. She is a washerwoman, and resides as above.
4	Julie Qualifar	25	..	—	—	—	—	—	3289	Delivered to Julie Qualifar, 6 March 1827, is a house servant to Mr. and Mrs. Bertete.
5	Scipion Qualifar	20	..	—	—	—	—	—	3290	Delivered to S. Qualifar, 6 March 1827. He cultivates a piece of ground on Mr. and Mrs. Bertete's estate.
6	Harry Maye	28	..	Personal	Jeane Sugnall, widow	29 Dec.	—	86 13 4	3292	Delivered 8 Feb. 1827 to H. Maye. He cultivates a piece of ground in St. Anne's Valley.
7	Raymond Baptiste	40	..	—	Mrs. Littlepage	—	—	108 0 0	3286	Delivered to R. Baptiste, 5 Feb. 1827. He is a jobbing mason in town, and lives in the market-place.
8	Michel Morris	44	..	Plantation	Francois Honoré and Sellier Faucour	1827 17 Jan.	—	86 13 0	3293	This manumission has not yet been called for by the party.
9	Marie Zabeth Joseph	14	..	Personal	Charles Rosseau	19 Jan.	—	50 0 0	3294	Delivered to M. Z. Joseph, 26 Jan. 1827. She was about to accompany her mother to Martinique.
10	Ann Josephine Joseph	17	..	—	—	—	—	55 0 0	3295	Delivered to A. J. Joseph, 26 Jan. 1827. She was also about to accompany her mother to Martinique.
11	Andrinette Rose	40	..	—	Rose Duperon	18 Jan.	24 Feb.	21 13 4	3298	This manumission has not yet been called for by the party.
12	Eleanor Louis	23	..	—	Jane Merrifield	20 Jan.	23 Jan.	65 0 0	3296	Delivered to E. Louis, 4 Apr. 1827. She lives in the yard of Miss J. Merrifield, and does needle-work.
13	John Littlepage	55	..	—	William Bayley	22 Jan.	22 Feb.	65 0 0	3300	Delivered to J. Littlepage, 17 March, 1827. He resides in Port of Spain, and is a jobbing carpenter.
14	Alexis Walker	47	..	—	Anthony Vacar	24 Jan.	24 Feb.	Good and faithful services	3302	Delivered to A. Walker, 22 March 1827. He is a sailor, and hires himself as such to Droghers.
15	Elizabeth Felix	35	..	—	Simon Felix	25 Jan.	—	Love and affection	3303	This manumission not yet called for.

No.	Name of Slave.	Probable age.		Personal or Plantation.	Names of Owners.	Date when Manumission was signed.	Date when Manumission was registered.	Consideration in sterling money, or otherwise.	No. in Record.	Remarks.
		Years.	Mon.							
16	Jean Louis McKenzie	40	..	Plantation	Widow Dageville	1827 25 Jan.	1827 24 Feb.	£ s. d. 43 6 0	3304	Delivered to J. L. McKenzie, 27 March 1827. He works a piece of ground in the Quarter of Mucurapo.
17	Matthew Armur	—	11	—	Mrs. McCabe Pemberton	1826. 1 May	—	21 13	43306	Presented 29 Jan. 1827, and not yet called for.
18	Christiana Foster	1	4	—	—	1827. 29 Jan.	—	17 5	03305	Not yet called for by the party manumitted.
19	Gil Silvestre Famille	29	..	Personal	Marie Rose Carré	1 Feb.	—	86 0	03308	Delivered to G. S. Famille on 17 March 1827. He cultivates a piece of ground in the Quarter of Mucurapo.
20	James Thomas	55	..	—	St. Louis Latuibery	—	—	86 13	43307	Delivered to James Thomas, 17 March 1827. He is a slaughterman in Port of Spain.
21	Marie Zabeth	35	..	—	Eustache Chevalier	2 Feb.	—	Good and faithful services	3309	Delivered on 18th May 1827, to M. Zabeth. She lives as a domestic with her former owner.
22	Jean Remy Galien	40	..	—	Jean Remy Grasion	—	—	11 0	03311	Not yet called for by the party manumitted.
23	Marie Madeleine Salvant	36	..	—	—	—	—	86 0	03310	Not yet called for by the party manumitted.
24	Richard McNally	33	..	—	Raymond Garcia	16 Feb.	14 March	82 6	93313	Delivered to R. McNally on 4 April 1827. He is a carpenter by trade, and is employed by his former owner.
25	Mahomet Littledale	35	..	—	Jean Pierre Casar Joliment	—	24 Feb.	87 0	03312	Delivered to M. Littledale, 14 May 1827. He is a Mahometan Priest, and lives beyond the Dry River.
26	Genevare Moneia	21	..	—	Celine Richer	17 Feb.	14 March	108 0	03314	Delivered to G. Moneia, 5 April 1827. She is a huckster in Port of Spain, and lives in Henry-street.
27	Ann Louise	38	..	—	John Desvignes	—	—	Good and faithful services	3315	Delivered to A. Louise, 9 May 1827. She cultivates a piece of ground in the Quarter of Guapo.
28	Jean Fanny	12	..	—	Fanny Garcin	20 Feb.	20 March	10 0	03320	Not yet called for by the party manumitted.
29	Marie Joseph Fanny	16	..	—	—	—	—	0 5	03319	Not yet called for by the party manumitted.
30	Fanny Delmas	14	..	—	Charlotte Leonard	21 Feb.	—	86 0	03321	Delivered to F. Delmas, 31 May 1827. She lives with her mother, who resides in St. Vincent-street.
31	Jean Francois la Fortune	35	..	—	Raymond Garcia	23 Feb.	—	98 0	03324	Delivered to J. F. La Fortune, 3d April 1827. He is a journeyman mason in Port of Spain.
32	Charles Fanny	8	..	—	Fanny Garcia	—	—	20 0	03325	Not yet called for by the party manumitted.
33	Rosette Fanny	29	..	—	—	—	—	0 5	03326	Not yet called for by the party manumitted.
34	Rosemond Roch	7	6	Plantation	Jean Baptiste Jaillet and Charles Michel Jaillet	24 Feb.	28 March	35 0	03342	Ratification by the Mortgagees executed 13 March 1827; delivered to R. Roach, 5 April 1827. He resides in Port of Spain with his godmother.
35	Renette	30	..	Personal	Pierre Debot	26 Feb.	20 March	Good and faithful services	3327	Delivered to Renette, 7 April 1827. She lives herself as a domestic to Mr. C. Wharf.
36	Laur. Bertouse	34	..	—	John Desvignes	28 Feb.	—	65 0	03329	Delivered to La Bertouse, 30 April 1827. She is a huckster, and resides in Port of Spain.
37	Rosette Dominice	1	5	—	—	—	—	10 16	03328	Delivered to R. Dominice, 30 April 1827. He resides with his mother Laurence Bertouse.

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No.	Name of Slave.	Probable age.		Personal or Plantation.	Names of Owners.	Date when Manumission was signed.	Date when Manumission was registered.	Consideration in sterling money, or otherwise.	No. in Record.	Remarks.
		Years.	Mon.							
38	Elie Theotiste	2	..	Personal	Jane Saulger	1827 28 Feb.	1827 20 March	£ s. d. 19 10 0	3330	Delivered to Elizette Theotiste his mother, 30 April 1827.
39	Rachel Theotiste	27	..	—	Marie Catherine Saulger	—	—	68 0 0	3332	Not yet called for by the party manumitted.
40	Elisette Theotiste	26	..	—	Jane Saulger	—	—	86 0 0	3331	Delivered to E. Theotiste, 30 April 1827. She lives at Arina with Thos. Workman, a Planter.
41	Charles Elie	17	..	—	Elie Cachy	—	—	Love and affection	3335	Delivered to Charles Elie, 3 April 1827. He is apprenticed to E. Carly, who is a tailor in St. Ann's-street.
42	Alfred Hall	37	..	—	Henry St. Hill	—	—	86 0 0	3334	Delivered to A. Hall, 6 June 1827. He is a cooper, and lives in Port of Spain.
43	Betsey Brougham	50	..	—	John Hammerton	—	—	54 0 0	3333	Delivered to B. Brougham, 22 April 1827. She takes in ironing, and lives in Port of Spain.
44	Clarinda Burns	40	..	—	A. F. Blackwell	2 March	28 March	65 0 0	3336	Delivered to C. Burns, 10 April 1827. She is a washerwoman, and lives in Duke-street.
45	Pierre Gaspar	40	..	Plantation	The sole heiress and executrix of the will of Mde Cognet	7 March	—	65 0 0	3337	Delivered to P. Gaspar, 22 May 1727. He cultivates a piece of ground on his former owner's estate.
46	Leonard Qualifar	3	..	—	—	—	—	21 13 4	3338	Delivered to L. Qualifar's mother, 22 May 1827. He resides with his mother on his former owner's estate.
47	Marie Mathie Fouchette	36	..	Personal	Adolphe Dangand and Blanchet Dangand	8 March	—	86 0 0	3340	Delivered to M. M. Fouchette, 2 April 1827. She is a huckster, and resides in St. Vincent-street.
48	Julienne Jack	36	..	Plantation	Rosette Blondel	12 March	—	86 13 4	3341	Delivered to J. Jack, 1 May 1827. She cultivates land in the neighbourhood of San Fernando.
49	Felicité Marie	24	..	Personal	Maria Josef Da	15 March	—	Love and affection	3343	Delivered to F. Marie, 28 April 1827. She is a washerwoman, and lives in George-street, Port of Spain.
50	Katey Dakins	7	..	—	Francis Nibbs, widow	17 March	4 April	Good and faithful services of her mother	3346	Delivered to K. Dakin's mother, 7 April 1827. She cultivates land on Mr. Rogel's grounds.
51	Dauphine Christine	26	..	—	Andriette Pigeon	—	28 March	Love and affection	3344	Delivered to D. Christine 21 April 1827. She sells wood, &c. in the market-place.
52	Marie Josef	34	..	—	Jean Remie Gracien	20 March	—	86 0 0	3345	Delivered to M. Josef, 2 April 1827. She is a huckster in Port of Spain.
53	Venus Olympe	34	..	—	Henry St. Hill	28 March	4 April	65 0 0	3347	Delivered to V. Olympe, 16 April 1827. She sells plants in the market-place.
54	Sutton Hackshaw	44	..	—	Henry Murray	—	—	86 13 4	3349	Delivered to S. Hackshaw, 19 May 1827. He hires himself as a labourer.
55	Louis Laverdan	50	..	Plantation	—	—	4 April	65 0 0	3348	Not yet called for.
56	Myrtilla Good	46	..	—	Anne Hughes and Sarah Gray	29 March	28 April	108 6 8	3352	Delivered to M. Good, 9 May 1827. She is a huckster in Port of Spain.
57	Santo Ramand	35	..	—	J. B. Demorgny	4 April	—	43 7 0	3354	Delivered to S. Ramund, 7 May 1827. He is employed as a jourueyman by his former owner.
58	Adelaide Mungo	38	..	—	Charles Maingot	5 April	—	108 0 0	3355	Delivered to A. Mungo, 21 May 1827. She is a washerwoman, and lives in Abercrombie-street, Port of Spain.

No.	Name of Slave.	Probable age.		Personal or Plantation.	Names of Owners.	Date when Manumission was signed.	Date when Manumission was registered.	Consideration in sterling money, or otherwise.	No. in Record.	Remarks.
		Years	Mon.							
59	Caroline Flora	24	..	Personal	Henry Gloster	1827 6 April	1827 6 May	£ s. d. 97 0 0	138	Delivered to C. Flora, 13 June 1827. She is a huckster in Port of Spain.
60	Charles Williams	..	6	—	Eliza Wilkinson	—	28 April	21 0 0	3358	Not yet called for.
61	Grace Carr	57	..	—	The Rev. J. H. Clapham	—	6 May	32 0 0	135	—
62	George Barnabe	16	..	Plantation	J. B. Moulas and Louise Michel Noel, widow	—	—	Good and faithful services	136	Delivered to G. Barnabe, 9 June 1827. He is a carpenter, and resides at Carriage.
63	Marie Luce François	26	..	—	Jean Jervais and Madelaine Jervais	18 April	—	43 6 0	—	Delivered 23 June 1827, to L. Françoise. She sells tripe in the Market-house.
64	Maria Louise Neilson	..	10	Personal	Elizabeth Tyson	19 April	19 May	8 13 4	134	Delivered to F. Symon, her mother, 23 June 1827. She is a washerwoman in Port of Spain.
65	Edmund Anthony	4	..	Plantation	J. B. Moulas, and Louise Michel Noel, widow	20 April	—	32 13 4	133	Delivered to his mother 16 June 1827. She resides at Mucurasso.
66	Jube —	40	..	Personal	Sim. Dendel, and Pierre Monique, executors of Pierre Percy, deceased	25 April	—	The desire expressed by P. Percy in his last will.	140	Not yet called for.
67	Azor or Hazard Brie	31	..	—	The Colonial Government of Trinidad	27 April	—	108 6 8	141	Delivered 4 June 1827, to A. Brie. He lives in the Quarter of St. Anne's, and intends to become a baker.
68	Mingo Bash	31	..	—	Elizabeth Welch	28 April.	28 April	65 0 0	172	Not yet called for.
69	Charlotte Murray	30	..	—	Webster Gilman	30 April	19 April	Good and faithful services	139	Delivered to C. Murray, 1 June 1827. Is a washerwoman residing in Port of Spain.
70	Robt. Hope	31	..	—	—	—	—	—	137	Delivered 8 June 1827, to R. Hops. He hires himself as a groom in town.
71	Poline Sophie	34	..	—	Henry St. Hill, and Mrs. St. Hill	4 May	30 May	60 3 4	175	Not yet called for.
72	Mark Marcial	20	..	—	Matthew Olivier	5 May	11 June	Divers good causes and considerations.	199	—
73	Theresa Lamar	34	..	—	Pablo Almandez, heir of Don Diego Almandez	10 May	30 May	The will of the said Don Diego Almandez.	164	—
74	Pedro Lamar	5	..	—	—	—	—	—	—	—
75	Michel Morris	49	..	—	F. H. Sellar Faucour	12 May	—	86 13 0	163	—
76	Lise Lisette	34	..	—	—	—	—	108 0 0	162	—
77	Amelia George	39	..	—	Elizabeth M'Clare	14 May	—	65 0 0	161	—
78	Marie Noel	29	..	—	Elizabeth Sauvignon	—	—	39 0 0	160	—
79	Reine Jackson	11	..	—	Celerte Sargeton	21 May	—	86 13 4	167	—
80	Cecile Bruno	18	..	—	Antoine Bruno	—	11 June	Love and affection	193	—
81	Cloe Steere	33	..	—	Elizabeth Steere	24 May	30 May	75 16 0	159	—
82	Greij Jackson	35	..	—	Edmund Jackson	25 May	—	43 6 3	158	—
83	Desirée Coralie	7	..	—	John Marshall	30 May	11 June	Divers good causes and considerations	194	—

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No.	Name of Slave.	Probable age.		Plantation or Personal.	Names of Owners.	Date when Manumission was signed.	Date when Manumission was registered.	Consideration in sterling money, or otherwise.	No. in Protocol A. for 1827.	Remarks.
		Years.	Mo.							
84	Delia Williams	..	9	Personal	Andrew Williams	1827 2 June	1827 11 June	Love and affection	198	Bond granted and protocolled Manumission not yet called for.
85	Jean Fane	..	9	Plantation	Jane M'Cabe Pemberton	—	—	21 13 4	195	Not yet called for.
86	Marie Josef Liddy	14	..	—	Lydia Jaques	—	—	Divers good causes and considerations.	200	—
87	Nelly Willis	46	..	—	Jane M'Cabe Pemberton	—	—	Faithful services	201	—
88	Edward Jessup Willis	8	..	—	—	—	—	Faithful services of his mother Nelly Willis	197	—
89	Jenny Jessup Willis	16	..	—	—	—	—	—	196	—
90	Celestique Dart	31	..	—	François Guiria	4 June	—	78 0 0	..	At Registrar's office for enrolment. Not yet called for.
91	Josef François	18	..	Personal	Jean Rosu Godin	8 June	—	Love and affection, and divers good causes and considerations	..	—
92	François François	17	..	—	—	—	—	Divers good causes and considerations.	..	—
93	Ann Maryam	44	..	—	Edmund Teterion	11 June	—	75 16 0	..	—
94	Adelaide Victor	43	6	—	Pat. Naghten	—	—	54 3 4	194	—
95	Jean Louis	50	..	—	Christopher Rignal	15 June	—	58 10 0	..	—
96	Rose Lajoie	41	..	—	Samuel Scipio	19 June	—	15 3 0	..	—
97	Pedro Josef Cartano	12	..	—	Martin Lorgano	22 June	—	19 10 0	..	—

(Signed) HENRY GLOSTER, Guardian of Slaves.

## Appendix H.

*Return of Manumissions executed previous to 24 June 1824, presented to the Protector and Guardian of Slaves, and registered by his authority, from 24 Dec. 1826, to 24 June 1827.*

Three in Number.

No.	Name of Person Manumitted.	Probable Age.		Personal or Plantation.	Name of Owner or Person Manumitting.	Date of Manumission.	Date when Manumission was Registered.	Consideration.	No. of Manumission in Register.	Remarks.
		Years.	Mon.							
1	George Kenny	30	..	Personal	William Bartlett and wife	1823 1 Aug.	1827 24 Feb.	£90 Currency	3299	Presented 24 Jan. 1827; delivered to George Kenny, 22 March 1827. He is a tailor in Port of Spain.
2	Melchord	28	..	Plantation	Celestin Dancla	1819 7 Feb.	—	D 448 of 9	3301	Not called for.
3	Celestin Tim	34	..	Personal	Jos. A. Danguaud	1823 9 Dec.	30 May	Good and faithful services.	..	Presented 9 May 1827; delivered to Celestin Tim, 24 June 1827. He is a sailor on board the Lyon.

(Signed) HENRY GLOSTER, Guardian of Slaves.



## No. 4.

SIR,

*Downing Street, 30th September 1827.*

YOUR despatch dated the 30th of June, No. 2, enclosing the correspondence between yourself and the Judge of Criminal Inquiry, with your proclamation of the 28th May, 1827, has been received at this department.

Although you were instructed by Lord Bathurst not to issue any proclamation explanatory of the order in Council of the 10th March, 1824, without the previous sanction of his Majesty's Government, the peculiar and urgent circumstances under which you acted, afforded a sufficient justification for your departure from that rule in the present case. His Majesty, therefore, has been most graciously pleased to confirm and allow this proclamation.

I entirely concur with you that the difficulties raised by the Judge of Criminal Inquiry, as to the effect of the order in Council, as explained by the proclamation of the 6th June 1824, were an unnecessary refinement. The preamble of your proclamation is therefore very properly framed, since it professes not to introduce a new law, nor even to remove doubts generally entertained; but only to obviate a doubt which has occurred to the Judge of Criminal Inquiry.

Governor Sir R. Woodford, Bart.  
&c. &c. &c.

I have, &amp;c.

(Signed)

W. HUSKISSON.

## No. 5.

SIR,

*Trinidad, 12th February 1828.*

I HAVE herewith the honour to transmit the half-yearly report of the Protector of Slaves to the 31st December last.

The Rt. Hon. W. Huskisson,  
&c. &c. &c.

I have, &amp;c.

(Signed)

RALPH WOODFORD.

*The Report of the Syndic Procurador General, Protector and Guardian of Slaves of the Island of Trinidad, for the half-year ending the 24th of December 1827.*

THE Syndic Procurador-General, Protector and Guardian of Slaves, has the honour to report, that during the half-year he has discharged the duties of his office, in the manner and on the principles already explained in his former reports.

The Protector continues to publish the complaints of slaves, with the evidence and sentences thereon, in the Colonial Gazette. The complaints have not latterly increased in number, nor have they assumed a different aspect.

In two instances, the Protector considered that the charges brought against free persons, if substantiated, merited more severe punishment than either he or the Tribunal of the Alcaldes in ordinary, had power to award. These complaints he referred to the Court of Criminal Inquiry; and they were brought under the cognizance of the Court for the Trial of Criminal Prosecutions in the usual form of law. Nos. 2 and 4 of Appendix B, contain a Report of the proceedings had in these cases before the latter tribunal.

The suits and prosecutions in which the Protector has been engaged *ex officio*, may be divided into four classes:—

The first are criminal prosecutions at the instance of His Majesty's Attorney General, against slaves. These prosecutions are six in number; and for their dates, and the effect of the proceedings therein, the Protector begs to refer to Appendix A.

The second are criminal prosecutions at the instance of His Majesty's Attorney-General, against free persons, for offences committed against the persons of slaves. They are four in number, and for the dates and effect of the proceedings the Protector begs to refer to Appendix B. It will be observed that the first of these prosecutions is that against Madame Dumoland, for the offence to which the Protector had reference in his last Report.

The third class of suits are those instituted by the Protector and Guardian

of Slaves, before His Majesty's Chief Judge, under the royal order in Council of the 10th March, 1824, on behalf of slaves desirous of purchasing their freedom. They are in number seventeen; and by reference to Appendix C., No. 1. (Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14,) it will be seen that under thirteen of them, as many slaves have obtained their freedom. One of the suits instituted previous to the last half-yearly report, and reported in Appendix D, No. 2, of last Report, as being, at the date of said Report in progress, has been terminated by the sentence of the Chief Judge, awarding to the applicant his freedom. This person's name is Louis Baham, and will be found to be No. 1. of Appendix C, No. 1. The other four of the seventeen suits instituted since last Report, are undecided for the causes expressed under the head "State of Proceedings," in Appendix C, No. 2.

The fourth class of suits are those before His Excellency the Governor, in which the Protector has been incidentally engaged. They are in number, two; and in the Appendix D will be found their several dates, and the effect of the proceedings.

The Protector may here remark that in the application of Phœbe Gillen, or Phœbe Ellis, noticed in Appendix E, of last Report, it appeared from the report of the President of the Virgin Islands, that although the applicant and her children had by the indulgence of their owner, been left in a great measure at their own disposal while in Tortola, they were actually slaves, and His Excellency the Governor was pleased by his sentence, dated the 27th of July 1827, to declare that no further interference of the Court in the matter appeared necessary, and to direct that the mother, Phœbe Gillen, and her children should be restored to their owner. The application of Robert Neilson, administrator of the Paradise Estate, also noticed in Appendix E of last Report, was granted by sentence of His Excellency the Governor, of date the 27th September 1827.

Since last Report the Protector has not received any certificates of the competency of slaves to give evidence in courts of Justice, nor have any marriages been solemnized between slaves during the same period.

The Appendix E., Nos. 1 and 2 contains a return of the sums of money deposited in the savings bank in the town of Port of Spain, from the 25th of June to the 24th December inclusive. The balance in deposit on the 24th December was 549 dollars, and one half bitt, equal to £118. 19s. 2½d. sterling.

During the last six months, forty-two slaves have been manumitted by private contract, under the order in Council of the 10th March, 1824. Appendix F. contains a correct return of their names, those of their former owners, the dates of the manumissions and of the registration, the considerations for which freedom was granted, with the present residences and employments of such of the manumitted persons as have called for and taken up their manumission.

(Signed) HENRY GLOSTER, Guardian of Slaves.

Sworn to before me, this 28th January 1828,

(Signed) RALPH WOODFORD, Gov.

## Appendix A.

*Criminal prosecutions at the instance of His Majesty's Attorney-General, against Slaves.*

Six in Number.

No. 1.

*His Majesty the King against George Crumb, a negro male slave, the property of John Hamilton. For theft.*

His Majesty's Attorney-General	} For the prosecution.
The Protector and Guardian of Slaves,	
and	} For the prisoner.
Raymond Garcia, Esq. Advocate.	

Act of Accusation filed,	12 July, 1827.
Plea of Not Guilty,	20 — —
Day of Trial appointed by the Court,	25 — —

The act of accusation contained two counts :—

1st. For having, between the 10th and 15th days of June, 1827, entered the dwelling house of Thomas St. Hill, and then and there robbed, stolen, taken, and carried away therefrom, one new olive frock coat, one old blue coat, two pairs of trowsers, and one white shirt, the property of the said Thomas St. Hill.

2d. For having wilfully, fraudulently, knowingly and unlawfully, obtained possession of the said articles. The prisoner not having honestly come by them, but, on the contrary, well knowing them to have been stolen.

Under these charges, the Attorney-General prayed that the prisoner should be sentenced to suffer such lawful punishment as the Court should think proper.

On the 23d July, the prisoner made his escape from the Royal Jail, and in consequence his trial, which was to have taken place on the 25th, was, on the application of the Attorney-General, postponed to the 31st. On the 31st, the prisoner not having been then apprehended, the trial was postponed *sine die*.

On the 9th August, the prisoner was apprehended and committed to jail, and the Court was pleased to appoint the 22d August for his trial.

On the day of trial the witnesses for the prosecution were examined, and the Counsel heard in support of the prosecution; Mr. Garcia in answer; and the Attorney-General in reply.

The prisoner stated that the clothes had been given to him by a fellow-slave. This was denied by the slave accused.

#### Sentence.

“The Count is of opinion that the prisoner, George Crumb, is guilty of the second charge, and he is sentenced to imprisonment and hard labour for the term of three years, at the expiration of which time he will be discharged.”

(Signed) HENRY GLOSTER, Guardian of Slaves.

#### No. 2.

*His Majesty the King against John Charles, a male negro slave, the property of John Lamont, Esq.; for absconding and running away from his owner, and stealing a boat.*

His Majesty's Attorney General	} For the Prosecution.
The Protector and Guardian of Slaves,	
and	} For the Prisoner.
Edward Jackson, Esq. Advocate	

Act of Accusation filed . . .	20th July, 1827.
Plea of Not Guilty . . . . .	28th — —
Day of Trial . . . . .	31st — —

The Act of Accusation contained three Counts, charging the prisoner, as follows :—

1st. For being a most notorious and public runaway slave, and for having, some time in the month of May, 1827, in the quarter of South Naparima, run away and absconded from the service and employment of his owner, and proceeded in a boat to the continent of South America, within the Gulph of Paria.

2d. This Count contained the same charges as the first, with the addition, that the prisoner ran away with the intent of remaining on the said continent of South America, and thereby for ever depriving his owner of his services and labour.

3d. For having, in the said month of May, robbed, stolen, taken, and carried away from the quarter of South Naparima, a boat, the property of the said John

Lamont, and having taken and carried away, or assisted in the taking and carrying away, the said boat to the continent of South America, within the Gulph of Paria.

Under these charges the Attorney-General prayed the Court to sentence the Prisoner to suffer such lawful punishment as it might think proper.

On the day of trial the counsel for the prisoner, on his behalf pleaded "Guilty" to the two first charges, and the Attorney General withdrew the third charge. The counsel for the prisoner then called and examined John Lamont, Esq., his owner, in mitigation of punishment.

*Sentence.*

"The prisoner, John Charles, having pleaded 'Guilty' to the first two charges preferred against him, is condemned to wear round his leg, for the term of three months, and in the service of his owner, an iron clog not exceeding six pounds in weight."

(Signed) HENRY GLOSTER, Guardian of Slaves.

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No. 3.

*His Majesty the King against Frank Jemmet, a male slave, the property of Henry St. Hill, Esq.; for assault, and cutting and wounding.*

His Majesty's Attorney-General	}	For the Prosecution.
The Protector and Guardian of Slaves,		}
and		
Manuel de la Sota, Esq. Advocate,		

Act of Accusation filed . . . . .	25th September, 1827.
Exceptions, and Plea of "Not Guilty" . . . . .	28th — —
Day of Trial . . . . .	8th October. —

The Act of Accusation contained two Counts.

1st. For having, between the 24th and 27th of June, 1827, in the town of Port of Spain, with a cutlass or some other sharp, cutting instrument, struck at, cut, and wounded Maurice Leo, a private in his Majesty's 86th Regiment of Foot, and thereby inflicted upon the said Maurice Leo a very deep and severe wound, in and upon the left side of the head of the said Maurice Leo, about five inches in length, extending from the frontal to the occipital bones, and dividing the substance of both tables of the skull, with the membranes surrounding the brain, to the great damage and injury of the said Maurice Leo, &c.

2d. This count charged the cutting and wounding to the injury of the said Maurice Leo, without specifying the nature and extent of the injury.

In the plea filed for the prisoner, the prosecution was excepted to on the ground that the same had not been conducted in strict conformity with the order in council of the 16th September, 1822, by which the court, for the trial of criminal prosecutions, is directed to proceed in the administration of justice, because the Sumaria was not passed to His Majesty's Attorney-General within the time, and in the manuer prescribed by the 18th clause of the said order in council. A plea of "Not Guilty" also appeared upon the face of the proceedings.

On the day of trial the exception pleaded on behalf of the accused was argued, and the court adjourned until next day, when it was pleased to overrule the exception, and to direct that the trial should proceed.

The evidence for the prosecution being closed, the counsel for the prisoner pleaded "Guilty" of the charges preferred against him, but called and examined three witnesses, in favour of the prisoner, in mitigation of punishment. These witnesses concurred in giving the prisoner an excellent character to the time of committing the offence charged against him.

*Sentence.*

"The sentence of this court is, that the prisoner, Frank Jemmett, be condemned to suffer imprisonment in the Royal Gaol, and hard labour for the term

of five years, during which period he will receive two hundred lashes, to be inflicted on two several occasions, at the following periods; one hundred lashes on Tuesday, the 16th day of October, 1827, in the market-place, and one hundred lashes on the 16th day of April next ensuing, also in the public market-place; the presence of the gaol physician being required at the infliction thereof; and at the expiration of the said term of five years the said prisoner will be restored to his owner."

(Signed) HENRY GLOSTER, Guardian of Slaves.

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No. 4.

*His Majesty the King against William Palmer and Lucien Mason, male slaves, the property of Adolphe Dangaud, Esq. and attached to the sugar plantation, St. Marie, situate in the quarter of Cedros. For absconding and running away, and seducing other slaves to run away, and for theft.*

His Majesty's Attorney-General	} For the Prosecution.
The Protector and Guardian of Slaves,	
and	} For the Prisoners.
Benito Fernandez, Esq. Advocate,	

Act of Accusation filed . . . . .	27th September, 1827.
Plea of "Not Guilty" . . . . .	6th October.
Day of Trial . . . . .	9th.

The Act of Accusation, containing eight counts, charged:—

1st. That William Palmer, being a most notorious runaway, did, some time in the month of March, 1827, in the quarter of Cedros, run away and abscond from the service and employment of his said owner.

2d. That William Palmer, being a most notorious runaway, did, some time in the month of June, 1827, run away and abscond from the service and employment of his owner.

3d. That William Palmer did entice and seduce three male slaves, named Xavier Olanga, Victor Grenada, and Marcellin Pocapoc, the property of the said Adolphe Dangaud, to run away and abscond from their said owner, and did accompany the said three slaves at the time they so ran away and absconded.

4th, 5th, and 6th. These counts contained the same charges against Lucien Mason as are contained in the 1st, 2d, and 3d counts against William Palmer.

7th. That Lucien Mason did, some time in the month of June, 1827, enter a certain negro house on the said St. Marie estate, inhabited by a male slave named Auguste, and did rob, steal, take, and carry away from and out of the said negro house, one pair of white trowsers, one pair of white braces, and one white shirt, the property of the slave Auguste.

8th. That Lucien Mason did, some time in the month of July, in the year 1827, in the town of Port of Spain, enter the Roman Catholic Church of the said island, and did rob, steal, take, and carry away therefrom and thereout, one silk umbrella, the property of Hypolite Consuegra.

Under these several charges the Attorney-General prayed that the prisoners should be sentenced to suffer such lawful, severe, and exemplary punishment as the court should think proper to award.

On the day of trial the witnesses for the prosecution were examined, and the court adjourned to the following day.

On the court reassembling, the Attorney-General declared to abandon the 1st, 4th, and 7th counts, and he was heard in support of the 2d, 3d, 5th, 6th, and 8th.

The Protector and Mr. Fernandez answered.

*Sentence.*

"The prisoners must be discharged." Discharged accordingly.

(Signed) HENRY GLOSTER, Guardian of Slaves.

## No. 5.

*His Majesty the King against Thomas Barrow, a male slave, the property of His Majesty the King. For theft.*

His Majesty's Attorney-General	}	For the Prosecution.
The Protector and Guardian of Slaves,		}
and		
John Sanderson, Esq. Advocate,		
Act of Accusation filed . . . . .		5th November, 1827.
Plea of "Not Guilty" . . . . .		12th.
Day of Trial . . . . .		14th.

The Act of Accusation contained four counts, charging,—

1st. That Thomas Barrow did, in the month of September, 1827, in the quarter of St. Ann's, rob, steal, take, and carry away from and out of a certain house or building, attached to or belonging to the Government House, in the said quarter of St. Ann's, two large silver spoons, and one large silver table fork, the property of the late General Count de Loppinott.

2d. That Thomas Barrow did, in the month of September, 1827, fraudulently obtain possession of the said spoons and fork, which he did dispose of or otherwise convert to his own benefit, the same not being the property of the said Thomas Barrow, and he not having come honestly by the same, but, on the contrary, well knowing that the said spoons and fork were the property of the said General Count de Loppinott, and had been stolen.

3d and 4th. These counts were in precisely the same terms as the 1st and 2d, with the exception that the offences were charged as having been committed in the month of October.

On the day of trial the witnesses for the prosecution were examined. The counsel for the prisoner did not call any witnesses. The Attorney-General was then heard in support of the prosecution, the counsel for the prisoner in defence, and the Attorney-General in reply.

*Sentence.*

"The prisoner, Thomas Barrow, is declared guilty of being in the illegal possession of the property specified in the accusation, knowing the same to have been stolen; he is therefore ordered to receive a punishment of eighty stripes on Friday, the 16th instant, in the market-place, in the presence of the gaol physician; and he is further condemned to hard labour for the term of two years, at the expiration of which period he will be discharged."

The first part of this sentence was carried into effect in conformity therewith, and he is now in the Royal Gaol undergoing the remaining part of the sentence.

(Signed) HENRY GLOSTER, Guardian of Slaves.

## No. 6.

*His Majesty the King against La Joie, James Gim, Hercules alias Hyppolite, Toby Philpot, Toussaint Leger alias Leger, slaves. For running away and establishing themselves in a Maroon Camp.*

His Majesty's Attorney-General	}	For the Prosecution.
The Protector and Guardian of Slaves,		}
and		
John Cockerton, Esq. Advocate,		
Act of Accusation filed . . . . .		16th November, 1827.
Plea of "Not Guilty" . . . . .		27th.
Day of Trial . . . . .		29th.

The Act of Accusation contained ten counts—

1st. That the slave La Joie was, previous to the year 1819, a runaway slave

from the service of his then owner, Madame Reveillac ; and being apprehended in a Maroon camp in the said island, was criminally prosecuted by the Attorney-General, as a runaway slave, before the late court of His Majesty's Chief Judge, and was, by a decree thereof, sentenced, for such his offence, to receive a severe punishment ; but the said La Joie, being a notorious and public runaway and a rebellious slave, did, some time in the month of May, 1824, in the quarter of St. Ann's, run away and abscond from the service and employment of his then owner, George Horsley, now deceased, and remained and continued absent, as a runaway slave, from the service of Emily Horsley, to whom he was bequeathed by the said George Horsley, until the month of August, 1827.

2d. That the said La Joie did, in the month of May, 1824, run away and abscond from the service of his said owner, and did retire to the interior part of the Island of Trinidad, where he established a Maroon camp, of which the said La Joie was one of the ringleaders or chiefs, and in which he remained, absent as a runaway, until forcibly apprehended in the month of August, 1827.

3d. That the slave, Toby Philpot, the property of David Bart, did, in the month of April, 1821, run away and abscond from the service and employment of his said owner, and remained and continued absent until the month of June, 1827.

4th. That the said slave, Toby Philpot, did run away and continue absent, as in the preceding count charged, and established himself in a Maroon camp, of which he was a chief or ringleader, as charged against La Joie in the 2d count.

5th. That the said slave, James Gim, the property of William Massey, Esq. senior, did, on the 30th day of January, 1824, run away and abscond from the service and employment of his said owner ; and being apprehended and brought back to his said owner on the following day, that he, the said James Gim, did again, in the month of May, 1824, run away and abscond, and remained absent as a runaway until the month of August, 1827.

6th. That the said James Gim did, in the month of May, 1824, run away, as in the preceding count, and establish himself in a Maroon camp, &c., as charged against La Joie and Toby Philpot in the 2d and 4th counts.

7th. That the said slaves, La Joie, Toby Philpot, and James Gim, being runaways in the said Maroon camp, so established by them in the interior of the said island, did, in the month of May, 1825, in the quarter of Point à Pierre, instigate, seduce, and entice three female slaves, named Marie Zabeth Françoise, and Marie, the property of the said William Massey, to run away and abscond from the service of their said owner ; and did carry off and conduct the said three female slaves into a Maroon camp, which the said La Joie, Toby Philpot, and James Gim had established, as aforesaid, in which said Maroon camp the said three female slaves were harboured, secreted, detained, and kept, until they were forcibly apprehended in August, 1827.

8th. That the said slave, Hercules alias Hypolite, the property of Miss Charlotte Lushington and the Rev. Edward Picton, did, on or about the month of April, 1824, run away from the service of his owner, and established himself in a Maroon camp, and remained absent as a runaway until August, 1827.

9th. That the said slave, named Toussaint Leger, alias Leger, the property of Andrew Blazini, did, in or about the month of February, 1825, run away and abscond from the service and employment of his said owner, and establish himself in a Maroon camp, and remained absent, as charged against Hercules in the preceding count.

10th. That the said Toussaint Leger, alias Leger, did, in or about the month of March, 1825, run away, &c., as charged in the preceding count.

On the day appointed for the trial several material witnesses for the prosecution were absent, and the trial was postponed to the 12th December.

On the 12th December, 1827, the Protector and Guardian of Slaves addressed the court on behalf of the prisoners, stating, that as His Majesty's Attorney-General had consented to withdraw the charge against the prisoners for establishing a Maroon camp, he was prepared to plead guilty on their behalf, of running away, as charged in the Act of Accusation, and prayed the lenient sentence of the court.

*Sentence.*

“ La Joie is sentenced to imprisonment and hard labour for the term of seven years, during which period he will be punished with a hundred and fifty stripes, to be inflicted on two different days:—eighty stripes on Monday the 17th December, 1827, and seventy stripes on the 17th December, 1828; each punishment to be inflicted publicly in the Market Place, and in presence of the physician of the Royal Gaol.

“ Hercules, alias Hypolite, is sentenced to imprisonment and hard labour for the term of three years, and to receive a punishment of eighty stripes, on the 18th December, publicly in the Market Place, and in the presence of the gaol physician.

“ James Gim and Toussaint Leger are sentenced to hard labour and imprisonment for the term of two years; and will receive, each of them, a punishment of eighty stripes publicly in the Market Place on the 19th December, in presence of the gaol physician.

“ Toby Philpot is sentenced to imprisonment and hard labour for the term of one year, and to receive a punishment of eighty stripes on the 20th December, publicly in the Market Place, and in the presence of the goal physician.

“ And at the expiration of their respective terms of imprisonment, the said slaves, La Joie, Hercules, alias Hypolite, James Gim, Toussaint Leger, alias Leger, and Toby Philpot, will be returned to their owners.”

The first part of the above sentence was carried into effect on the 17th, 18th, 19th, 20th of December.

(Signed) HENRY GLOSTER, Guardian of Slaves.

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## Appendix B.

*Criminal prosecutions at the instance of His Majesty's Attorney-General, against Free Persons, for offences committed against the persons of Slaves.*

(Four in number.)

No. 1.

*His Majesty the King against Madame Marianne Bernard Dumoland, for cutting and wounding and assaulting a slave boy, named Auguste.*

His Majesty's Attorney-General,	}	For the Prosecution.
and		
The Protector and Guardian of Slaves,		
Raymond Garcia, Esq. Advocate,		For the Prisoner.

Act of Accusation filed,	.	.	23d June, 1827.
Plea of Not Guilty,	.	.	30th, — —
Day of Trial,	.	.	4th July, —

The Act of Accusation consisted of four counts, charging,—

1st. That the said Marianne Bernard Dumoland did, in the month of June, 1827, fling and throw at and against the male child slave, Auguste, the property of the said Marianne Bernard Dumoland, a table knife; and did with the said knife, by such flinging and throwing, cut and wound the said male child slave, Auguste, on or across the left arm, above the back part of the elbow joint; and that the said Marianne Bernard Dumoland, with the knife aforesaid, then and there did give to the said male child slave, Auguste, in or across the left arm, above the back part of the elbow joint, a wound or cut of about two inches in length.

2d. That the said Marianne Bernard Dumoland did, in the said month of



June, with a table or dinner knife, strike at and cut the said male child slave, Auguste, and did then and there, with the said knife, give to or inflict upon the said male child slave a wound across the left arm, above the back part of the elbow joint, about two inches in length.

3d. That the said Marianne Bernard Dumoland did, at the time and place aforesaid, make an assault upon, and with the said knife strike at, cut, and wound the said male child slave, Auguste.

4th. That the said Marianne Bernard Dumoland did, at the time and place aforesaid, beat, wound, bruise, and ill-treat the said male child, Auguste, by giving him a severe blow, wound, or bruise on the forehead, and did other wrongs and injuries to the said child.

Under these charges the Attorney-General prayed that the said Marianne Bernard Dumoland should be sentenced to suffer such lawful punishment as the court should think fit.

On the day of trial, when the evidence for the prosecution was closed, the defender of the accused examined one witness on behalf of his client, and was about to call other witnesses, when his Honour the President inquired of the Attorney-General if he intended to follow up the prosecution; the Attorney-General declared his intention of leaving the case as it was for the decision of the court.

His Honour the President delivered the following

*Sentence.*

“The unanimous opinion of the court is, that the accused is not guilty. She must be discharged.”

(Signed) HENRY GLOSTER, Guardian of Slaves.

No. 2.

*His Majesty the King against George Wells. For assaulting a female slave and her infant child.*

His Majesty's Attorney-General,	}	For the Prosecution.
and		
The Protector and Guardian of Slaves,	}	For the Prisoner.
John Cockerton, Esq., Advocate,		

Act of Accusation filed	.	13th July, 1827.
Day of Trial	.	_____

The Act of Accusation contained three counts against the prisoner.

1st. For having, between the 24th and 28th days of June, 1827, with a certain horsewhip, made an assault upon a slave named Violett Henrietta, the property of Charles Rivers, and having given to and inflicted upon her several very severe blows in and over and upon the left shoulder, back, and right ear.

2d. The second count charged the assault only.

3d. For having made an assault upon William Henrietta, the infant child of Violett Henrietta, and struck, beaten, and ill-treated the said child.

And under these charges the Attorney-General prayed that the prisoner might be sentenced to suffer such punishment as the court thought proper.

On the day of trial the counsel for the prisoner pleaded “Guilty” to the charges, but trusted the court would take into consideration the length of time the accused had already suffered imprisonment, and his loss of employment attendant thereon.

*Sentence.*

“The accused, George Wells, is condemned to pay a fine of £6 sterling to His Majesty the King; in default of which he will be imprisoned in the Royal Gaol for a term of thirty days; at the expiration of which period he will be released.

(Signed) HENRY GLOSTER, Guardian of Slaves.

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No. 3.

*His Majesty the King against Paul Chirade. For causing a slave to be flogged illegally.*

His Majesty's Attorney-General,	}	For the Prosecution.
and		
The Protector and Guardian of Slaves,		
Raymond Garcia, Esq., Advocate,		For the Prisoner.

Act of Accusation filed . . . . .	28th September, 1827.
Plea of Not Guilty . . . . .	4th October.
Day of Trial . . . . .	9th.

The Act of Accusation, containing three counts, charged the prisoner as follows:—

1st. That the prisoner, being the manager of a certain sugar plantation or estate called the Retrench, situate in the quarter of South Naparima, did, on the 26th August, 1827, order and direct John Charles, a male slave belonging to the Retrench estate, then being under the orders and direction of the prisoner, to whip and flog a certain male slave named Tom Halton, belonging to the Diamond estate, in the said quarter of South Naparima; and that thereupon the said John Charles, by the order and direction of the prisoner, with a cartwhip, did punish, flog, scourge, and whip the said Tom Halton, in and upon the posteriors and legs, to his great damage and injury, &c.

2d. The second count was in precisely the same terms as the above, but charged that the prisoner directed a slave, named John François, to inflict the flogging; and that thereupon the said John François did flog the said Tom Halton.

3d. The third count charged the prisoner generally with having caused and procured a flogging and whipping to be inflicted on the slave, Tom Halton.

Under these charges the Attorney-General prayed the Court to sentence the prisoner to suffer such a punishment as it should deem proper.

On the day of trial, when the evidence for the prosecution was closed, the counsel for the prisoner called and examined three witnesses for the prisoner.

The Attorney-General was then heard in support of the prosecution. Mr. Garcia in answer, and the Attorney-General in reply.

*Sentence.*

“The first charge has not been proved; but the accused has been declared guilty of the second and third charges. The said accused, Paul Chirade, is condemned to pay a fine of ten pounds sterling to His Majesty the King, and he will then be discharged.”

The above fine was paid on the 11th October.

(Signed) HENRY GLOSTER, Guardian of Slaves.

No. 4.

*His Majesty the King against Jack Welch, a free black man. For committing the crime of sodomy with slaves, and soliciting and assaulting slaves with the intention of committing that crime.*

His Majesty's Attorney-General,	}	For the Prosecution.
and		
The Protector and Guardian of Slaves,		
John Sanderson, Esq., Advocate,		For the Prisoner.

Act of Accusation filed . . . . .	23d November, 1827.
Plea of Not Guilty . . . . .	4th December, —
Day of Trial . . . . .	_____

The Act of Accusation contained seventeen counts, in the technical style usual in such cases, charging as follows:—

1st. That Jack Welch did, in the month of September, 1827, commit the crime of sodomy with a male slave, named Pierre.

2d. This count was in the same terms as the preceding one, but charged the offence to have been committed in the month of October.

3d. This count charged the prisoner with having solicited and incited, and endeavoured to persuade the slave Pierre to permit and suffer him to commit the crime.

4th, 5th, and 6th. These three counts charged the prisoner with having committed the crime of sodomy with John, a slave, in the month of April, 1826, and August and September, 1827.

7th. This count charged the prisoner with having assaulted a slave, named François, *alias* Docteur, in the month of October, 1827, with an intent to commit the crime of sodomy.

8th. In this count the prisoner was charged with having solicited and incited, and endeavoured to persuade the slave François, *alias* Docteur, to allow him to commit the crime of sodomy.

9th, 10th, and 11th. In these three counts the prisoner was accused of having perpetrated the crime with a slave, named George; of having solicited the said slave to allow him to commit the crime; and of having made an assault upon him with an intent to commit it.

The four succeeding counts accused the prisoner of having, in the months of June and July, 1824, committed the crime with Francis Anthony, a male slave; and of having, in the months of June and July, 1824, made assault upon the same slave with an intent to commit the crime.

16th and 17th. The first of these counts charged the prisoner with having, in the month of June, 1823, solicited a free black man, named Jean Baptiste Rose, *alias* Sauno, to allow him to commit the crime; and the latter with having, in said month, made an assault upon the said Jean Baptiste Rose with an intent to commit said crime.

Under these charges the Attorney-General suggested that the prisoner had forfeited his life, and that he ought to be sentenced to suffer death; but should he not be condemned to suffer death, that he should be sentenced to suffer such other severe and exemplary punishment as the Court should think proper.

On the 7th December, the Counsel for the prisoner was heard on exceptions taken by him to the admissibility of Pierre, the first witness called in support of the prosecution; and the Attorney-General in answer. The Court overruled the exceptions, and the trial proceeded. The evidence for the prosecution was not closed until a late hour, when the Court adjourned until next day.

On the 8th, the witnesses for the prisoner were examined and cross-examined; and the evidence being closed, the Attorney-General and the Protector were heard in support of the prosecution, and the counsel for the prisoner for the defence. The Court then adjourned to the 10th.

On that day the Attorney-General was heard in reply. His Honour the Chief Judge summed up the evidence, and the Court retired. On their return the Chief Judge pronounced the following

*Sentence.*

“The Court are of opinion that the prisoner is ‘Not Guilty.’ Let him be discharged.”

(Signed) HENRY GLOSTER, Guardian of Slaves.

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## Appendix C.

## No. 1.

*Return of Slaves manumitted by His Majesty's Chief Judge in Suits instituted by the Protector and Guardian of Slaves, under the Order in Council of 10th March 1824, from 25th June to 24th December 1827, inclusive.*

## Fourteen in Number.

No.	Registered name of Slave.	Plantation or Personal.	Name of Owner.	Date of entering Suit.	Day of Trial.	Date of the Chief Judge's certificate that the proceedings had been duly had before him.	Consideration in sterling money.	Date of recording Manumission.	Remarks.
1	Louis Baham	Plantation	Andre Bonafoyé	1827 19 May	1827 31 May	1827 29 Nov.	£. s. d. 26 0 0	1827.	
2	Nancy Tabac	Personal	The Minors Caput	12 July	31 July	22 Aug.	97 10 0	18 Sept.	
3	Louis Tabac	—	—	—	—	—	—	—	
4	Astazie Ursule	—	The Minor Lucille Philip	—	—	—	97 10 0	—	
5	Sophy Bradshaw	—	The Minor Eliza Chape	29 Aug.	6 Sept.	20 Sept.	108 6 8	—	
6	Felicité Bidon	Plantation	Succession of John Blackwood	12 Sept.	20 Sept.	—	140 6 8	—	
7	Robert Bidon	—	—	—	—	—	—	—	
8	Mary Popham	Personal	John Cox Newbold	—	—	22 Nov.	43 6 8	—	
9	Isabel Codicia Chiquito	Plantation	The Minor Children of R. de Ustanexa	17 Oct.	25 Oct.	25 Oct.	86 13 4	—	
10	Jean Baptiste Cayaba	—	The Minors Hobson	—	—	14 Dec.	21 13 4	—	
11	Françoise Martie	—	The Minors Hobson, & Catherine Jeanne, & Catherine Saulger	14 Nov.	22 Nov.	—	78 0 0	—	
12	Polly Julouse	—	The heirs and creditors of Span	4 Dec.	13 Dec.	20 Dec.	108 6 8	—	
13	Mary Julouse	—	—	—	—	—	—	—	
14	Leonora Julouse	—	—	—	—	—	—	—	

(Signed) HENRY GLOSTER, Guardian of Slaves.

## No. 2.

*List of Suits to obtain the Freedom of Slaves, instituted by the Protector and Guardian of Slaves before His Majesty's Chief Judge since the 25th June 1827, and depending on the 24th December 1827.*

## Four in Number.

No.	Date of entering Suits.	Registered name of Slave.	Plantation or Personal.	Name of Owner.	Day of Trial.	State of Proceedings.
1	1827 17 Oct.	Joujou Augustin	Personal	Minors Julie Laborde, Georgiana Robert, Nina Dupuis, & Anna Dupuis	1827 25 Oct.	This Slave has not produced any part of his purchase money.
2	14 Nov.	Pascal Hosé	Plantation	Heirs of Robert Mitchell, deceased, and Margaret Mitchell	22 Nov.	Persons have been appointed to appraise this Slave, but the appraisement has not yet been returned.
3	4 Dec.	Frederic Jacimin	Personal	Heirs of Felicity Robert, deceased	13 Dec.	This Slave has been appraised at the sum of £216. 13s. 4d. sterling, but he has only produced £108. 6s. 8d. sterling.
4	15 Dec.	Rosalie Washilabo	Plantation	Heirs of Francois Bri-gros, deceased	27 Dec.	The day of Trial has not yet arrived.

(Signed) HENRY GLOSTER, Guardian of Slaves.

## Appendix D.

*Applications to his Excellency the Governor, in which the Protector has been incidentally engaged, from 25th June, to 24th Dec. 1827.*

Two in Number.

Title of proceedings.	Date of commencement of proceedings.	Nature of application, and state of proceedings.
Eliza Ann Doig, praying to be allowed to register two Slaves.	1827 3 Sept.	Charles Dow Rivers was, at the period for the Triennial Registration of Slaves in January 1825, possessed of three Slaves named John Henrietta, Thomas Henrietta, and Joseph Henrietta. The two former were already duly registered, but the latter having been born after the period of registration in 1822, was not registered. On the 28th Jan. 1825, Mr. Rivers caused a proper return of the three Slaves to be prepared, for the purpose of being sworn to before the Registrar of Slaves; but previous to the 31st he was impressed into the public service, and sent to a distant part of the Island, whence he did not return until after the expiration of the period of registration. In Oct. 1825, Mr. Rivers sold the three Slaves to Mrs. Doig, and her application was to be allowed to register the Slaves John Henrietta, and Joseph Henrietta. Thomas Henrietta having died. On proof of these circumstances the application was, on the report of the Protector, granted by the sentence of his Excellency the Governor, dated 24th Nov. 1827.
Mary Hunt, widow of the late Lieut. Paul Steele Hunt, praying to be allowed to correct an error in the registry of one of her Slaves.	1827 26 Nov.	In 1817, a Slave, named Joe Ramsay, was duly registered in the Island of Antigua, as a "black," without stating his country. He was afterwards imported to Barbadoes, and registered as "a Native of Antigua," and as such he was imported into this Island, where he was purchased by the late Lieut. Paul Steele Hunt. At the period of registration in 1825, Lieut. Hunt tendered the Slave Joe Ramsay for registration as an "African Mandingo," which he really is, but as he had been imported as a native of Antigua, the Registrar of Slaves refused to admit him to registration. The application of Mrs. Hunt was to be allowed to register this Slave, and upon proof of the identity of this Slave, his Excellency was pleased, on the report of the Protector, to grant the application by his sentence, dated the 20th Dec. 1827.

(Signed)

HENRY GLOSTER, Guardian of Slaves.

## Appendix E.

No. 1.

*Return of the Sums of Money deposited in the Savings Bank of the Town of Port of Spain, from the 25th June to the 24th Dec. 1827, inclusive. And also showing the Sums paid, and the Balance remaining in Deposit at the latter date.*

Dates of Deposits.	From whom received.	Names of		Principal.		Interest.			Remarks.
		Depositor.	Owner or Estate.	Dollars.	Bitts.	Period.	Dollars.	Bitts.	
1827									
July 8	Henry St. Hill	Balance in Deposit 24 June, 1827		496	2½				No deposits withdrawn this Quarter.
Aug. 2	—	Moses Mack	Mrs. Mc Namara	16					
Aug. 6	—	Mary Frances	James Farrel	38					
Aug. 24	—	John Coulton	Hugh Fraser	..	..	1 year	2	5	
Sept. 8	—	Mary Frances	James Farrel	..	..	—	4	9½	
Sept. 13	—	Joseph Shufflecock	Minors Sablich	..	..	—	6	2½	
		Moses Mack	Mrs. Mc Namara	..	..	—	..		
		Amount of Principal received in deposit..		540	2½		13	7	
		Add Interest on various deposits .....		13	7				
		Total amount in deposit this day .....		553	9½				

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Since his last Report the Treasurer has received in deposit 67 Dollars and 7 Bitts ; 13 Dollars and 7 Bitts of which being interest arising from previous deposits. The general statement for the present Quarter will therefore stand thus :

	<i>D.</i>	<i>B.</i>		
Balance last Quarter .....	496	2½		
Amount of Deposits.....	67	7	Balance in Deposits 24 Sept. 1827 .....	<i>D.</i> <i>B.</i> 553 9½
	<hr/>	<hr/>		
	<i>D</i> 553	<i>B</i> 9½		

(Signed) HENRY St. HILL, Treasurer.  
25 Sept. 1827.

I hereby certify the foregoing to be a just and true account of all Monies received into the General Savings' Bank of this Island between the 25th June and 24th Sept. 1827.

(Signed) RALPH WOODFORD, Governor. (Signed) HENRY ST. HILL, Treasurer.  
25 Sept. 1827.

## No. 2.

*Return of the Sums of Money deposited in the Savings' Bank of the Town of Port of Spain, from the 28th September, to the 24th December 1827, inclusive, and of the Sums paid out, showing the balance remaining in deposit at the latter date.*

Date of Deposit.	From whom received.	Names of		Principal.		Interest.			Remarks.
		Depositors.	Owners or Estates.	Dollars.	Bitts.	Period.	Dollars.	Bitts.	
1827									The following Sums have been withdrawn this Quarter : Oct. 22, John Thos. Cave, amount of Principal and Interest to that date .... <i>D</i> 60 3 Nov. 22, Mary Frances, amount of Principal and Interest to that date .... 206 6 <hr/> <i>Total</i> <i>D</i> 266 9
	Balance in deposit, 25 Sept. 1827.....			553	9½	—	..	..	
Aug. 6	Hy. St. Hill	John Coulstow	Hugh Fraser	..	..	1 year	..	1	
Sept. 28		Jos. Shufflecock	Minors Sushish	..	..	—	..	8½	
Oct. 11		Jchn Coulstow	Hugh Fraser	..	..	—	..	8½	
Oct. 22		John Thos. Cave	Samuel Hyde	..	..	6 months	1	3	
Nov. 22		Mary Frances	James Farrel	..	..	220 days	1	2	
—		—	—	..	..	207 days	..	9	
Nov. 24		Marie Sainte	Minors Hobson	256	..	—	..	..	
		Theotiste	—	..	..	—	..	..	
Dec. 3		Moses Mack	Mrs. M'Namara	..	..	1 year	..	8	
	Amount of Principal in deposit.....			809	9½		6	0	
	Add Interest on various deposits .....			6	..				
	Total receipts .....			815	9½				
	Amount withdrawn this Quarter .....			266	9				
	Total amount in deposit this day .....			549	½				

Since his last Report the Treasurer has received in deposit 261 Dollars, 6 Dollars of which being Interest on previous deposits, and he has repaid *D*266 9. The general statement for the present Quarter will therefore stand thus :

	<i>D.</i>	<i>B.</i>		<i>D.</i>	<i>B.</i>
Balance last Quarter.....	553	9½	Repaid .....	266	9
Amount of deposits .....	262	0	Balance.....	549	0½
	<hr/>	<hr/>		<hr/>	<hr/>
	<i>D</i> 815	<i>B</i> 9½		<i>D</i> 815	<i>B</i> 9¼

(Signed) HENRY ST. HILL, Treasurer.  
25 Dec. 1827.

I hereby certify the foregoing to be a just and true account of all deposits received into the General Savings' Bank of this Island, between 25th Sept. and 24th Dec. 1827.

(Signed) HENRY ST. HILL, Treasurer.  
RALPH WOODFORD, Governor.

25 Dec. 1827.

## Appendix F.

*Return of Slaves manumitted by Private Contract, from 25th June to 24th December 1827, inclusive.*

No.	Registered name of Slave.	Age.		Plantation or Personal.	Name of Owner.	Date when Manumission was signed.	Date when Manumission was registered.	Consideration in sterling money, or other wise.	No. in Protocol A. for 1827.	Remarks.
		Year.	Mon.							
1	Catalina Castano	16	..	Plantation	Martin Sorzano	1827 25 June	1827 21 July	£. s. d 60 13 0	246	Manumission delivered to Catalina Castano 7th Nov. 1827. She lives with Alphonso Castano her mother.
2	Alphonsa Castano	30		—		—	18 July	78 0 0	242	Manumission delivered to Alphonso Castano 7th Nov. 1827. She resides in the Quarter of Santa Cruz, and sells Plantains, &c.
3	Thereza Bigot	20	..	Personal	Jean Francois Fougour	26 June	21 July	Love and affection; and divers good causes and considerations.	247	
4	Angel Angeliue	33	6	Plantation	Hugh Geddy Peake and Edward Chubb	—	—	43 6 0	248	
5	Madelaine Peggy	40	..	Personal	Mr. and Mrs. Watronville	28 June	—	78 0 0	249	
6	Marie Thereza	39	..	—	Mr. and Mrs. Asbert	—	—	97 10 0	244	Manumission delivered to Maria Thereza on the 17th Oct. 1827. She cultivates land in the Valley of Maraval.
7	Sibby King	38		—	Christopher Johnston	5 July	9 Aug.	43 7 0	269	Manumission delivered to Sibby King 17th Oct. 1827. She lives in Vincent-street and is a washerwoman.
8	Leon Maria	9		—	Joseph Celestin Surera	7 July	21 July	43 6 0	245	
9	Clarissa Nock	42	6	—	Marcos Almeida	13 July	—	86 13 0	251	
10	Possess Quamina	35	..	Plantation	Heirs of Thomas Latham, deceased	14 July	9 Aug.	108 6 0	264	
11	Eugenie Dick	44	6	Personal	Elizabeth Charlotte Bertête	17 July	21 July	48 15 0	250	Manumission delivered to Eugenie Dick 15th Oct. 1827. She lives in Nelson-street, Port of Spain, and is a washerwoman.
12	Ferdinand Septimo	31	6	—	Jeanne Leers	20 July	9 Aug.	86 13 0	264	Manumission delivered to Ferdinand Septimo on 8th Nov. 1827. He is a carter in town.
13	Joseph Lafleur	54	..	—	Marie Judie	23 July	—	65 0 0	266	Manumission delivered to Joseph Lafleur 10th Nov. 1827. He hires himself to Mr. Pierre Philip at Savanna Grande.
14	Constance Catherine	27	..	—	François Mathieu	27 July	—	43 6 0	265	Manumission delivered to Constance Catherine on 19th Oct. 1827. She is a washerwoman and lives in Cumberland-street.
15	Elcey Paggett	44	6	—	Mary Palmer	28 Aug.	—	52 0 0	263	
16	Gature Helene	40	6	—	Antoine Picton	3 Aug.	—	86 13 0	262	Delivered to Gature Helens 10 Dec. 1827. She lives in the Market-street and is a huckster.
17	Marceline Rogers	32	6	—	Mrs. Bramley	—	—	78 0 0	261	Delivered to Marceline Rogers on 10th Dec. 1827. She lives in Vincent-street with her husband.

## TRINIDAD.

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No.	Name of Slave.	Age.		Plantation or Personal.	Name of Owner.	Date when Manumission was signed.	Date when manumission was registered.	Consideration in sterling Money or otherwise.	No. in Protocol A. for 1827.	Remarks.
		Years.	Mo.							
18	Marie Rose	18	6	Personal	Jaques Delchet	1827 8 Aug.	9 Aug.	65 0 0	268	Manumission delivered to Marie Rose 19 November 1827. She resides in Queenstreet and takes in needle-work.
19	St. Rose Joseph	32	6	—	Annette Goniatt	21 Aug.	18 Sept.	86 13 0		
20	Eulalie Garcin	36	6	—	Mad. Urbanexa	24 July	—	86 13 0		
21	Hanbury Walker	34	..	—	Rev. G. Cummins	24 Aug.	—	Faithful services		
22	Michel Philip	50	6	—	Pauline Duquid	28 Aug.	—	78 0 0		
23	Remi Charles	32	6	—	Elizabeth Sauvignon	4 Sept.	—	21 13 0		
24	Venus Marianne	40	..	—	Alexis David	4 Oct.	—	25 0 0		
25	Rose Caress	40	..	—	Louis Barry	11 Oct.	—	An undertaking to manumit; and love and affection.		
26	John Daily	30	..	—	Henry St. Hill	13 Oct.	—	86 13 0		
27	Pelage St. Yoe	42	..	Plantation	Charles Capedeville	16 Oct.	—	86 13 0		
28	Manuel Rawlins	33	..	Personal	Andrew Johnston	—	—	151 0 0		
29	Rose Scotto	40	..	—	John Thos. Miller	23 Oct.	—	86 13 0		
30	Charles Azord	29	..	Plantation	Antoine Superville	25 Oct.	—	97 10 0		
31	Françoise Julie	23	..	Personal	Marie Julie	31 Oct.	—	Love and affection		
32	James Joseph	40	..	Plantation	Mr. and Mrs. Ganteaume, and Chas. M. de la Quarrée	18 Nov.	—	Good and faithful services		
33	Elizabeth Zabeth	38	..	Personal	Anne Marie Duboy	23 Nov.	—	70 4 0		
34	Louis Melville	..	9	—	Auguste Vence	27 Nov.	—	7 0 0		
35	Renée Simmons	40	..	Plantation	L. La Foureade	30 Nov.	—	86 13 4		
36	Elizabeth Purcell	39	..	—	J. B. Navet	—	—	119 0 0		
37	Marie Jeanne	37	..	Personal	John Merry	13 Dec.	—	Divers good causes and considerations		
38	Caroline Tinsey	31	..	—	Mary Weldon	18 Dec.	—	78 0 0		
39	Rose March	40	..	—	Lydone Zelia	—	—	Love and affection		
40	Marie Emilie	36	..	—	Annette Goniatt	21 Dec.	—	78 0 0		
41	Paul Desjoies	43	..	—	Costeaux Delite	22 Dec.	—	Divers good causes and considerations		
42	Ferdinand Desroches	39	..	—	—	—	—	—		



## No. 6.

SIR,

*Trinidad, 7th March, 1828.*

The half-yearly Report of the Protector of Slaves, that was forwarded by the last mail, completed a space of three years and a half since the order in Council of the 10th of March, 1824, has been in force.

(See A.) As that period corresponds in extent with the date from which the Return of Manumissions \* laid before the House of Commons in 1826 was made up, thereby offering means of comparing the practical effect of the unrestrained purchase by the slave of his freedom, for an equal portion of time, before as well as after the operation of the order, by which that right was secured to him, and in the hope that the result may operate favourably in elucidation of the question that I observe to be under investigation before the Privy Council, I have the honour to inclose a General Return of the Manumissions that have been issued by the Protector under the 29th, 30th, 31st, 32d, 33d, and 34th

(See B.) Clauses of that law accompanied by a very detailed statement of the progressive operation of this privilege since it has been confided entirely to that officer to carry into effect, and which Mr. Gloster appears to have prepared with great care and perspicuity, as shewing the results in various points of inquiry.

(See C.) By the Return of Manumissions laid before the House of Commons in May 1826, it will be seen, as the inclosure compiled therefrom manifests, that the total number of manumissions that were recorded between the 1st January, 1821, and the 24th June, 1824, when the order became a law, was 377, of which 167 had been purchased for £27,182. 7s. 0d. currency, or 54,364 dollars, equal at the fixed exchange of 52 pence to the dollar, to £11,779 sterling; giving an average of £70. 10s. 7½d. sterling each.

(See B.) The Return A shows that the number of freedoms recorded subsequent to the order has been 588, of which 409 have been purchased at a cost of £25,627. 2s. 6d. sterling, but at the reduced average of £62. 13s. 1¼d. sterling. The difference in these averages may be attributed to an increase of manumissions among children, the average value of adults in the last period being equal to the general average of the first.

(See C.)

I cannot however say, nor do I think, that the Return of 1826 may have comprised all the freedoms conferred during the period which it represents, prior to the Protector's appointment, the simple entry of manumission in the registry having been at that time often preferred as the least troublesome and expensive.

Admitting, however, all to have been included, it will be found that the number of freedoms bought by personal or domestic slaves, as compared to those registered as belonging to plantations, is as forty-one to seventeen. The number of plantation slaves registered in January, 1825, was 16,107, and 137 manumissions, will give an annual rate of about three per cent. only upon the population employed in agriculture, registered as such. Of the 8373 personal slaves, 1000, or perhaps 1500, may also be employed on estates, but though the annual average manumitted is at the rate of 17½ per cent. on the total number, above one half have been gratuitous.

(See B.) There is no reason for supposing that justice has not been observed towards the master as well as the slave, since prior to the order as large a sum as £350. currency, 700 dollars, (£151. 13s. 4d.) is returned as the price of a single manumission, while the highest amount returned by the Protector is £169. sterling, or 780 dollars.

It is, however, remarkable that the cost of manumissions has not kept pace with the increasing value of slaves. From 1821 to 1824 the former was highest: the average of freedoms having been £70, while that of negroes in gangs was £65. The former are now obtained at £62, while the price of the latter has risen to £100. This augmented price is doubtless to be ascribed to the operation of the Consolidation Slave Act, which prevents the importation of plantation slaves from the old colonies, where their value daily

\* Sessional Papers, No. 353. Slave Population in the British West Indies, 1826.

decreases, and their owners daily become less able to provide for them, when they need that protection and care which they are unable to procure for themselves.

It must, however, be observed that twenty-four applications for freedom have occurred, which do not appear in the returns, where, from the price assessed, the parties have been unable to produce the money:—of these Pamela Munro was one; but of the ninety-five cases recorded to have been had before the Chief Judge, forty-eight were instituted because the slaves were under mortgage; forty-four belonged to minors; and the remaining three were the property of persons absent from the jurisdiction.

There has, therefore, been shewn no unwillingness on the part of owners to concede this most reasonable right to the slave, and notwithstanding the reluctance felt to any interference with this description of property, the goodwill of owners towards these humble dependents does not appear to have suffered any great diminution.

I trust it will be seen by these inferences, drawn from accurate premises, that the apprehensions which have been entertained, of a too rapid effect of this privilege, have not in experience been realized. I may also add, that the crops have increased, and that punishments diminish.

If the discussions that have taken place upon this question, so important to the welfare of the slave-population in these colonies, and not less so, in my humble conception, to the proprietors, shall terminate unfavourably to their interests, I cannot but hope that His Majesty's Government may see the propriety, and Parliament admit the justice, of permitting the transfer, to this island, of such slaves as their owners may be willing and able to bring from the exhausted soils on which they are now obliged to labour so severely for their own support, as well as for that of the master: their situation in this may be inferred from the large sums which in the short space of three years and a half have been paid by them, and amounting to more than £7000. sterling per annum in the small population of 17,583 adults.

In the event of such an enactment, I have before\* recommended the conditions which should attach to it. I have also before had occasion to shew that this climate is not unhealthy to that class, even when placed on forest lands which they have cleared and brought into cultivation; and I also submit a return, shewing the state of the same gang in 1826; upon whom, in 1823, the slave-tax was, with Lord Bathurst's consent † remitted for three years in consequence of the care manifested by the owner in their settlement.

(See D.)

I have only now to point out, that in this island the slave will be placed in the full enjoyment of that protection which Parliament has pronounced to be his due.

I have, &c.

(Signed)

RALPH WOODFORD.

*The Right Hon. Mr. Secretary Huskisson,*

&c. &c. &c.

\* 22d April, 1825. No. 610.

† 29th September, 1823.





## C.

*Statement of the number of Slaves manumitted in the Island of Trinidad, from the 1st day of January 1821, to the 23d day of June 1824 inclusive, exhibiting the number of those who obtained their Freedom gratuitously, by bequest, and for valuable consideration; also exhibiting the amount paid for Manumissions, and the general average of each Manumission during the same period, as shown by the Returns laid before Parliament, 1826.*

Total number of Slaves manumitted during the above period . . . .	377	Total amount paid by 167 Slaves, during the above period .. £11,779 0 4 sterling
Of whom were manumitted		General average, for the same period, of each manumission.. 70 10 7½ sterling
Gratuitously or by voluntary manumission . . . . .	166	
By will . . . . .	44—210	
For valuable consideration . . . .	167—167	
	<u>377</u> 377	

## D.

*Return shewing the number of Negroes imported into this Island by Burton Williams, Esq.*

## Number of Negroes imported.

In July 1821	Feb. 1822	July 1822	March 1823	June 1823	Sailors imported in 1824	Total
105	54	35	65	63	7	329

## Number of Deaths.

In 1821	1822	1823	1824	1825	1826	Total
3	2	4	10	10	4	33

## Consisting of Males and Females dead.

From 20 and upwards.	From 12 to 20.	Infants imported.	Infants born here.	Total.
18	4	4	7	33

No. sold.	Manumitted.	Infants born since July 1821.
49	2	57

Living of births in Trinidad.	Africans.	Creole Adults.	Males and Females under 15 years of age imported.	Total on the Estate.
9	18	142	93	302

(Signed) BURTON WILLIAMS.

Verified, (Signed) EDWARD MURRAY,  
Register of Slaves.

## No. 7.

SIR,

*Downing Street, 28th April 1828.*

I HAVE received your Dispatch of the 7th ultimo, inclosing the very useful returns which had been prepared by the Protector of Slaves for the purpose of exhibiting the course of manumissions for a period of three years and a half subsequent to the Order in Council of the 10th March 1824, and comparing it with that of a similar period of three years and a half previous to that order.

The first fact which is shewn by these returns is, that the number of manumissions for the period subsequent to the order, exceeds the number for the period previous to the order by 211. In the next place, it is gratifying to infer, from the price of adults being nearly the same on the average of both periods, that the mistaken views which led to the unjust appraisement of Pamela Monro, have not been so generally adopted or persisted in as to effect any permanent increase in the price of manumissions under the order.

You will have the goodness to state upon what grounds you have supposed that the price of slaves has risen to £100, 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 Dec. 1827, £86. 16s. 5¼d. for plantation Slaves, and £67. 8s. 6¼d. for personal Slaves. In the absence of other information, I cannot but assume these returns to prove that the average price of Slaves had not exceeded these sums.

I have, &amp;c.

(Signed) W. HUSKISSON.

*Governor Sir R. Woodford, Bart.*

&amp;c. &amp;c. &amp;c.

## No. 8.

SIR,

*Downing Street, 8th May 1828.*

WITH reference to your Dispatch of the 12th February, I have to request that you will instruct the Protector of Slaves to prepare Abstracts of the half yearly Returns of Punishments on Plantations, classifying them according to the different degrees of severity; shewing their increase or decrease as compared with the preceding half year; and also shewing, with a corresponding classification, the offences for which they have been inflicted.

These Abstracts should accompany the Protector's half-yearly Reports, and the transmission to this Office of the Punishment Records in full may then be discontinued. The Protector will not fail, however, to submit the Returns in full for your inspection, and I shall rely upon your putting me in possession of any particulars in them which shall appear to require my attention.

I have, &amp;c.

(Signed) W. HUSKISSON.

*Governor Sir R. Woodford, Bart.*

&amp;c. &amp;c. &amp;c.



## ST. LUCIA.

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### No. 1.

MY LORD, *Governor's Pavilion, St. Lucia, 28th July, 1827.*

I HAVE the honour to transmit to your Lordship, a letter from some of the principal proprietors in this Island (and expressive of the general feeling) on the subject of the amended slave law of 24th April, 1827; and I venture to pray your Lordships favourable consideration of the statements therein made, and of their pathetic appeal.

I am well aware, my Lord, of the magnitude of this abstruse question, and therefore shall forbear giving any opinion, but shall only draw your Lordship's attention to the slave law passed in Council on the 8th February, 1826, and the ready submission to it shewn by all ranks, and merely state, what is really the fact, that the gentlemen whose signatures are to this letter, are men of old and noble French families of very long residence in the colony, of the highest respectability, noted for their humane and kind treatment of their negroes, and that in the management and care of them, they have ever acted more like parents than masters.

I have, &c.  
(Signed)

J. M. MAINWARING,  
Major-General, Governor.

*The Right Hon. Viscount Goderich,*  
&c.                      &c.                      &c.

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A Sa Seigneurie le Vicomte Goderich, Ministre Secrétaire d'Etat au  
Département des Colonies, &c.

MONSEIGNEUR,

LES Membres de la Cour Royale de l'Île Sainte Lucie soussignés, éclairés par une triste expérience sur les innovations introduites dans la législation coloniale, considérant que le trouble et l'agitation inséparable de telles innovations s'accroissent de jour en jour d'une manière alarmante, et que l'ordre émané du Conseil Privé de cette Colonie, le 24 Avril dernier, ne peut que les accroître encore, et amener de grands malheurs, ont l'honneur de mettre sous les yeux de votre seigneurie leurs respectueuses représentations en la suppliant de les soumettre à Sa Très Gracieuse Majesté, bien persuadés que désirant le bien-être de tous ses sujets, elle prendra en considération leur humble supplication, et voudra bien prévenir les funestes conséquences qu'on aurait à redouter de la mise en vigueur du nouvel ordre en Conseil.

L'établissement d'un officier public sous le titre de Protecteur des Esclaves, avec des attributions distinctes de celle du Procureur Général serait l'une des innovations les plus funestes à la Colonie.

L'esclave ne doit pas reconnaître d'autre Protecteur que son maître, et c'est par l'intermédiaire de celui-ci seul que les améliorations qu'il pourra recevoir doivent lui parvenir. Un Protecteur Spécial des Esclaves dont les attributions sont de surveiller le maître, être constamment en opposition avec lui, lui faire rendre compte de sa conduite, scruter son administration jusque dans les plus minutieux détails, le soumettre en quelque sorte à une juridiction inquisitoriale, le contrarier à chaque instant dans ses vues même les plus avantageuses à ses esclaves, le dégrade et l'avilit à leurs yeux, met le maître et les esclaves dans un état d'hostilité permanent, le leur rend même odieux comme étant le seul obstacle à une émancipation absolue. De là une haine qui s'envenime de jour en jour, des désordres toujours renaissants, des plaintes



multipliées de part et d'autre, le temps passé dans des contestations judiciaires, qui, mettant à découvert la foiblesse et l'impuissance du maître le placé pour ainsi dire de niveau avec son esclave, rend celui-ci audacieux et entreprenant. N'en a-t-on pas déjà vu demander hautement l'exécution de la loi qu'ils interprétaient à leur manière et refuser de travailler jusqu'à ce que des châtimens sévères leur aient appris qu'ils étaient dans l'erreur.

Le moral de l'esclave loin de s'améliorer se détériore par son indiscipline ; il devient insolent, et s'abandonne sans mesure à sa dépravation et à son indolence naturelle, jusqu'au moment où tous les liens étant brisés comme il en a l'espoir, il puisse impunément se livrer aux derniers excès.

Sous quelque point de vue qu'on envisage l'établissement d'un Protecteur des Esclaves, il inspire des craintes : cette institution dont la dénomination seule blesse essentiellement les droits des propriétaires, est une injure gratuite faite non seulement aux maîtres, mais encore aux magistrats, aux officiers de la couronne, aux commissaires de quartier. L'ordre en Conseil du 8 Février, 1826, après avoir établi en principe que le maître est le protecteur naturel et spécial de son esclave, a chargé particulièrement le Procureur-Général du soin de protéger les esclaves contre les infractions à la loi que les maîtres pourraient commettre au préjudice des premiers ; ensuite selon la hierarchie judiciaire la même soin est confié au sénéchal, au Procureur du Roi, aux commissaires, et lieutenants-commissaires de quartier. C'est ainsi que sont multipliés les moyens de maintenir l'ordre, de veiller à l'exécution des lois, et de protéger tout le monde ; les soussignés ne peuvent concevoir pourquoi on abroge si promptement d'aussi sages mesures pour en substituer des funestes qui tendent évidemment à la ruine complète du pays. En effet, en enlevant aux différents officiers publics désignés dans les premiers articles de l'ordre en Conseil du 8 Février, 1826, la plus précieuse de leurs attributions pour en investir deux individus qui ne sauraient jamais offrir les mêmes garanties, on marque aux premiers une défiance injurieuse qu'ils sont loin d'avoir méritée ; on prive les maîtres de l'avantage inappréciable d'obtenir une justice prompte qui seule peut empêcher des grands désordres. On met les habitans dans la plus triste situation, en leur enlevant le dernier moyen de prévenir le mal : l'éloignement du Protecteur, la difficulté de lui donner immédiatement connaissance des désordres naissans que le maître dans son impuissance ne peut plus arrêter, ne fait que les multiplier, et leur donner une gravité de plus en plus inquiétante, le soin de l'agriculture fait place à la nécessité d'accuser et au besoin de se défendre ; les travaux qu'on a déjà vus négligés, interrompus pendant des semaines entières, seront totalement abandonnés. Il n'y aura plus que des châtimens terribles qui pourront momentanément rétablir l'ordre, mais ces châtimens ne feront qu'aggraver la position malheureuse du maître toujours victime non seulement des infractions qu'il a pu commettre, mais de celles que commettront ses esclaves.

Une telle législation étouffe chez ces dernières tout sentiment de discipline, de devoir, d'attachement, envers leur maître pour y substituer une haine furieuse qui au premier moment peut entraîner les plus affreux malheurs.

Si on obligeait le Protecteur et l'Aide-Protecteur à se transporter sur les habitations, comment pourraient-ils suffire aux plaintes qui leur seraient apportées de toutes parts ? Comment pourraient-ils donner leurs soins à toutes les habitations ? Quand ils seront dans une partie de l'Ile les troubles naîtront dans une autre ou même dans vingt endroits à la fois ; et d'ailleurs leur présence sur les habitations, en évitant l'inconvénient de déplacer les ateliers, en fait naître un plus grave, s'il est possible, qui est de faire de plus en plus mépriser l'habitant en montrant à tous ses esclaves, qu'il n'est pas le maître chez lui.

A ces considérations qui seront décisives sans doute pour empêcher l'établissement de cette nouvelle magistrature, on en doit joindre une dernière qui dans des temps prospères eût été peu de chose, mais qui dans l'état de détresse où se trouve la Colonie, est du plus grand poids. C'est de substituer à des fonctions gratuites ou déjà pourvues d'émolumens, des fonctions salariés. Cet accroissement des charges publiques déjà presque intolérables, ne pourrait qu'augmenter le nombre des habitans qui sont dans la misère, et accélérer la ruine des autres.

Après avoir jété dans les ateliers les brandons de la discorde, on veut encore

enlever aux maîtres les moyens les plus simples de prévenir les délits, ou d'empêcher qu'ils ne s'aggravent. Tel est l'effet évident et immédiate des articles 39 et 40 de l'ordre en Conseil du 8 Février, 1826, qu'il a plu à Sa Majesté d'annuler, et qui cependant se trouvent reproduits textuellement dans les articles 17 et 18 de l'ordre en Conseil du 24 Avril dernier. là même où l'on déclare qu'ils sont annulés.

Les soussignés supplient humblement votre Seigneurie de mettre aux pieds de Sa Très Gracieuse Majesté leurs instantes prières, afin qu'elle veuille bien maintenir l'annulation pure et simple de ces deux articles dont les effets sont les plus funestes.

Dans l'indiscipline et la mauvaise volonté à remplir son devoir, il est différents degrés parmi les esclaves : aux uns la présence d'un supérieur investi du pouvoir de punir est suffisante, aux autres un ordre impératif accompagné d'une simple menace qu'on peut à l'instant même mettre à l'exécution, aux autres enfin un commencement de punition qui infligé sur le champ arrête les progrès de l'insubordination. Ce pouvoir coercitif maintient le plus grand nombre dans le devoir, et, ce qui est l'objet essentiel de toute législation, il prévient les délits : c'est un frein indispensable à cette classe d'hommes peu capables d'obéir aux considérations morales ; il leur est favorable même parcequ'en les retenant dans la subordination il les met à l'abri d'encourir de fortes punitions.

On a déjà vu un grand nombre d'exemples depuis le nouvel ordre de choses où des esclaves dont la docilité et la bonne conduite avait jusqu' alors éloigné d'eux toute espèce de châtement, se mettent enfin dans le cas par leur désobéissance de subir par l'ordre des magistrats de sévères punitions aux quelles ils n'auraient jamais été exposés, si des premières marques d'insubordination le maître les eût punis.

L'influence de l'article 40 annullé, et reproduit comme on vient de la dire, s'est fait ressentir de la manière la plus déplorable sur les habitations, et dans les maisons particulières : l'insolence des négresses en général plus méchantes que les negres, et plus disposées encore à désobeir, est venue à son comble ; il est presque impossible d'obtenir du plus grand nombre un service supportable ; les formalités gênantes imposées aux maîtres pour infliger aux négresses les plus légères punitions encouragent celles-ci à manquer à leur devoir ; l'impunité de délits, d'abord peu considérables, mais aggravés par leur répétition, les porte bientôt à une désobéissance ouverte ; elles refusent de remplir leur tâche, ou la remplissent mal, et répondent avec insolence aux observations les plus justes. Depuis la publication du nouveau code noir on a mille exemples de voies de fait que les négresses se sont permises, soit entr'elles-mêmes, soit envers les negres ou leurs surveillants, et ce qui amène les plus grands désordres, elles se livrent à un libertinage effrené, que rien ne peut plus retenir, enfin les maîtres poussés à bout sont forcés de recourir à l'autorité des magistrats, ce qui attire aux négresses des châtimens qui depuis long-temps leur étaient inconnus.

L'article 11 du nouvel ordre en Conseil introduit une nouveauté bien défavorable aux esclaves, et fâcheuse pour tout le monde, en défendant, par un rigorisme, outré que les marchés du Dimanche pour la vente des comestibles, fruits, denrées, marchandises, &c. puissent tenir au delà de onze heures ; les esclaves des habitations éloignées de la ville ne peuvent se rendre assez promptement pour vendre les produits de leurs jardins, et se voient obligés de les ramener chez eux. Ajoutez à cet inconvénient l'impossibilité où ils sont de faire les emplettes dont ils ont besoin, puisque les boutiques des marchands sont fermées avec le marché ; il faudra donc qu'ils perdent le temps consacré à leurs travaux pour vendre leurs légumes et autres comestibles ; cette perte de temps serait surtout inévitable, si on réalisait la menace que renferme cet article 11, de supprimer totalement les marchés du Dimanche. Le seul moyen de dédommager l'esclave serait de lui donner un jour de plus que le Samedi par semaine ; mais les soussignés, d'après les principes manifestés dans les conseils de Sa Majesté, ne supposent pas qu'une telle proposition y soit jamais faite, puisque ce serait enlever aux maîtres un tiers de leurs revenus, et par conséquent porter une atteinte directe au droit sacré de propriété.

Les mesures sévères prises contre les maîtres, les entraves multipliés dont on gêne leur administration, les injustes préventions qui manifestent les derniers ordres en Conseil, ont prouvé que les planteurs sont victimes de la calomnie ;

mais rien ne le montre plus ouvertement que l'article 14 d l'ordre en Conseil du 24 Avril.

Il est ordonné par cet article, en explication du 24<sup>me</sup> de l'ordre en Conseil précédent, que lorsque les esclaves auront travaillé toute la nuit, ils auront droit dans tous les cas à huit heures consécutives de repos, dans les vingt-quatre heures sur la peine portée par l'article 43.

Quoi donc ! y a-t-il eu des maîtres non seulement assez durs, mais assez ennemis de leur propres intérêts pour faire travailler jour et nuit sans relache leurs esclaves ? mais la chose est physiquement impossible ; dans peu de jours les nègres fussent morts de lassitude ; ou donc a-t-on pu prendre une telle exagération, si ce n'est dans la haine aveugle qu'on porte aux colons ? Les soussignés ne demandent pas la suppression de cet article, comme blessant leurs droits, gênant inutilement leur administration, mais comme contenant une supposition calomnieuse.

Ils ne s'étendront pas davantage sur les funestes conséquences de l'ordre en Conseil du 24 Avril dernier ; ils en ont assez dit pour esperer que Sa Tres Gracieuse Majesté voudra bien la rejeter entièrement ; d'ailleurs la déplorable situation où les habitans de cette colonie se trouvent placés les ayant déterminés à transmettre bientôt à votre Seigneurie leurs humbles représentations pour être soumises à Sa Majesté, les soussignés se joindront à eux dans l'espoir que Sa Majesté voudra bien écouter leurs vœux, soulager leurs maux, et prévenir de plus grands malheurs.

Les soussignés sont, &c.

(Signé)

HARDY DU BOCAGE,  
P. MARUCHEAU,  
S. R. LAPORTE,  
GUY DE MAREIL,  
DU BRETTE.

CHEV. P. M.

LAURIOTE ST. CROIX.

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*Ordre en Conseil,*

Par lequel plusieurs des réglemens contenus dans l'ordre du 18 Fevrier dernier, qui établissait un nouveau code noir pour l'Ile de Sante Lucie sont revus et amendés.

Par Son Excellence John Montagu Mainwaring, Major-Général, Commandant les Forces de Sa Majesté, Gouverneur et Commandant en Chef de l'Ile Sainte Lucie, Vice Amiral de la dite Ile, &c. &c.

(L. s.)

(Signé)

J. M. MAINWARING.

ATTENDU qu'il a plu à Sa Majesté, en témoignant généralement son approbation gracieuse des ordres en Conseil du 8 Février dernier au sujet des esclaves, d'ordonner que certaines parties des réglemens contenus dans le deuxième ordre du même jour, établissant un code noir pour cette Ile, fussent revus et amendés, et Sa Majesté ayant aussi daigné autoriser le Gouverneur à promulguer, et mettre immédiatement en exécution, provisoirement et jusqu'à ce que le plaisir ultérieur de Sa Majesté soit connu, tel nouvel acte qui pourrait être passé à cet effet.

Et ayant soumis cette volonté de Sa Majesté, comme elle nous a été mandée par une dépêche du Très Honorable Compte de Bathurst, en date du 21 Fevrier dernier, à la considération du Conseil Privé en cette Ile,

Nous, John Montagu Mainwaring, Major-Général, Commandant les Forces de Sa Majesté, Gouverneur et Commandant en Chef de l'Ile Sainte Lucie, et Vice Amiral de la dite Ile, de l'avis du dit Conseil, et en vertu des pouvoirs dont nous sommes revêtu, statuons et ordonnons, et il est par ces présentes statué et ordonné que :—

1. En addition aux réglemens au sujet du Protecteur, rien du contenu au dit acte ne pourra être interprété comme empêchant Sa Majesté de séparer la

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(Translation.)

*Order in Council,*

Whereby several of the regulations contained in the order of the 18th February, by which a new slave law was established for the Island of St. Lucia, are revised and amended.

By His Excellency John Montagu Mainwaring, Major-General,  
Commanding His Majesty's Forces, Governor and Commander in  
Chief of the Island of St. Lucia, Vice Admiral of the same, &c.

L. S.

(Signed) J. M. MAINWARING.

HIS MAJESTY having been pleased, in expressing generally his gracious approbation of the orders in Council of the 8th February last, relative to slaves, to direct that certain parts of the enactments contained in the second order of the above date, whereby a new slave law was established for this island, should be revised and amended; and His Majesty having been also pleased to authorize the Governor to promulgate and carry into immediate operation, provisionally, and until His Majesty's further pleasure be known, any further act which might be passed in amendment of it.

And having submitted such His Majesty's pleasure, as contained in a dispatch from the Right Honourable the Earl Bathurst, of 21st February last to the consideration of His Majesty's Privy Council in this island,—

I, John Montagu Mainwaring, Major-General, Commanding His Majesty's Forces, Governor and Commander in Chief of the Island of St. Lucia, and Vice Admiral of the same, do now, by and with the advice of the said Privy Council, and in virtue of the powers in me vested, enact and ordain, and it is hereby enacted and ordained:—

1. In addition to the provisions respecting the Protector, that nothing in the said order in Council contained, shall extend to prevent His Majesty from

la charge de Protecteur des Esclaves de celle de Procureur Général, et de nommer un officier particulier pour remplir les fonctions de Protecteur des Esclaves, en cas que Sa Majesté le juge à propos.

2. Et il est de plus ordonné par les présentes, que le dit Protecteur des Esclaves établira et tiendra un bureau dans la Ville de Castries, et qu'il se trouvera régulièrement audit bureau aux jours et aux heures de la journée que le Gouverneur ou l'officier administrant le gouvernement de la dite Colonie pourra lui indiquer, par ordres généraux ou spéciaux par lui donnés de temps à autre; et qu'il gardera, déposera, et conservera dans ce dit bureau, et non ailleurs, les différens actes, livres, papiers, et écrits, qu'il lui est ci-après enjoint de tenir.

3. Et il est de plus ordonné que le dit Protecteur des Esclaves ne pourra être maître ni propriétaire d'aucune habitation située dans la dite Colonie, ni d'aucun esclave ou d'esclaves employés ou travaillant sur aucune habitation, ou à l'agriculture en aucune manière; qu'il n'aura aucune part ou droit, ni aucune hypothèque sur aucune habitation ni esclave quelconque; qu'il sera et est par ces présentes déclaré incapable d'être ou d'agir en qualité de gérant, économiste, préposé, ou fondé de pouvoirs, de, pour, et sur aucune habitation ou bien dans la dite Colonie, ni de servir de tuteur, curateur, ou d'exécuteur testamentaire, d'aucune personne possédant ou ayant des droits sur aucune telle habitation ou esclave; et en cas que le Protecteur des Esclaves dans la dite Colonie devienne acquéreur ou possesseur, soit en son propre droit ou celui de sa femme, ou chargé pour d'autres personnes d'aucune habitation située dans la Colonie, ou d'aucun esclave ou d'esclaves employés ou travaillant sur une habitation, ou à l'agriculture en aucune manière, ou qu'il ait aucune part ou droit en, ou hypothèque sur aucune telle habitation, esclave ou esclaves, ou qu'il serve en qualité de gérant, économiste, préposé, ou fondé de pouvoirs, tuteur, curateur, ou exécuteur testamentaire, comme il a été déjà dit, il cessera dès ce moment *de facto* d'être Protecteur des Esclaves, et forfira son salaire, et une autre personne convenable sera nommée pour succéder à son emploi.

Pourvu néanmoins que tout acte qui aura été fait par, ou par ordre de, tel Protecteur des Esclaves, après qu'il aura ainsi vaqué son office, mais avant que signification n'en soit publiquement faite dans la Gazette de la Colonie, sera bon et valable aux yeux de la loi, comme si cette vacance n'eût pas eu lieu.

4. Et il est de plus ordonné, que le dit Protecteur résidera dans la Colonie, et ne la quittera pas sans qu'il en ait obtenu la permission expresse de Sa Majesté, par le moyen d'un de ses Secrétaires d'Etat, ou celle du Gouverneur, ou de l'officier administrant le gouvernement *par interim*, de la dite Colonie; et dans aucun cas telle permission ne sera pas accordée par le Gouverneur, ou l'officier administrant le gouvernement, pour plus de trois mois de temps, ni le Gouverneur, ou l'officier administrant le gouvernement, n'accordera pas la permission sus dite à moins qu'il ne soit lui prouvé, par l'attestation sous serment d'un officier de santé, que cette absence soit nécessaire pour le rétablissement de la santé du dit Protecteur des Esclaves.

5. Et il est de plus ordonné, qu'en cas de mort ou démission du Protecteur des Esclaves, ou en cas de sa maladie, ou de son incapacité de corps ou d'esprit, ou pendant la durée de son absence de la Colonie, il sera légal pour le Gouverneur, ou l'officier administrant le gouvernement, de nommer et constituer quelqu'autre personne capable, pour agir en qualité de Protecteur, ou Délégué du dit Protecteur des Esclaves, selon l'occasion, jusqu'à ce que le plaisir de Sa Majesté soit connu; et le dit Délégué recevra telle rétribution, à déduire sur les appointements du dit Protecteur des Esclaves, que le Gouverneur, ou l'officier administrant le gouvernement *par interim*, jugera à propos de fixer.

Pourvu néanmoins que la personne qui sera nommée à la charge de Délégué du Protecteur, si elle a, sous tout autre rapport, les qualifications nécessaires, sera choisie parmi ceux qui ne seront propriétaires d'esclaves, ni intéressés en aucune propriété consistant en esclaves, à moins qu'il ne soit pas possible de trouver une personne convenable qui n'ait aucune telle propriété, et qui soit disposée à l'accepter cette charge, et qui soit capable d'en remplir les devoirs

disuniting the office of Protector of Slaves from the office of Procureur-General, and from appointing a distinct and separate officer to act as and be a Protector of Slaves, in case His Majesty shall see fit so to do.

2. And it is hereby further ordered that the said Protector of Slaves shall establish and keep an office in the town of Castries, and shall regularly attend at such office, on such days, and during such hours of the day as the Governor, or officer administering the government of the said Colony, by any general or special orders to be by him from time to time issued, may appoint; and shall at such office, and not elsewhere, keep, deposit, and preserve the several records, books, papers, and writings hereinafter directed to be kept by him.

3. And it is further ordered, that the said Protector of Slaves shall not be the owner or proprietor of any plantation situate within the said colony, or of any slave or slaves employed or worked upon any plantation or on any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such plantation, slave, or slaves; and shall, and he is hereby declared to be incompetent to act as, or be the manager, overseer, agent, or attorney of, for, or upon any plantation or estate within the said colony, or to act as the guardian, trustee, or executor of any person or persons having or being entitled to any such plantation, or any slave or slaves; and in case any such Protector of Slaves within the said colony shall have, acquire, hold, or possess, either in his own right or in right of his wife, or in trust for any other person or persons, any plantation situate within the colony, or any slave or slaves employed or worked upon any plantation, or in any kind of agriculture, or any share or interest in, or any mortgage or security upon, any such plantation, or slave or slaves, or shall act as a manager, overseer, agent, attorney, guardian, trustee, or executor, as aforesaid, he shall henceforth *de facto* cease to be such Protector of Slaves, and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office.

Provided, nevertheless, that all acts which may be done by, or by order of any such Protector of Slaves, after any such avoidance as aforesaid of such office, and before the same shall by public notice in the Gazette of the said colony be declared void, shall be as valid and effectual in the law as if no such avoidance of office had occurred.

4. And it is further ordered, that the said Protector of Slaves shall be resident within the said colony, and shall not quit the same without a special licence, to be granted for that purpose by His Majesty, through one of his principal Secretaries of State, or by the Governor, or officer administering the government for the time being, of the said colony; and no such licence shall be granted in any case by the Governor, or officer administering the government, for any time exceeding three months, nor shall any such licence be granted by any such Governor, or officer administering the government as aforesaid, unless it shall be made to appear to him, on the oath of some medical practitioner, that such absence is necessary for the recovery of the health of said Protector of Slaves.

5. And it is further ordered, that upon the death or resignation of the said Protector of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the said colony, it shall be lawful for the Governor, or officer administering the government of the colony, to nominate and appoint some other fit and proper person to act as Protector, or as the Deputy for the said Protector of Slaves, as the case may be, until His Majesty's pleasure shall be known; and the said Deputy shall receive such allowance, to be deducted from and out of the salary of the said Protector of Slaves, as the Governor, or officer administering the government for the time being, of the said colony, shall be pleased to appoint.

Provided always, that the person to be appointed as Deputy Protector shall, if in all other respects qualified for the office, be selected from those who are neither proprietors of slaves, nor have any interest in slave property, unless it be impossible to find a proper person not possessed of such property, and willing to undertake the trust, and competent to the efficient and faithful exe-

efficacement et fidèlement, ce qui rendrait absolument nécessaire de nommer quelqu'un d'intéressé dans quelque bien d'esclaves ; en ce cas le Gouverneur, ou l'officier administrant le gouvernement *par interim*, sera tenu de transmettre au Secrétaire d'Etat de Sa Majesté un rapport des circonstances particulières qui justifient de n'avoir pas observé la loi générale.

Pourvu que la Protecteur d'Esclaves dans la dite Colonie remplisse toujours ses fonctions personnellement, et non par député, si ce n'est dans le cas où le Gouverneur, ou l'officier administrant le gouvernement, se trouve autorisé par ces présentes à nommer un Délégué à cet effet.

6. Et il est de plus ordonné par ces présentes, que le dit Protecteur ou Délégué du Protecteur des Esclaves, aura droit de déférer le serment en toute matière ayant rapport au devoirs de sa charge, et toute pareille autorité quelconque, quelle qu'elle puisse être, dont les Commissaires commandant les divers districts de la Colonie sont revêtus par la loi pour le maintien de la paix et du bon ordre public, sera et est par ces présentes accordée au dit Protecteur des Esclaves, pour être par lui exercée dans tous les districts de la Colonie.

7. Et il est de plus ordonné par ces présentes, que toute action, procès, ou poursuites, qui pourrait à l'avenir être intentées ou commencées dans aucun tribunal ou Cour de Justice dans cette Ile, où un esclave se trouverait accusé d'aucun crime punissable par la peine de mort, ou de déportation, ou qu'il s'éleverait un doute sur le droit réclamé par un esclave à sa liberté, ou que quelqu'un serait accusé du meurtre d'un esclave, ou d'aucune atteinte ou tort à la personne d'un esclave, ou qu'il y eût à déterminer sur le droit d'un esclave à quelque propriété ; alors, en tout pareil cas, il sera dûment donné connaissance au Protecteur et Curateur des Esclaves de toute telle action, procès, ou poursuite. Et il est par ces présentes enjoint à Protecteur des Esclaves, d'assister au procès, ou à l'audience, et à toutes autres procédures sur telle action, procès, ou poursuite en qualité de Protecteur de l'esclave, et pour sa part on de faire plaider et agir en cela de la manière la plus utile et avantageuse au bien de l'esclave, aussi amplement qu'il serait permis de plaider et d'agir si le dit esclave était libre.

8. Et il est encore ordonné, qu'au premier Mai, et au premier jour de Novembre de chaque année, le dit Protecteur remettra au Gouverneur, ou à l'officier administrant *par interim* le Gouvernement, tous les détails des rapports qui lui auront été faits, en vertu de cet ordre, par les commissaires commandant, ou Aide-Protecteurs, dans les différens districts de la Colonie, avec son propre rapport par écrit, démontrant exactement la manière dont les devoirs de son office auront été remplis pendant l'époque comprisé dans ces rapports, et en déclarant le nombre d'actions, procès, et poursuites dans lesquelles il aura fait fonction de Protecteur d'aucun esclave ou esclaves pendant la dite époque respectivement ; ainsi que la date et le résultat de toutes procédures, et les noms de ceux, s'il y en a, contre lesquels il aura pu tenter des poursuites criminelles, conformément à, et en vertu de cet ordre, et sur ce, le Gouverneur, ou officiers administrant le Gouvernement *par interim*, fera prêter serment au dit Protecteur des Esclaves que le dit rapport renferme une déclaration véritable et exact de différens faits et choses qui y sont rapportés ; et lorsque le Protecteur des Esclaves aura fait son rapport de semestre, et qu'il en aura attesté la vérité de la manière ci-dessus indiquée, alors, et non auparavant, le Gouverneur, ou l'officier administrant le Gouvernement, accordera au dit Protecteur des Esclaves autorisation au Trésorier de lui payer le montant de son salaire pour l'époque comprisé dans ces rapports ; et le Gouverneur, ou l'officier administrant le Gouvernement, transmettra ce dit rapport, par la première occasion convenable, au Secrétaire d'Etat Principal pour les Colonies, de Sa Majesté.

Et il est de plus ordonné, que si le Protecteur des Esclaves, ou aucun Aide-Protecteur des Esclaves, ou aucune personne en remplissant les fonctions, comme il a déjà été dit, fait volontairement, ou frauduleusement, ou fait faire aucune effacure, ou entre-ligne dans aucun des livres, registres, ou rapports sus-désignés, ou s'il falsifie volontairement, ou fait falsifier telles pièces, ou les brûle, annule, ou efface, la personne, ou les personnes ainsi contrevenantes subiront

cution of it, whereby it may become absolutely necessary to appoint one interested in slave property, in which case it shall be the duty of the Governor, or officer administering the government for the time being, to transmit to His Majesty's Secretary of State, a statement of the peculiar circumstances justifying the departure from the general law.

Provided that the Protector of Slaves in the said colony, shall at all times perform his duty in person, and not by deputy, except in cases in which the Governor, or officer administering the government of the said colony, is hereinbefore authorized to appoint a Deputy for that purpose.

6. And it is hereby ordered, that the said Protector or Deputy Protector of Slaves shall have power to administer an oath in all matters relating to the duties of his office; and all such authority, of what nature or kind soever, as is now by law vested in the Commissaries Commandant of the several districts of the colony, for the maintenance of the public peace and good order, shall be, and the same is hereby vested in the said Protector of Slaves, to be by him exercised throughout each and every district of the said colony.

7. And it is hereby further ordered, that all actions, suits, and prosecutions which may at any time hereafter be brought or commenced in any tribunal or Court of Justice within the said Island, wherein any slave may be charged with any offence punishable by death or transportation, or wherein any question may arise as to the right of any alleged slave to freedom, or wherein any person may be charged with the murder of any slave, or with any offence against the person of a slave, or wherein any question may arise respecting the right of any slave to property, then in every such case due notice shall be given to the Protector and Guardian of Slaves of every such action, suit, or prosecution. And the Protector and Guardian of Slaves shall, and is hereby required to attend the trial or hearing, and all other the proceedings in every such action, suit, or prosecution, as the Protector of such slave, and on his or her behalf, or to retain counsel to act therein, in such manner as may be most conducive to the benefit and advantage of any such slave, as fully but in such manner only as counsel could be allowed to act if the said slave were of free condition.

8. And it is further ordered, that the said Protector shall, on the first day of May, and the first day of November in every year, deliver to the Governor, or officer administering the government for the time being, particulars of all the returns which by virtue of this order may have been made to him by the Assistant Protector of Slaves, or Commissary Commandant in the several districts of the Colony, with a report in writing, exhibiting an exact account of the manner in which the duties of his office shall have been performed during the periods respectively embraced by those returns, and specially stating the number of actions, suits, and prosecutions in which he may have acted as the Protector of any slave or slaves during the said period respectively, with the date and effect of all proceedings therein, and the names of the persons, if any, against whom he may have instituted any criminal prosecution under and by virtue of this order, and the Governor or officer administering the Government for the time being, shall thereupon administer to the said Protector of Slaves an oath, that such Report contains a true and accurate statement of the several matters and things therein referred to; and when, and so soon as the said Protector of Slaves shall have made his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before, the said Governor or officer administering the Government shall issue to the said Protector of Slaves, a warrant upon the Treasurer for the amount of his salary for the half-yearly period embraced by those returns, and the Governor or officer administering the Government shall, and is hereby required by the first convenient opportunity, to transmit such report to His Majesty's Principal Secretary of State for the Colonies.

And it is further ordered, that if the Protector of Slaves or any assistant Protector of Slaves, or the person performing his duties as aforesaid, shall wilfully and fraudulently make, or cause to be made, any erasure or interlineation in any of the books, records, or returns as aforesaid, or shall wilfully falsify or



telle peine que la Cour pourra prononcer, et si c'est le Protecteur des Esclaves, il sera de plus, *de facto*, rendu incapable d'occuper sa charge.

9. Il est de plus ordonné qu'il sera nommé un Aide-Protecteur, ou Substitut du Procureur du Roi, qui aura sa résidence à la Soufrière, ou au Vieux Fort ; qu'il recevra de la caisse coloniale un salaire de cent livres sterling par an ; qu'il sera sujet à toutes les incapacités et conditions exposées dans le 3<sup>me</sup>, 4<sup>me</sup>. et 5<sup>me</sup> articles de cet ordre ; qu'il jurera d'exécuter et de remplir fidèlement les devoirs d'Aide-Protecteur des Esclaves et de Substitut du Procureur du Roi le mieux qu'il en sera capable, sans crainte, faveur, ni partialité ; aura les pouvoirs du Protecteur en son absence, et aidera et assistera le dit Protecteur dans l'exécution des devoirs confiés à sa charge, et à cet effet il obéira à, et mettra en execution toutes instructions légales qu'il recevra de temps à autre du dit Protecteur ou du Procureur Général, ayant rapport à sa charge.

10. Et il est ordonné par ces présentes que le 20<sup>me</sup> article du dit Ordre en Conseil, au sujet des usufruitiers, amodiateurs, et autres ayant la jouissance de biens, est, et demeure annullé par ces presentes.

11. Et il est ordonné par ces présentes que jusqu'à ce que les marchés du Dimanche soient entière neut abolis, à dater du 30 Juin prochain, les marchés du Dimanche dans toute l'Île ne dureront que jusqu'à onze heures du matin, et qu'on avertira par le son d'une cloche, à dix heures et demie, toute personne de se préparer à se retirer, et qu'après onze heures aucune personne quelconque ne débitera, ni n'exposera pour être vendus aucune viande, volailles, fruits, denrées, marchandises, ou effets, sous peine de confiscation des objets ainsi mis en vente.

Et il est aussi ordonné que tout propriétaire de magasin ou boutique qui sera ouverte le Dimanche après onze heures pour le commerce ou trafic forfaira et payera cinq livres sterling.

Il n'est pas cependant défendre d'accommoder ou de vendre de la viande dans les auberges, ou maisons de restaurateurs, ou de vendre du poisson, pourvu que ce ne soit pas dans les heures réservées pour l'office divin.

12. Et en explication de l'article 22, pour éclaircir tout doute quant au vrai sens et à l'intention voulue par le dit article, il est déclaré par ces présentes qu'il est entendu, et l'a toujours été, que les esclaves d'habitation, n'étant pas domestiques, ou employés à apporter des herbes ou autres approvisionemens pour les bestiaux ne seraient pas tenus à travailler le Dimanche sans que leurs gages ne leur soient payés, ou que le temps leur soit rendu comme il y est dit : il est encore défendu de les faire travailler en leur payant leurs gages à moins de cas extraordinaire.

Et il est déclaré qu'il n'est ni ne sera nécessaire de prouver que les esclaves aient été forcés par contrainte de travailler, mais au contraire les peines seront encourues dans tout cas qu'on aura employé ses esclaves le Dimanche, hors les cas pour lesquels exception est faite par cet ordre, et dans le dit article.

13. Au lieu de la Fête-Dieu, c'est la Fête de la Paroisse qui sera observée à l'avenir.

14. En outre, et en explication du 24<sup>me</sup> article, il est ordonné que lorsque les esclaves auront travaillé toute la nuit, ils auront droit dans tous cas à huit heures consécutives de repos dans les 24 heures, sous la peine portéé par l'article 43.

15. Et au sujet du 30<sup>me</sup> article il est de plus ordonné, que lorsque l maître permettra à ses esclaves de travailler dans leurs jardins pendant une journée entière de chaque semaine pendant toute l'année, sans compter la journée entière hors de récolte et la demi-journée pendant la récolte et le Di-

cause to be falsified such documents, or burn, cancel, or obliterate the same, the person or persons so offending shall incur such penalty or imprisonment as shall be imposed at the discretion of the Court, and if such person be the Protector of Slaves, he shall moreover be thereby disqualified from holding his office.

9. It is further ordered, that an Assistant Protector, or Procureur du Roi's substitute, shall be appointed to reside at Vieux Fort or Souffrière; that he shall receive out of the colonial chest a salary of one hundred pounds sterling *per annum*; that he shall be subject to all the disqualifications and conditions set forth in the 3d, 4th, and 5th Sections hereof; that he shall make oath faithfully to execute and perform the duties of the office of the Assistant Protector and Procureur du Roi's substitute to the best of his abilities without fear, favour, or partiality; that he shall possess the powers of the Protector in his absence, and be aiding and assisting the said Protector in the execution of the powers committed to him, and for that purpose he shall obey and carry into execution such lawful instructions as he may from time receive from the said Protector, or from the Procureur General in relation to his office.

10. And it is hereby ordered, that the 20th section of the said Order in Council relating to usufructuaries, tenants, and others having the temporary enjoyment of estates, be, as it is hereby, cancelled.

11. And it is hereby ordered, until Sunday markets be utterly abolished, that from and after the 30th day of June next, Sunday markets throughout the Island shall be limited to the hour of eleven o'clock in the forenoon, and that due warning shall be given by the ringing of a bell at half past ten, to all persons to prepare to depart; and that after the said hour of eleven no person or persons whatsoever shall show forth or expose for sale any meat, poultry, fruits, provisions, wares, merchandize, goods, or effects, on pain of the forfeiture of the goods or effects so exposed.

And it is also ordered, that the owners of all stores or shops kept open on Sundays after the said hour of eleven for the purpose of trade, shall forfeit and pay five pounds sterling.

Provided always, that nothing herein contained shall extend to the prohibition of dressing or selling meat in inns or victualling houses, or to the sale of fish, provided the same shall not take place during the hours set apart for divine service.

12. And in explanation of No. 22, to settle all doubts as to the proper meaning and intention of the said section, it is hereby declared, that it is and was originally intended that plantation slaves, not being domestics, or employed in bringing grass or fodder, should not be worked on Sundays without being paid their wages or the time being made up to them as mentioned therein, nor shall they be employed, on payment of wages, except on emergencies.

And it is declared that it shall not be nor is it necessary to give proof, that the slaves have been urged to work by actual compulsion, but on the contrary the penalties shall be incurred whenever slaves shall have been employed on Sunday, except in the cases herein and by the said section excepted.

13. In lieu of the Fête-Dieu, the Festival to be observed, will be in future the Fête Patronale of the quarter.

14. In addition and explanation of the 24th section, it is further ordered, that when the slaves are employed at night, they shall under any and every circumstance be entitled to eight hours rest consecutively out of the twenty-four hours, on the penalty provided by the section 43.

15. And it is further ordered with reference to the 30th section, that when the master shall allow his slaves to work in their provision grounds during one whole day in every week throughout the year, in addition to the whole day out of crop and half a day in crop, besides Sundays, as already mentioned

manche comme il a été déjà dit dans le dit article, il ne sera tenu de leur fournir aucunes provisions quelconques.

16. Et pour assurer le plein et entier accomplissement des dispositions de l'article 37, il est de plus ordonné qu'au jour fixé par la commission pour l'inspection des différentes habitations, ce dont il sera donné avis au public au moins huit jours d'avance par l'officier public attaché à chaque commission, le propriétaire, chargé de pouvoirs, économe, gèreur, ou autre préposé exerçant l'autorité supérieure sur chaque habitation, se viendra à et accompagnera la dite commission dans leur inspection de l'habitation, à moins d'empêchement par cause de maladie ou autre cause inévitable que la commission jugera suffisante, sous peine de £25 sterling d'amende, et d'avoir à payer les frais d'une seconde visite, ou d'une nouvelle commission.

17. Le 39<sup>me</sup> article est annullé, et à son lieu il est ordonné, qu'il sera désormais contre la loi, qu'aucune personne dans cette Colonie porte un foüet ou autre instrument de châtiment dans les champs ou ailleurs, soit comme marque d'autorité, ou pour exciter au travail; et toute personne agissant en contravention au vrai sens de cet article, ou ordonnant, ou autorisant tel acte illégal, encourra, s'il est libre, la peine portée par l'article 43, et s'il est esclave il sera puni corporellement.

18. Le 40<sup>me</sup> article sera annullé à dater du premier de Novembre prochain, et ce que suit est substitué à sa place.

La peine du foüet ne pourra être infligée par le maître, ni par son ordre, aux esclaves du sexe féminin agées d'au delà de dix ans, si ce n'est en exécution de sentences ou arrêts des tribunaux, ou par ordre du Protecteur des Esclaves, Procureur du Roi, ou Aide-Protecteur; et tout et tel châtiment sera infligé selon les formes prescrites pour les esclaves mâles par le 38<sup>me</sup> article du code noir.

Cette peine est remplacée pour les femmes par les ceps, les menottes, et l'emprisonnement solitaire.

19. En addition à l'article 31, il est ordonné que lorsque la punition du cep ou des menottes sera infligée, une personne libre, ou six esclaves, seront présens pour voir infliger le châtiment, assez long-temps pour pouvoir s'assurer qu'il n'est point infligé en contravention à la loi, ni avec cruauté.

20. En addition à l'article 42, il est de plus ordonné par ces présentes, que le journal de chaque habitation spécifiera le nom de la personne qui aura autorisé l'infliction de chaque châtiment qui y sera enrégistré.

Et que les commandans eux-mêmes attesteront sous serment la vérité de leurs rapports, entre les mains du Protecteur, ou Aide-Protecteur, dans le temps désigné par le dit article.

21. L'article 50 est annullée, et à son lieu et place il est ordonné par ces présentes, que la limitation d'une année pour la poursuite des offenses, ne s'étendra qu'à celles prévues, et pour lesquelles il est porté des peines par les articles 43, 44, 45, 46, et 47, lesquelles offenses sont décrites dans le 21<sup>me</sup> et consécutivement jusqu'au 42<sup>me</sup> article selon la véritable intention de l'article 50.

22. Le 58<sup>me</sup> article est amendé en autant que le Procureur Général y était autorisé à décider de la suffisance des oppositions qui pourraient être faites contre les mariages des esclaves. Et il est ordonné que le Procureur Général accordera dans tous les cas la permission de célébrer le mariage entre esclaves, à moins qu'il ne soit prouvé que cette permission serait nuisible aux esclaves mêmes.

Et il est de plus ordonné que tout mariage d'esclave sera célébré gratuitement.

23. La première partie du 74<sup>me</sup> article est annullé, et au lieu de la dite clause y est substitué ce qui suit; il est ordonné par ces présentes que la con-

in said section, he shall be required to furnish them with no provisions whatever.

16. And for the full and effectual enforcement of the provisions contained in section 37th, it is further ordered that on the day fixed by the commission for the inspection of the several plantations, whereof public notice shall be given by the public officer attached to each commission for at least eight days previous to the day appointed; the Proprietor, Attorney, Manager or other chief person in authority on each estate shall meet and accompany the Commission throughout their inspection of the said estate, unless prevented by sickness or some other unavoidable cause, which shall be deemed satisfactory by the said Commission, on a penalty of £25 sterling, besides being called on to defray the expenses attending a second visit, or a new Commission.

17. The 39th section is cancelled and in lieu thereof it is ordered, that it shall thenceforth be illegal for any person or persons within the said Colony to carry a whip or any other instrument of punishment into the field or elsewhere, either as a badge of authority or as a stimulus to labor; and all and every person acting against the true meaning hereof, or directing or authorising such illegal act, shall, if a free person, incur the penalty prescribed in section 43d, and if a slave, he shall be subject to corporal punishment.

18. The 40th section from and after the 1st November next, is to be taken and considered as cancelled, and in lieu thereof the following is substituted:—

The punishment of flogging shall not be inflicted by or on the part of the master upon females above ten years of age, except in the execution of a sentence of a court, or of any order from the Protector of Slaves, the Procureur du Roi, or Assistant Protector; and the mode of inflicting such punishment shall in all and every case be subject to the rule laid down for males, in section 38th of the slave law.

Such punishment is replaced with respect to females, by the stocks, by handcuffs, and solitary confinement.

19. In addition to section 41st, it is ordered, that on the infliction of the stocks or handcuffs, a free person or six slaves shall be present to witness the infliction of the punishments, long enough to ascertain that they are not inflicted in an illegal manner, or converted into instruments of cruelty.

20. In addition to section 42, it is hereby further ordered that the Plantation Return shall further specify the name of the person by whose authority every punishment required to be recorded, was inflicted.

And that the Commandants themselves shall make oath to the correctness of their Returns, and deliver in the same to the Protector or Assistant Protector, within the time specified in the said section.

21. The 50th section is cancelled, and in lieu thereof it is hereby ordered, that the limitation of twelve months for the prosecution of offences shall only extend to the offences for which penalties are provided in the 43d, 44th, 45th, 46th, and 47th sections, and which offences are set forth in the 21st, and subsequent down to the 42d sections, according to the original intent of the said 50th section.

22. The 58th section is amended, in as much as the Procureur General was thereby authorised to decide on the sufficiency of all objections which might be made to the marriage of slaves. And it is therefore ordered that the Procureur General, shall in all cases grant his permission to solemnize marriages among slaves, unless it be shewn that such permission would be injurious to the slaves themselves.

And it is further ordered, that all slave marriages shall be performed gratuitously.

23. The first clause of the 74th section is cancelled, and in lieu of the said clause the following is substituted. It is hereby ordered, that slavery shall not

dition d'esclave n'empêchera pas d'être admis à témoigner, hors les cas où son maître serait intéressé; alors, le témoignage d'un esclave ne peut être reçu ni pour ni contre son maître.

24. Le 75<sup>me</sup> article est annullé, et en son lieu il est ordonné, que les six esclaves qui remplaceront une personne libre comme témoins d'un châtement, lorsque ce remplacement est permis par la loi, sont admis à témoigner sur tout ce qui concerne le châtement, soit pour ou contre leur maître.

Fait et passé en Conseil, devant Son Excellence John Montagu Mainwaring, Major Général, Commandant les Forces de Sa Majesté, Gouverneur et Commandant en Chef en et sur l'Ile Sainte Lucie, et Vice Amiral de la dite Ile, ce vingt-quatrième jour du mois d'Avril, mil huit cent vingt-sept, et dans la septième année du règne de sa Majesté,

Par mandement de Son Excellence,

(Signé) **FREDERIC MAINWARING,**  
Secrétaire Particulier.

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operate as a disqualification for a witness, except in cases where his master has an interest, and that in such cases, the evidence of a slave shall not be received either for or against the master.

24. The 75th clause is cancelled, and in lieu thereof it is ordered that the six slaves called in lieu of a free person to witness punishments where such substitution is allowed by law, are to be permitted to give evidence as to such punishments for or against the master.

Done and passed in Council before His Excellency John Montagu Mainwaring, Major General Commanding His Majesty's Forces, Governor and Commander in Chief in and over the Island of Saint Lucia, and Vice Admiral thereof, this twenty-fourth day of April, in the year of our Lord one thousand eight hundred and twenty-seven, and in the eighth year of His Majesty's reign.

By His Excellency's command,

(Signed) FREDERIC MAINWARING

Private Secretary.

No. 2.

SIR,

*Downing Street, 26th October 1827.*

I HAVE received your dispatch of the 28th July last, recommending to the favourable consideration of the Secretary of State, the representation which you enclose from certain Members of the Royal Court in St. Lucia, against the amended Slave Law of the 24th April last.

You will assure the Members of the Royal Court that I have considered their statements with due attention, and with the desire to avail myself of their knowledge and experience on any point where there might be a possibility of further reconciling the convenience of the Planters with the due execution of His Majesty's intentions in favour of the slaves. But I regret to find, that the remonstrance in question is directed against some of the most essential and indispensable parts of the Slave Law, and it only remains for me, therefore, in hope to remove some of the objections, to explain some points which appear to have been misconceived by the memorialists.

The memorialists object to the appointment of a Protector of Slaves distinct from the Procureur General. The separation of these two offices is not intended to take place at present, although the clauses relating to the duties of a Protector which belonged to the code originally contemplated, are embodied in this, in order that they may come into force whenever circumstances shall admit, or require the full accomplishment of the original design, by the separate appointment of a Protector. Whenever this shall be the case, due consideration will be given to the difficulties which it is said will be opposed to the prompt execution of the Protector's duties, in order that means may be devised for obviating these difficulties: but the duties of the Protector, whether as a separate office, or added to those of the Procureur General, are not of the inquisitorial nature which is represented by the memorialists. The returns with which the Planters are to furnish him, are little more than the journals which have been usually kept upon well regulated plantations, from the exposition of which journals, the owners of such plantations will only derive the more credit. The law does not authorise the Protector to exercise the species of minute and vexatious interference in the details of the Planter's management of his slaves, which is described by the petitioners. So long as the Planter abides by the law, the Protector is not called upon to exercise any interference.

With respect to the abolition of the whip in the field, I do not deny that there may be many cases in which instantaneous punishment may be preferable to deferred punishment, but there are no means of guarding against needless and intemperate inflictions of this kind, except by prohibiting them altogether. The provisions contained in the 17th and 18th clauses of the order of the 24th April last, cannot be altered.

With respect to the prohibition of the corporal punishment of women, I have to observe that the punishments which are substituted for it are capable of being inflicted to a slight as well as to a serious extent, and the need for punishment cannot be very great if the formalities required by the order form any bar to it.

On the subject of Sunday markets, you will inform the memorialists that it is not intended, under present circumstances, to prohibit the holding of the Sunday market within the hours prescribed by the law.

The memorialists complain of the 14th section of the order of the 24th April, which requires that "when slaves are employed at night, they shall under any and every circumstance, be entitled to eight hours rest consecutively out of the twenty-four hours." The objection to this is, not that the planters should be obliged to give this repose to their slaves whom they may have worked during the night, but that it should be implied, by the formal enactment of such an obligation, that they are capable of refusing it. The memorialists have considered this as conveyiug a reproach; but I am persuaded that it will be unnecessary to say more on the subject, than merely to remind them that the enactment of a penal law does not sanction the imputation that it is a general practice to commit the offences denounced by it, but is designed to prevent or punish the exceptions from a better practice, which are created by offending individuals. I take this opportunity, however, of calling your attention to an inaccuracy in the French version of this clause, the effect of which is to secure the eight hours of rest consecutively to the slave only in every case in which he has been worked *all* the night, whereas the clause, as properly worded in the English, requires that this rest should be given to the slave, whenever he may have been employed *at* night. It was understood that in crop-time some planters were in the habit of working their slaves in alternate spells of four hours during the night in addition to the full day's work. Such instances (which I am quite ready to believe have been exceptions from the general practice in St. Lucia,) would be prevented from recurring by the clause as worded in the English, but not by the words of the translation. The words of the translation would, indeed, render the law wholly ineffectual, as they would not apply to the case of a slave whose labour should have been remitted for any portion of the night, however inconsiderable. You will, therefore, avail yourself of the first convenient occasion of having the translation corrected.

I have, &c.

(Signed) W. HUSKISSON.

*Major-General Mainwaring.*  
&c. &c. &c.

No. 3.

SIR,

*Saint Lucia, 10th March 1828.*

I HAVE the honour to forward for your information, the report of slave punishments from the Protector of Slaves; the letter of that officer, which I also beg to inclose, will give every possible information upon the subject, and I trust will prove satisfactory,

I have, &c.

(Signed)

LORENZO MOORE, Col.  
Adming. Govt.

*The Right Hon. W. Huskisson,*  
&c. &c. &c.

## ST. LUCIA.

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SIR,

*Castries, 8th February 1828.*

I HAVE the honour to transmit to your Excellency certified copies from the registers in my office of the returns of births, deaths and punishments, for the two half years ending 30th June 1827, as given in by the planters, under the 42d section of the Slave-law. I also transmit a list of the marriages that have been solemnized between slaves, under the 60th section, and of the children who have been baptized free, under the 115th, up to 31st December 1827.

The returns of punishments for the half-year ending 31st December last, have been partly forwarded to me already by the Commissaries Commandant, and I feel great satisfaction in being able to state, that they do not generally exhibit one half of the amount of the punishments now sent in. This difference in the punishments arises naturally from the slaves having overrated, and not having fully comprehended, the nature and extent of the advantages afforded them by the new law, when first introduced; but, as it becomes now gradually understood, and the rights of the proprietor and slaves better ascertained, I find the complaints, from either party, to diminish daily, and I feel confident that in a short time the punishments will be confined to the repression of such crimes only as are committed by exceptional characters, who, unfortunately, are to be found in every community over the world.

When it is perfectly convenient to you, I will do myself the honour of waiting upon your Excellency, to swear to these returns.

I have, &amp;c.

(Signed) PETER MUTER,  
Pro.-Gen.*His Excellency Colonel Moore,*  
&c. &c. &c.*Abstract of Slave Marriages solemnized from June 1826 to June 1827.*

Date of Certificate of Marriage.	Name of Husband.	Name of Wife.	Name of their Owner.
1826 July 23	Augustin - - - -	Claire Ruffine - -	Ve. Chr. St. Paul Dukato.
" " 24	J. B. Frederick - -	Annette Beter - -	J. R. Aguart.
1827 June 25	Thomas Chace - -	Queen - - - -	Rev. Herbert Beaver.

Certified the above to be a correct Copy of the Registry of Slave-marriages kept at my Office.

(Signed) PETER MUTER,  
Pro.-Gen.*Castries, 8th February 1828.*

Sworn before me this 8th February 1828,

(Signed) LORENZO MOORE, Col. Admin. Gov.



*Abstract of Slave Children Baptised as Free, from June 1826 to December 1827.*

Date of Certificate of Baptism.			Name of Child.	Name of Mother.	Owner of Mother.
1826	July	28	Anne Rose - - -	Marriette - - -	Francois Vitalis.
"	June	23	Antoine Joseph -	Elisa - - - - -	An. Jos. C. Lagruberdière.
"	"	25	Rose Ant. St. Claire	Anne Rose - - -	Felicité Fourcade.
"	September	1	Urbain - - - - -	Ruffine - - - - -	Philip Pujole.
"	October	1	Anne Rose Denise -	Francoisette Merlin -	Francois Cœnae.
"	November	27	Julienne - - - - -	Françoise Seveillen -	J. Bte. Germain.
1827	January	12	William Dalmas - -	Cité - - - - -	Mie. Rose Pierre.
"	"	26	Ralph Lewis - - -	Eulalie - - - - -	Louise Felix.
"	March	28	Sebastienne - - -	Charlotte - - - - -	Delomet Ve. Blanchard.
"	April	1	Henriette - - - -	Marie Prévost - - -	Leopold Glace.
"	October	18	George - - - - -	Jeanne Rose - - -	John M' Lane.
"	"	"	{ Joseph Marie, and } { J. Bte. Desirée - }	Angelle - - - - -	Philip Siberon.

Certified the above to be a correct copy of the free baptism of slave children, as per registry thereof kept at my office.

*Castries, 8th February 1828.*

(Signed)

**PETER MUTER,**  
Pro.-Gen.

Sworn before me, this day of February 1828.

(Signed)

**LORENZO MOORE,** Col. Admin. Gov.

No. 4.

SIR,

*Downing-Street, 8th May 1828.*

WITH reference to your Despatch of the 10th March, I have to request that you will instruct the protector of slaves to prepare Abstracts of the half-yearly returns of punishments on plantations, classifying them according to the different degrees of severity, shewing their increase and decrease as compared with the preceding half-year, and also shewing, with a corresponding classification, the offences for which they have been inflicted. These Abstracts should accompany the protector's half-yearly report, and the transmission to this office of the punishment records in full may then be discontinued. The protector will not fail, however, to submit the returns in full for your inspection, and I shall rely upon your putting me in possession of any particulars in them which shall appear to require my attention.

I transmit, for your information, and that of the protector, printed copies of the various abstracts\* which have been received from Trinidad since the slave ordinance has been in operation there, and which will serve to indicate the points of inquiry which may be thus elucidated.

I have, &c.

*His Excellency Colonel Moore,*  
&c. &c. &c.

(Signed)

**W. HUSKISSON.**

\* Vide Papers presented to Parliament in 1827, Part 2.

## DEMERARA.

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No. 1.

MY LORD,

*King's House, Demerary, 10th November 1826.*

IN conformity to the 34th clause of the Act at present in force in this colony, for the religious instruction and improvement of the slaves, I have the honour to transmit to your Lordship the November half-yearly report of the Protector of Slaves, with its documents of reference.

The Report appears to me so correct and sufficient, that I have nothing to add to the information and observations which it contains. But it is just that I should express to your Lordship my unqualified approbation of the judgment, temper, and efficiency with which the Protector has discharged the important duties of his office.

I have, &c.

(Signed)

B.D'URBAN.

*The Right Hon. Earl Bathurst, K.G.*

&c.    &c.    &c.

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SIR,

*Protector's Office, Demerary, Nov. 1826.*

I HAVE the honour of transmitting to your Excellency a statement of the manner in which the duties of this office have been conducted since my taking charge of it in June last, in obedience to the 34th clause of the ordinance providing for the improvement of the condition of the slaves of this colony.

Immediately on assuming the duties of Protector, I deemed it expedient to lay down, so far as it was possible for me to do at that time, certain rules for the guidance of the Assistant Protectors in their several districts, in order to systematize the hearing of complaints, the sending of evidence from distant parts of the country, and other facilities for the impartial administration of justice to the slaves, as the circumstances of each particular case would admit of, and I venture to hope your Excellency will see that those objects have been provided for in Document No. 1, so far as my little knowledge of the interior economy of estates would allow; a more extended acquaintance with which will enable me to enlarge, or otherwise alter them, as may then become necessary. I nevertheless found that the slaves, in many instances, made the coming to me to complain, a cloak for idleness, and a pretext to get to town for other purposes; and when the property of their masters is situated at a distance, such conduct is not only most injurious, but attended with expence, first, by loss of labour for several days, and by cost for lodging and food while so absent. Whenever, therefore, such cases have been satisfactorily proved to me, I have endeavoured to prevent a recurrence by expostulating with them; or when, in my judgment, it appeared necessary, by recommending them to His Honour the Fiscal, sending him the details of the circumstances, as taken in writing by me, that the exercise of his own judgment might regulate the extent and description of correction to be awarded, or otherwise.

In the instructions issued to the Assistant Protectors, Rule 5 directs that the slaves should not leave the estate in a body, and points out, after being so warned, that they would not be listened to.

This regulation, although it has been fully explained to them, has been broken through, and in one particular instance by a considerable gang coming to town and proceeding to Government House. They were sent by your Excellency to me to hear and inquire into their grievances. The measures adopted, by repairing myself to the estate, the copy of my investigation, accompanied by a letter, makes a repetition unnecessary. This mode of complaining has not since been followed, and I have reason to think the example made has had a general good effect.

In the returns sent to me, and all recorded in my books, in no one instance has the person in charge of an estate exceeded the number of stripes as regulated by the Ordinance; and very rarely does it appear, on the face of such returns, that the proprietor or manager have found it necessary to resort to the Fiscal for the infliction of a more severe punishment than the Ordinance admits of. Considering a population of 70,000 slaves, this must not only prove satisfactory to your Excellency, but speaks in favour of the increasing disposition to good conduct that prevails amongst the negroes upon the estates, as also of the judicious management that renders it unnecessary. This, in my humble opinion may, in a great measure, be attributed to the mind of the slaves becoming more settled, understanding better the countenance and protection intended them, and from its being impressed upon them that its continuance depends upon their own good conduct, as recorded and reported to Government; and probably not less from the irritation and alarm excited in the first instance from the apprehension that any change would be subversive of discipline, and affect property. This feeling, however, is gradually, indeed in my idea, fast subsiding, and a more mutual confidence thereby engendered, productive of equal advantage to master and slave.

Three cases only have occurred of females complaining of correction by stripes, one was unfounded and the other two established, which of course rendered the offenders subject to the penalty of £1400. These cases did not occur upon estates, but among the lower order of inhabitants in George Town; and as they were persons incapable of reading and properly understanding the law, and had not wantonly set it at defiance, or exercised any great severity, I took upon myself, after fully explaining the nature of the offence, from the contrition evinced, and the assurance it should not again happen, to mitigate the fine to £500, sufficient for the purpose of punishment and example, without entailing ruin, as it inevitably must have done had the full penalty been exacted. In exercising any discretionary power, I may have erred; but considering the early operation of change, and having kept in view the spirit of the Ordinance, I trust your Excellency will excuse my having done so.

The complaints from domestics in the town, though frequent, are of a trifling and tedious description; I have generally settled them at the moment after the hearing of both parties. There is no question, as far as has come within my reach of observation, as to the difficulty of managing the women, and they are irritating and insolent to a degree (often instigated by the men); take advantage of the exemption from stripes; and in town do little or nothing. One domestic servant in England would do more work than many of them. It is, however, to be expected they will improve, and become better subjects than they are at present; but it unquestionably must be the effect of very long time, and the exercise of much patience.

No 2 is a return of manumissions delivered and in readiness as the parties call for them; they are numerous from the circumstance of the present applicants having almost all been in a reputed state of freedom for many years past; but independent of the grant of freedom by purchase or otherwise, the expences were so great as to be almost a perfect bar to emancipation.

It may be proper to draw your Excellency's attention to the subject of expences attending law processes, instituted for the recovery of fines or prosecutions under this Act, as well as suits which may be necessary to the establishment of claims to freedom, as contemplated by the first Act of the Ordinance; and also to the inefficiency of but one clerk to this office.

There is at present a case of appeal from the sentence of the Court of Justice, touching the claim of certain persons stating themselves to be free Indians, but who have been held for many years in slavery. Leave to appeal has

been granted by your Excellency, and the necessary steps taken to forward the case to His Majesty in Council.

Some other actions for the recovery of fines at variance with the Ordinance are also in progress. I have, &c.

(Signed) A. W. YOUNG, Protector of Slaves.

*His Excellency the Lieutenant Governor,*  
 &c.            &c.            &c.

No. 1.

(CIRCULAR.)

SIR,

*Protector's Office, June 18, 1826.*

THE Gazette will have announced my appointment, in His Majesty's Colony of Demerara and Essequibo, as Protector of Slaves, under the Ordinance proclaimed and in force since the 1st of January last.

From the good disposition that I understand prevails generally among the proprietors and managers of estates, to further and evince their desire to carry into effect the views of His Majesty's Government, as established and recommended in pursuance of the Resolutions of both Houses of Parliament, I derive much satisfaction, as it insures to me that cordial co-operation with your assistance so essential to the object in view.

In your situation as Assistant Protector of Slaves, you will find me ready and disposed to afford you every assistance; and I shall be always glad to receive *in writing* any suggestions that may be considered beneficial, and to which I shall give all due consideration provided they do not interfere, but are in strict accordance, with the spirit and meaning of the several clauses of the Ordinance.

In this early stage it is almost impossible for me to define any precise general regulations for your guidance as my Assistant of District, but I shall offer two or three for immediate adoption:

First—it will tend much to simplify the execution of our respective duties, render them more efficient, and avoid inconvenience to master and slave, if a regular system for the manner of preferring complaints be laid down, clearly explained to the one and the other, but impressed upon slaves *especially*.

Second—the masters or resident-managers are to understand, as I believe they almost universally do, that if a slave asks for a pass to complain to the Protector or *Assistant*, it is on no account to be refused, and that such a refusal will subject them to a legal process; and it will be your duty (although it is to be hoped, and I feel persuaded, not likely to occur) to keep a vigilant observance in your district, lest such a circumstance should, in any particular instance, ever happen.

Third—in all cases slaves desiring to complain, must, in the first instance, apply for a written pass from their master or manager, and be directed to go to you as Assistant Protector of the District, to make the complaint, as by that means it will be attended with less interruption in the duty of the estate, and a saving of time and distance your taking cognizance of such complaint, and having the person complained of to state what he has to offer in contradiction of the same. You will not fail to do your utmost in the redress of the grievance, if you find it *real*; but if the slave should still be dissatisfied, and desire to come to me, then he must never be refused a pass, either by his master or yourself; and of course you will send to me all the evidence and papers as you have taken down.

Fourth—if any improper treatment of slaves within your district should come to your knowledge, or should you have strong reason to suspect such misconduct, you will not fail to inquire into it, although no complaint should have been made to you by the slave; reporting to me the particulars, if serious, without delay.

Fifth—should it so happen that any considerable portion of the slaves from an estate consider themselves aggrieved, they are to be told they must not leave it in a body; which is of no advantage, and equally prejudicial to their

master and themselves, but be sent back to the estate, desiring them first to elect two or three to explain and state to you in the name of *all*, the grievances they have to complain of; and that in future, when they come in a body, they will be sent back without being listened to.

Sixth—in receiving and investigating complaints you will, I am sure, feel the propriety of doing so with such patience and coolness as to convince the slave you are earnest in the execution of your duty; at the same time you will, upon all occasions, impress upon them, in a manner suited to their understanding, that the desire of His Majesty's Government to improve their condition, will be continued to them only as their good conduct and unremitting *industry* and obedience to their masters, as by law they are entitled to, is evinced by them; and as their general guardian, I shall watch over and report of them accordingly.

Seventh—you will make them understand that they may always expect to find in me, and in yourself, as my assistant, a vigilant friend in all cases where protection to them can be properly required: yet that I am determined to discountenance all frivolous and unfounded complaints which may be preferred by them against their masters.

I am, &c.  
(Signed)

A. W. YOUNG.

*The Assistant Protector of Slaves.*

No. 2.

*Return of persons manumitted, under the respective heads, from  
1st June to 1st November 1826.*

By purchase.	Faithful Services.	By will.	Natural Affection.	Under consideration.	Total.
69	84	48	20	26	247

(Signed)

A. W. YOUNG, Protector of Slaves.

No. 2.

*Extract from a Dispatch addressed to Earl Bathurst, by Sir B. D'Urban,  
and dated 25th May 1827.*

“ I HAD just received, and was about to transmit to your Lordship the Protector's report for the last six months, and I forward it accordingly.”

*Office of Protector of Slaves, 1st May 1827.*

SIR,

AS Protector of Slaves I have the honour to respectfully lay before your Excellency a report of the manner in which the duties of this office have been conducted during the last six months, and also enclose the particulars of such returns as have been received by me during that period, in obedience to the 34th clause of the order, providing for the amelioration of the condition of the slaves in this colony. The returns of punishments that have taken place on any estate, or that have been inflicted on any slaves forming a working gang, duly attested on oath by the proprietor or manager, in presence of the Assistant Protector of the respective district, have been received, entered in a set of books for that purpose, paged and indexed, and the originals kept in this office.

These returns are made out in strict conformity to the regulations, which your Excellency will observe by referring to enclosures numbered 1 and 2; being copies from the punishment record returns of an estate and working gang which the Protector deems a sufficient specimen; the others partaking of the same nature and form.

In no instance has the number of stripes inflicted on any slave exceeded that prescribed by law, and in many instances no punishments whatever are recorded as having taken place. In comparatively few cases has the master found it necessary to resort to other authority than his own for the correction of offences.

No. 3 is a statement of manumissions that have been executed during the time this report embraces; but it is to be observed that the number prepared and ready to be executed so soon as the parties choose to apply, is still greater.

In some few cases opposition has been offered, but I have endeavoured and generally been able to settle the matter amicably by sending for and reasoning with the parties concerned, instead of making it a matter for the court, which, in all cases as regards this office, I consider, when possible, better to avoid; taking care at the same time to comply in every respect with the forms directed by the ordinance.

From a review of the proceedings for the last six months, I am induced to believe that a better spirit and a more satisfied feeling prevail among the male slaves; and the women, though still the most difficult class to manage, are gradually becoming better conducted. Indeed, generally speaking, I feel borne out in saying there is ample reason to be satisfied with the conduct of the slave, and with his treatment by his master.

The recording of punishments is beginning to have a proper hold on the mind of the slave, and his aversion to have his name inserted frequently evinces itself. One instance has occurred and been reported, attested on oath by the manager, of the book having been destroyed, by some of the gang tearing out the leaves. This I mention as indicative of a feeling of pride being excited, and that in time it would occasion their having more respect for themselves.

Among the domestics, in town particularly, I have had some trouble to reason them out of the belief that the Sunday was intended by Government to belong to them; or that it was intended they should be paid for their services on that day.

The rate of wages for the picking of coffee or cotton upon a Sunday, when required so to do, has been regulated by me, and publicly advertised in conformity to the 9th clause of the ordinance.

On all occasions I have not failed to bear in mind the principles contained in my instructions from His Majesty's Government, and I venture to hope that I have afforded a patient hearing and impartial justice to the slave, and that a due consideration to the interests of the master has been equally the object of my solicitude.

I have, &c.

(Signed)

A. W. YOUNG, Protector of Slaves.

*His Excellency the Lieutenant Governor,*

&c. &c. &c.

*Return of persons manumitted, under the respective heads, from 1st November, 1826, to 1st May, 1827.*

By Purchase.	For faithful Services.	By Will.	From natural Affection.	Total.
59	38	26	54	177

(Signed)

A. W. YOUNG, Protector of Slaves.

*Rate of Wages fixed by the Protector for the Labour of Slaves in the Picking of Coffee or Cotton, during the time allowed them by law. In obedience to the 9th clause of the Ordinance for the amelioration of the condition of Slaves in this Colony.*

*Coffee*—Two bits, or eight pence halfpenny sterling, for every basket of ten pounds.

*Cotton*—One bit, or four pence farthing sterling, for every basket of ten pounds.

N. B. Six baskets of coffee is the average labour per diem.

(Signed) A. W. YOUNG, Protector of Slaves.

No. 3.

*Extract from a Dispatch from Sir B. D'Urban to the Right Hon. W. Huskisson, dated 22d November 1827.*

“ I HAVE the honour to transmit herewith, the Report of the Protector of Slaves, for the last six months, sworn to before me according to the provisions of the Ordinance.

“ I transmitted the punishment Record Returns for the same period by the Mail Boat on the 15th instant to Barbadoes, to be forwarded from thence to England in the first subsequent Packet; they were in a box, addressed to His Majesty's Secretary of State for the Colonies.”

*Extract from a Report of the Protector of Slaves to the Lieut. Governor of Demerara, dated the 1st November 1827.*

I HAVE the honour to forward to your Excellency the particulars of such returns as have been received by me during the six months preceding the date of this communication.

To the greater part of the Punishment Record Returns, your Excellency will observe is attached the certificate of a medical practitioner, approving the place of solitary confinement, and in future such certificate will accompany every return.

The time prescribed by law for confinement in the stocks has been in some instances exceeded, yet it is to be remarked that this arises from the use of bed stocks in the day time, which were intended for the night, so that under these circumstances twelve hours in the stocks cannot be considered as illegal, since had the party been confined in the bed stocks during the night (a legal act) the punishment would be the same.

I have also to remark on this subject, that the complaints preferred are seldom on account of punishment by stocks.

I also beg leave to suggest the propriety of each Assistant Protector's transmitting a certificate at the time of forwarding the returns to this office, that to the best of his knowledge and belief, every person within his district, who ought according to law to make a return of punishments, has done so.

The Ordinance does not seem to have provided against the possibility of an Assistant Protector's not forwarding the returns from his district in proper time, and as this has in one instance occurred, it appears advisable that your Excellency give directions to ensure a compliance with so necessary a regulation.

The complaints from slaves in and about town being generally of a trivial nature, the parties are at once brought together, and their disputes settled; nevertheless, in some few instances, I have thought it necessary to exact fines, which have been paid into the Poores' Fund chest.

On one or two occasions the complainants left their master's property situate at a distance from town in a body, which induced me to repair in person to the spot, and having fully and particularly investigated their complaints, I dismissed them as unfounded; and I have the satisfaction of stating, that these slaves are now performing their usual quantum of work readily and cheerfully.

The impression that His Majesty's Government is disposed to allow them more time to themselves is still, particularly on the East coast, hovering on their minds, and they are alive to the slightest idea of an imaginary change.

As Protector of Slaves I am vested with the powers of a Deputy Fiscal or Magistrate, and in virtue of those situations, I committed to safe custody a man inhumanly illtreating a slave, the particulars of which are already before your Excellency, it is therefore unnecessary for me to state further, than that the

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next morning, after due investigation by his Honour the Fiscal, the man was fined in the penalty of six hundred guilders, and a bond entered into for his keeping the peace.

Since which the man in question, a blacksmith, supported as I understand by a subscription, has commenced a prosecution against me to recover damages to a considerable amount.

From the Crown Advocate, and the lawyer employed in my behalf, I learn that the matter is not likely to be brought to a conclusion before the February term, if then; therefore, until I know the result, any observations at this moment would be irrelevant.

I have, &c.  
(Signed) A. W. YOUNG, Protector of Slaves.

*Demerara.*

The above Report sworn to as correct, before me this 15th day of November 1827.

(Signed) B. D'URBAN, Lieut. Governor.

The number of marriages between slaves solemnized since 1st January 1826, as reported to this office is - - - 246

The number of slaves to whom certificates have been given of their understanding the nature and obligation of an oath is - 3

(Signed) A. W. YOUNG, Protector of Slaves.

*Protector's Office, 1st Nov. 1827.*

*Return of Slaves manumitted during the first six months of 1827.*

By purchase	-	-	-	-	-	39
For faithful services or natural affection	-	-	-	-	-	104
Under 14 years of age	-	-	-	-	-	49
Above 14 years of age, but under 50 years of age	-	-	-	-	-	84
Above 50 years of age	-	-	-	-	-	5
Age unknown	-	-	-	-	-	5
Males	-	-	-	-	50	
Females	-	-	-	-	93	
				143	143	143

Total manumitted from January to June 1827. - - - 143

(Signed) A. W. YOUNG, Protector of Slaves.

No. 4.

SIR,

*Downing Street, 8th May 1828.*

WITH reference to your dispatch of the 22d Nov. last, I have to request that you will instruct the Protector of Slaves to prepare abstracts of the half-yearly returns of punishments on plantations, classifying them according to the different degrees of severity, shewing their increase or decrease, as compared with the preceding half-year, and also shewing, with a corresponding classification, the offences for which they have been inflicted. These abstracts should accompany the Protector's half-yearly report, and the transmission to this office of the punishment records in full may then be discontinued. The Protector will not fail, however, to submit the returns in full for your inspection, and I shall rely upon your putting me in possession of any particulars in them which shall appear to require my attention.

I transmit for your information, and that of the Protector, printed copies of the various abstracts \* which have been received from Trinidad since the Slave Ordinance has been in operation there, and which will serve to indicate the points of inquiry which may be thus elucidated.

I have, &c.  
(Signed) W. HUSKISSON.

Sir B. D'Urban, K. C. B.  
&c. &c. &c.

\* Vide Papers presented to Parliament in 1827, Part 2.





## BERBICE.

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### No. 1.

MY LORD,

*Berbice, 15th February, 1827.*

I HAVE the honour to transmit to your Lordship the Report of Mr. David Power, Protector of Slaves in this colony, of his proceedings from 1st November to 31st December last, together with the several documents therein referred to by him; and as Mr. Power has so fully entered into the details of the manner in which the duties of his office have been performed, I do not deem it necessary for me to do more on the present occasion than submit this Report to your Lordship's particular consideration.

It is, however, due to Mr. Power that I should state to your Lordship that the ability, zeal, and strict impartiality with which he has hitherto discharged the various important duties of a laborious and invidious office, have entitled him to my unqualified approbation.

I have, &c.

(Signed) H. BEARD.

*The Right Hon. Earl Bathurst, K. G.*  
*&c. &c. &c.*

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SIR,

*Protector's Office, Berbice, 21st January 1827.*

IN conformity with a provision of the Slave ameliorating Ordinance of the 25th September last, I have the honour to report to your Excellency an account of the manner in which my duties as Protector of Slaves in this colony have been discharged, from the 1st day of November (the date when the said Ordinance came into legal operation) until the 31st day of December last. Annexed to this Report your Excellency will find a faithful transcript of my Complaint Book, with the number of actions and prosecutions which I have originated, a return of the applications for manumission, of the amount of deposits, and names of depositors, in the Savings Bank, and the number of slave marriages duly solemnized under my licence during the same period.

There are, however, some preliminary observations which I hope to be excused in submitting to your Excellency before I advert to the respective branches of duty which are imposed on me by the provisions of the new Ordinance.

In making them, I am deeply sensible that your Excellency, individually, can receive no new information from me, as, during my progress through two of the most extensive districts of this colony, extending some hundred miles from New Amsterdam, I had the honour to receive from your Excellency the most active co-operation in impressing on the Slave population the character and extent of the many benefits which the law had imparted to them, and the necessity of that grateful obedience and peaceable demeanour, which from such an amelioration of their condition, those who are set in authority over them had a stronger claim to expect.

Having traversed the Berbice district, the west coast of the Albaine Creek, and the whole line of the Canje, to the extensive wood-cutting establishments of Mr. Gullez, I have explained the provisions of the new law to the slaves on

various estates, but particularly on those wood-cutting establishments and remote plantations, some of which are distant more than one hundred miles from the district Magistrate, and where the law had not been, by those Magistrates, previously promulgated. I have conversed with the different owners, attorneys, and managers of those plantations and establishments, and endeavoured to give to them the most satisfactory elucidation in my power of such difficulties in the operation of the new system as were occasionally suggested by them.

I beg leave to observe that, during the whole of my journey, as well as from my intercourse with the slave population of this town, I found that class of our community animated by a very grateful sense of the advantages conferred on them. In the manifestation of that feeling, much necessarily depended on individual temperament, and on the extent of intellectual capacity; but I can safely assert that, in proportion as the slave was advanced in knowledge, in the same ratio did he express his thankfulness for the advantages secured to him by law. I regret, however, to say that amongst the prædial slaves there is a lamentable deficiency in the capacity to form a due estimate of those securities.

They appear, however, highly sensible of the protection afforded to them from undue severity and inhuman treatment. They feel that the law has given to them Sunday as a day of rest, and that they are entitled to be paid for conservatory labour. It is but justice also to declare that, in their physical aspect, they have struck me as the best-conditioned slave population I have ever seen, being well fed and clothed, and under the daily superintendance of most respectable medical practitioners; but it is equally true that, with reference to mental and religious instruction, they appear to me, with few exceptions, in the lowest state of human debasement.

The correspondence which I had the honour to have with the different clergymen here relative to slaves so far instructed in religious knowledge as to be cognizant of the obligations of an oath, and which correspondence is annexed, will, I think, demonstrate that I do not rashly hazard such a conclusion.

In this town, amongst the domestic and crown negroes, there is a visible solicitude to learn and improve.

The London Missionary Chapel is well attended by the negroes, and Mr. Wray, the Missionary, has assured me that application for elementary books of instruction and catechisms are, since the new code came into operation, weekly increasing. I know that much has been said of the licentiousness of the women attached to the Winkel department, but, from the fullest inquiry that I have been able to make, my impression is that as those illicit connexions take place, almost exclusively, with white or coloured men; the certainty of having the progeny manumitted is not amongst the least operating causes of such licentiousness. The aversion to marriage, which heretofore existed, is gradually disappearing. The course which Mr. Scott, the superintendant of the Winkels, has so laudably adopted of increasing the comforts of the married families, together with the mental and religious improvement of the Winkel negroes, both male and female, under the London Protestant Mission, have contributed much to bring about that desirable change.

During the period the law has been in operation, I have received but one complaint of any insubordinate conduct on the part of any gang of negroes. It came from the Plantation Union on the west coast. This gang refused to perform the amount of work which they had been in the habit of performing before the existence of the new system. The local Magistrate of the district investigated the case, and adjudged thirty-nine lashes to the ringleaders. They still continued indisposed to perform their labour. It was task-work on a Cotton estate, and, on measurement, did not exceed the usual amount fairly to be expected. I proceeded to the plantation, remonstrated with the negroes, assured them of my determination to put down, with all the power of the law, any insubordination on their part, as firmly as I was determined to seek redress for them when unjustly and oppressively aggrieved. They pledged themselves to proper conduct. The manager, Mr. Nicholson, a very respectable man, expressed his gratitude to me for the effect he said I had produced. I also subsequently received the approbation of the Attorney of the estate, and it is with considerable satisfaction I have to communicate to your Excellency, that though this event took place a few days after the ordinance came into action, within the last week three gentlemen assured me that the slaves on that estate have evinced no further symptoms of discontent or insubordination.

It is necessary to add, also, that Mr. Nicholson, the manager, told me, at the time, that the female slaves took no part in the disorderly conduct.

### *Complaint Book.*

Amongst the cases of individual complaint, as transcribed from my Complaint Book, there are but two on which I feel it necessary to offer any comment. As, however, on these two points a difference of opinion exists between me and some gentlemen in the colony, I am anxious to have the judgment of my superiors.

In inflicting corporal punishment on a male slave I have denied the right to place the negro in the stocks during the interval between the alleged commission of the offence and the sun-rise of the following day. I have viewed it as inflicting two punishments for one offence. To this view it is opposed that the slave, knowing that he will be flogged next day, will most probably abscond. I have ventured to suggest that there are other modes of securing the slaves evincing any design to abscond, without subjecting them to corporal punishment of the stocks, when the 13th clause positively ordains that the punishment to be enforced for any one offence on behalf of the proprietor, shall not exceed, at the utmost, *twenty-five lashes*. When the Returns of the Punishment Records shall be made, the opportunity will be afforded of knowing on what interpretation of the clause those interested have acted.

The second case has reference to the 27th clause, by which a slave is competent to hold and enjoy property, with the exception of "fire-arms, ammunition, and such colonial produce as is prohibited to be sold or bartered by the existing law."

It will be seen by my Complaint Book, that a blind, superannuated negro belonging to Plantation Denticem, the property of Messrs. Winter and Innes, of London, had, long before my arrival in the colony taught a slave to be, as he expressly termed it, "his eye-sight." He had duly purchased him, and paid out of his money, honestly acquired, the full value.

The negro said that he understood the slave was advertized, in the Gazette of this colony, to be sold at vendue without his consent, and he called on me to interfere. The Attorney of said estate, Mr. William Ross, was requested to attend at my office; he expressed it as his opinion, though he did not rest his case on that objection, that the complainant being in a state of slavery, could not legally hold a slave. I differed in opinion with him. Slaves are not enumerated within the exceptions, and, in my humble opinion, it would be to little purpose to allow a slave to hold stock or purchase a grazing farm, unless he had also the power to procure labourers to attend or to cultivate it, when it is borne in mind that he cannot remove himself from his owner's estate without permission. In the present case, however, I did not act on the general principle. I found the blind man possessing the slave without interruption long before my arrival, and I was not prepared, as the Protector of the Slave, to say that he should be dispossessed by me. I beg to call the attention of my superiors to this point, as an explicit understanding on that head would probably prevent much future litigation. As to the remaining complaints, I have only to say, that having in almost every instance where I have been called upon to interfere, recovered debts due to slaves, the security afforded to that part of the population has been highly appreciated by them.

### *Manumissions.*

The applications for manumissions have been chiefly made by persons who, for years, have been in the habit of working for their own and children's support, but who, from the expence attending manumissions under the former law, were unable to obtain the deed and enrolment. I have not demanded any security from them, their previous industry and ability to maintain themselves constituting a sufficient guarantee, and from a conviction that to make such a demand would have the effect of continuing them in that anomalous condition of society, neither being slaves nor legally free persons.

There has been but one application by a slave made to me under the compulsory clause to effect a manumission. It is now in legal progress, and your Excellency will have to decide on the application on the 12th February next.

*Savings Banks.*

Under the head of Savings Banks I have only to refer to the annexed return of deposits amongst the predial slaves. In the present condition of their understanding, and as they chiefly exchange commodities with the itinerant hucksters, and rarely have money, it is not to be expected that such an institution could make much progress; but amongst the crown and town negroes I have considerable hopes, particularly when it is ascertained that the depositors have received their first payments of interest.

*Marriage Licences.*

The number of Marriage Licenses have been five. These Licenses were at the request of the parties directed to the Reverend Mr. Wray Protestant Missionary.

I myself thought it would be attended with good effect to attend the solemnization of the first. I did so. I understand it afforded the negro population much satisfaction, and I cannot help attributing to the force of that impression, the fact, that on the next day the first deposits were made in the Savings Bank, by some of the most intelligent and meritorious of the crown slaves, persons possessing very considerable influence amongst the Winkel and town negroes.

I have the honour to conclude with acquainting your Excellency that the only punishment adjudged by me as a magistrate was the infliction of twelve lashes on a slave of Mr. Niewverkerk's, for highly insolent conduct and unfounded accusations.

I have, &c.

(Signed) DAVID POWER, Protector of Slaves.

*Sworn before me, at the King's House Berbice,  
this 29th day of January, 1827,*

(Signed) H. BEARD, Lieut. Governor.

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*Protector's Office, Berbice, 2d November 1826.*

*Complaint, No. 1.*

THE negro William, a carpenter, belonging to L. F. Gallez, states:—That having been put up at public vendue for sale, he was purchased by Mr. L. F. Gallez, to whom he refused to belong on account of a pain in his side, and not being able to do heavy work. That when he refused to go with Mr. Gallez's people to Canje Bush, he was put in the Barracks for two weeks; after which time he was taken out by Mr. G. Schwartz (Mr. Gallez's town Agent) and directed to go up to Canje. That instead of going there he ran away, and went into the bush for two weeks, but thinking that it would be very hard for any person to lose his money that way, he thought proper to come back, and went up to Canje Creek to Mr. Gallez, where he has now been four weeks; but during that time he has only had two drams. Positively asserts that for the four weeks he has been with Mr. Gallez he has received but two bunches of plaintains, without any other food save fish. That he has been subject to a liver complaint for years. That there is no sick house on the estate nor a doctor. He got a dose of salts once from his master. "Mr. Gallez's wood cutting establishment is high up that River, far beyond the cultivated estates."

Toris, belonging to Mr. G. Schwartz, corroborates the statement of one

bunch of plaintains for two weeks being given, and of there being no sick house nor doctor on the estate, and that the man William had been sick.

*Result.*—Referred to his honor the Fiscal for legal investigation, the occurrences having taken place before the new Slave Code came into legal operation. The negro called afterwards on the Protector, and stated that with Mr. Gallez's consent he was no longer employed on the wood cutting establishment, but was hired out to the Engineer Department at the new Fort.

*Complaint, No. 2.—8th November 1826.*

Complaint of the negro Aaron, belonging to a gentleman in Demerary, whose name he does not know, but is under the care of Thomas White, of Berbice, hired out to Mr. Forsyth on plantation "the Friends," where he has been about six months.

On Monday last, the day before yesterday, Mr. Forsyth desired me to put fire under the coppers, which I did, and boiled three; but on putting fire under the fourth, I could not light it on account of the megass not being dry, (a sample which was rather damp having been produced), for which reason Mr. Forsyth put me in the stocks the whole night, and flogged me on Tuesday morning, giving me sixteen lashes so as not to cut my flesh or leave any marks. I immediately after went to work, and at night, when I came home, I picked up some of the same megass to come show the Protector and lodge my complaint. Since I have been there I have been sick with belly ache, and on applying to Mr. Forsyth for medicines, he told me to go to work in the field, which I refused, when he gave me a dose of physic, telling me again to go to the field, instead of which I went to my own house and laid down

I have no time to breakfast at eleven o'clock, and the whole estate's negroes will say the same.

The Manager was present when I was flogged, as also a negro by the name of PapaTuamina.

*Result.*—Mr. Thomas White was summoned to attend at the office of the Protector to morrow morning at eleven o'clock, but did not attend in consequence of his being laid up with rheumatism. The negro belongs to one William Chichester of Demerary.

*Nov. 10.*—Mr. Scott, manager of plantation "the Friends," having appeared before the Protector, acknowledged that the slave was flogged and previously put in the stocks by his order. He was told that he had no right to inflict a double punishment, and that the law did not allow a negro to be placed a whole night in the stocks, and striped afterwards for the same offence. He pleaded ignorance, or that he misunderstood the Clause, and an oath being administered to him, to the truth of his (Mr. Scott) having misunderstood the law respecting the punishing of slaves twice for the same offence, the Protector, acting on his own discretion, declined representing this case to his honor the Fiscal. The manager was ordered to pay the expences of the slave's maintenance, and the negro had a considerable rest from labour. The manager was cautioned how he again inflicted two punishments for one offence.

*Complaint, No. 3.—8th November 1826.*

The negro Sunday states:—I belong to the Fort, and employed by Mr. Brown the Ordnance storekeeper. I have cut fifty-four bundles of grass for Mr. Sherburne, the Barrack Master, for which he promised to give me two bits a bundle. I cut the same after I have finished Mr. Brown's work, and have only received from Mr. Sherburne five guilders. So that I come to the Protector for assistance as to the recovery of my money, (a tally exhibited of the grass delivered by him.)

*Result:*—The Protector told him to call back on Friday, and that he would in the mean time enquire at Mr. Brown's into the case. Mr. Sherburne, on

the recommendation of the Protector, paid the slave the balance, deducting some part for flour sold by his housekeeper to the said grass cutter.

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*Complaint, No. 4.—14th November 1826.*

The negro Friday, at present belonging to Mr. W. Forsyth, states :—I formerly belonged to Mr. Thomas Emery, now deceased, and was in the habit of hiring myself from my said master Mr. Emery, and during that time I accumulated some money, with which I purchased, (through a Mr. Thomas Hill) a piece of land on lot No. 4, and put up thereon a small house which, I cannot positively state, but think, cost me about 2000 guilders, and that the said house and land were subsequently taken away from me by my master Mr. Emery, without giving me any value for the same.

Mr. Thomas Hill, a coloured inhabitant, called and corroborated the facts of his having purchased the piece of land for the man Friday, and that the house thereon was built by him Friday. He, though trustee for the slave, did not wish to interfere between his master and him. He did not believe that Friday was indebted to Mr. Emery, or that the house was given for the alleged debt.

Mary Emery, who is now living in the aforementioned house as the owner of the same, attended at this office, and stated that she bought the said house and land from Mr. Emery. In consequence thereof time was allowed her to produce proof of Mr. Emery being at that time the legal possessor of said land and buildings. A month having elapsed and no such proof having been produced, the Protector has instituted the necessary legal proceedings to recover said property for the slave.

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*Complaint, No. 5.—7th December 1826.*

Solomon, belonging to the Winkel department, states :—That Hans Leen, a free black man, is indebted to him in a sum of seven guilders which he cannot recover; and also that he lent him a gun some time ago which he Hans Leen would not return. Hans Leen, being summoned, attended, and stated as a positive fact his having paid Solomon to his (Solomon's) satisfaction, at the time the work was done for which he now renders an account, and as regards the gun positively contradicts Solomon's statement.

There being no proof besides assertion on the part of the complainant, and as slaves are not allowed by law to be in possession of fire arms, the Protector conceives this not to be a well founded complaint and dismissed it accordingly.

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*Complaint, No. 6.—7th December 1826.*

William, belonging to the Winkel department, complained of his not being able to recover the amount of a good note of hand given to him by J. E. Salmaun, free coloured man, for f. 68.

Mr. Salmaun, being summoned, attended, and stated his being willing to pay the above sum but was unable to do so at this moment; and having promised to pay the amount on the twentieth January ensuing, the Protector granted him indulgence until that time.

*January 10.* This sum has been paid and given to William this day.

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*Complaint No. 7.—8th December 1826.*

Complaint of the negro Philip, belonging to Miss Jessy Till, free black woman, and hired by Mr. Edmund Bond, a carpenter.

Mr. Bond flogged me yesterday for not coming to work at one o'clock. I

received fifteen stripes with a cat o'nine tails. On coming to complain to the Protector I was chased by two men by order of Mr. Bond, for the purpose of carrying me to the barracks. I request that the following negroes may be summoned as my evidences, viz. Romeo, Douglas, Peter, Manus, and Michael.

*December 11.* Mr. Bond having attended in conformity with his summons of Friday last, stated; that it was not for the immediate fault committed by Philip that he was flogged, but that he had repeated occasion for doing so. Philip came at work three quarters past one o'clock, and was then drunk. Positively asserts that he did not prevent him (Philip) to come to complain.

Miss Jessy Till, proprietress of Philip, states that he is a very good working negro, but a great drunkard. That she was obliged to give him under charge of a Mr. Cameron, (her son-in-law) not being able to manage him herself.

Romeo, (one of Phillips evidences) states that he (Romeo) was the first at work on Thursday, and that it was then a quarter past one o'clock; that he found no person there but Douglas, who stops at the working place.

Douglas says that Romeo was the first man at work, but that it was after one o'clock when he came, but he Romeo was there a long time before Philip made his appearance.

Peter says that he came at work on Thursday, (he thinks at one o'clock) and found Douglas and Romeo there. He turned to at work, and bored holes in two bundles of shingles before Philip came.

*Result.*—The Protector, believing that the complaint of Philip was frivolous and unfounded, and witnessed with the bad character he bears as a drunkard, thought proper to dismiss the case, reprimanding Philip for making a complaint where there was not the least ground for any, and, as his name and bad character would now appear in his the Protector's books, he advised him in future to behave better.

Mr. Bond expressed some disappointment at the Protector's not having the complainant punished for his false statement; but was informed that he (the Protector) did not deem it a case for such an harsh exercise of authority. Negroes were not very accurate judges of time, besides it was the Protector's duty not to create unnecessary impediments against complainants, which might operate injuriously in other cases where redress was due.

*Complaint, No. 8.—12th December 1826.*

The negro Bob, belonging to Miss Theresia Seaton, free coloured woman states:—That Mr. Angus Reeseman, is indebted to him in the sum of six guilders for weeding the grass in his yard, which he cannot recover.

Mr. Reeseman being summoned, attended on the 15th, and said that the negro Bob was only working four days for him at a guilder per day; but rather than have any dispute about it he was willing to pay the amount (six guilders) demanded, and paid it accordingly.

*Complaint, No. 9.—12th December 1826.*

The negro man Frederick Van der Brock, of plantation Denticem, states:—That he is living on plantation Denticem, belonging to Messrs. Nath. Winter, and Innes, of London, where he is found, and gets a joe every month, which is a bequest from his former master Mr. Van der Brock, and which annuity was guaranteed in the contract under which the present proprietors purchased the estate. That he was formerly head carpenter on said estate, but having lately lost his eyesight he thought proper to purchase a negro named Jacob, and for whom he paid a sum of f.550 to a Mr. Vogt. That Mr. William Ross, Attorney, and manager of plantation Denticem, will not allow this negro to stay with him, and has requested Mr. Simon Dawson, the attorney of Mr. Vogt, to return the money (f.550) to Frederick, and sell the negro Jacob, which is to take place in a few days at public vendue. For which reason the present application is made by him in order that said negro may not be taken away, he being "my eye sight."



Jacob, being examined, says that he is well treated by Frederick and wishes to remain with him,

*December 13.* Mr. William Ross and Mr. Simon Dawson, having been summoned, they attended accordingly.

Mr. Ross stated that he had interfered at Frederick's own request, thinking that he was imposed upon, which really Mr. Ross himself thought he had been. Frederick himself had been anxious not long ago to get the purchase money back. That in behalf of his constituents he would not allow the said slave Jacob, who is a diseased man, to remain on the estate lest he might become a burden on the same.

Mr. Simon Dawson said that he was ready either to return Frederick his money and take the negro Jacob back, who in that case would have to be sold in a few days, but that he would leave it to the choice of Frederick. The expense of the registry he, Mr. Dawson, would gladly pay.

The Protector then told Frederick that it would be better for him to make a choice at once whether he would take the money or keep the slave, but that he could not at all oblige Mr. Ross to allow said Jacob to stop with him on the estate.

Frederick said that he would rather keep the Slave, and if he was not allowed to take him (Jacob) on the estate he would hire him out, and have another in his place to lead him about. Frederick was ordered by the Protector to keep the Slave under the specified condition. He has had the slave for a considerable period.

*Complaint, No. 10.—20th December 1826.*

Abraham, belonging to Mr. G. Schwartz, states:—That he formerly belonged to Mr. P. de Goege, who sold him and his mother to Mr. Schwartz, his present owner, to whom he does not wish to belong and wishes the Protector to interfere and have him put up at public vendue by Mr. Schwartz in order that some other person may purchase him. Mr. Schwartz attended and said, he had given Abraham a week to get another owner, who would give the same amount he (Mr. Schwartz) had given for him and his mother. That the week had elapsed, and Abraham had not procured another owner.

The Protector dismissed the complaint, it not being in his province to interfere with the proprietor so as to compel him to offer said slave Abraham for sale at public vendue.

*Complaint, No. 11.—28th December 1826.*

Thomas, belonging to Antonie Da Costa, states:—Yesterday, being a resting day, as I was walking on the public road I was attacked and severely beaten by two boys, named Carel or Charles, belonging to Jacob Lucia, and John, from Miss Caroline de Vry. After beating me they tied my hands and feet, and wanted to carry me to my master, but I ran away from them, and came to complain. On Saturday also, Charles met me on the road when he had a bottle of rum in his hand (it being his holyday's allowance). I asked him to give me a drink, but he took up a marricole and beat me with the same. Scipio, belonging to my master, was present at the time, and yesterday the free coloured man, John Service, was present.

29th.—Charles or Carel, belonging to Jacob Lucia, having been summoned, attended, stating:—Wednesday, I was going at the house of Mr. H. Harris, when Thomas was fighting on the road with Hannibal, belonging to his (Thomas's) master, and when I was passing by, he struck me a blow in the neck. When I told him I did not wish to fight he gave me two more blows. Mr. Harris came out and took me in his yard, where I stopped, and did not speak further to Thomas.

John, belonging to Miss Caroline De Vry, states:—On Wednesday I was standing on my mistress's lot of land, when Thomas came up to me and said,

he wanted to fight. He gave me a blow, which I returned; he then gave me a kick in my belly. I did not intend to lick him had he not troubled me, but he had been fighting with his master's negro. His master sent people to tie him and bring him home, but they could not get him as he ran away. Thomas is in the habit of coming in our yard to *pick our mouths* (to provoke us) and quarrel.

John Service, free coloured man, states:—On Wednesday I saw Thomas with his master's negro, Hannibal, who was trying to carry him (Thomas) home, but Thomas being drunk, they were struggling and rolling in the trench. I went and tried to bring him home, but he told me he wanted to fight. I asked him with whom he wanted to fight, which he would not tell me. I went and told his master about it, who begged me to try and get him home. When I returned where Thomas was, I found him on the ground, and Carel was laying upon him beating him. I told Carel he had no right to fight with a drunken man.

*Result.*—The Protector taking into consideration that the above *fracas* happened during the holidays, when they were all three probably drunk, reprimanded them severely, and dismissed the case.

*Complaint No. 12.—28th December 1826.*

Mary Anne, belonging to Kate M'Donald, free black woman, states:—I was bought by her from the sales of Miss Betsy Atkinson, and was treated very well at first, but now she beats me every moment, and says that I brought bad luck in her yard, and that she cannot make any more money since she bought me. She says I have something to do with Obeah, which I know nothing about, and I now come to the Protector to beg him to order my said mistress to sell me.

Kate M'Donald says:—That she bought Mary Anne at public vendue, when she was covered all over with sores. On Friday I told her to warm an iron for me for the purpose of smoothing some clothes. She was sitting a long while at the fire-side in the heat of the sun (the fire was made outside). I told her to get in the house, as it was too hot outside, and pushed her into the kitchen, when she gave me a blow on my hand, but I never returned it, and do not know what reason she has to complain.

The very weak state and emaciated condition of the woman Mary Anne, induced the Protector to send her to the Barracks, in order that she might be examined by a medical practitioner.

She was examined by Dr. John Beresford, who prescribed certain medicines with which she was supplied. The Doctor also informed the Protector that she had an incurable ulcer on the foot which could only be removed by amputation. The negress refused to undergo the operation. After some days rest she was restored to her owner, with a caution against ill usage, and an expressed determination to proceed against her if any future proofs of undue severity were exhibited against her.

(Ought a Slave labouring under an incurable malady to be sold at all?)

*Complaint No. 13.—28th December 1826.*

Sunday, or Zanday, belonging to Mr. J. G. C. de Nieuwerkerk, states:—It is now five years that I came to live in town from plantation No. 6, in Canje, during that time I never got any clothes from my master but two shirts a few days ago. When my master gave me them I begged him for a pair of trowsers, but he told me to "go about my business."

I never get more than one bunch of plantains as my weekly allowance, without fish or any other food. I am the cook of my master.

29th. Mr. Nieuwerkerk having been summoned, attended and stated:—That on Monday the negro called upon me in the hall, and asked for a pair of trowsers, and I desired him to wait till the following morning, to which he

grumbled very much. That the following morning at day-break he came into my bed-room, and said, that he would and should have a pair of trowsers. I then ordered him down stairs, and he began to set up most abusive language, which he continued for several hours after, all which was heard by Paris, another domestic. The same morning he shared some fresh pork for the other negroes, and kept five pounds for himself. I have not been in the habit of supplying my servants at stated periods with clothes, but when they do require it I supply them accordingly. It was my intention to send him to Mr. Simonelli, the Under-Sheriff, to be punished, which I suspended till after the holidays, and having heard that he had complained to the Protector, I did not wish to interfere until the complaint was decided, but at the same time I request that his conduct may be punished, as he declared to my housekeeper that though he affected drunkenness he was not so at the time.

Mr. Nieuwerkerk's housekeeper states:—During the time I have been with Mr. Nieuwerkerk I think that if *Sunday* had been punished when he deserved it Mr. Nieuwerkerk would have to correct him every week. He gets drunk and falls asleep in the kitchen, when I am obliged to cook for him. He told me that he was not drunk on Monday, but only pretended to be so; and she confirms that very bad language took place, and he said in my hearing that his master was no gentleman.

Paris, belonging to Mr. Nieuwerkerk, says:—That Sunday, or Zanday, told his master that he was no gentleman; and very abusive language took place. That he, Sunday, shared out the same morning pork to the other negroes, whereof he kept five pounds for his own allowance.

*Result.*—The Protector having heard the evidence of the witnesses, and finding that the negro Sunday's complaint was not only frivolous and unfounded, but that he had behaved in a most abusive and insolent manner towards his master, particularly in having told a falsehood as to his having received no allowance or rations, although he now confessed he had got the five pounds of pork; he was therefore condemned to receive twenty-five lashes at the Barracks, by the public executioner. Through the intercession of his master only twelve were inflicted.

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*Complaint No. 14.—28th December 1826.*

Nancy Scott, belonging to Elizabeth Bennett, free coloured woman, states:—That Messrs. William Bennett, Laurence Redman, and others, all free people, hired the house I live in to make a dance on the evening of the 26th instant, and engaged me to provide for it. After eight o'clock the music commenced. Messrs. Redman and A. Fraser were in the room; Mr. Redman stood up and commenced a reel, when Mr. Simonelli (Under Sheriff) came in and desired the music to stop. Mr. Redman told Mr. Simonelli that it was a dance given by free people and not slaves. Mr. Simonelli replied, that Nancy Scott was a slave, belonging to Mr. Henery, and if I denied it he would put me in the Barracks that night, and answer for it the next day; and attempted three times to take me to carry me to the Barracks, when Mr. Redman interfered, and said, that it was no matter whether I was a slave or not, as the people dancing were all free, and that the dance was made in my house to assist me. Mr. Simonelli then went away, saying he would return at ten o'clock. After he went out I requested Mr. Redman and the other gentlemen to quit the house, and let the dance be put off for another time.

The gentlemen all went out excepting Mr. Bennett, who was waiting for his wife and child, with whom I was talking. A little while after, a man named Champaigne, belonging to Mr. Molison, came into the chamber where I was to light a candle. He left a light burning in the hall, where he might have lighted his candle. I consequently turned him out of the chamber. After I had turned him out three dienaars came into the house, namely, Garrow, Smith, the name of the other I do not know. Garrow and Smith came into the chamber; I asked them what they wanted; they said they were sent in by Mr. Earl to take me out, and all that were in the house, to the Barracks. The dienaars told Mr. Earl there were no people in the house making a disturbance; he then said, that if they did not bring me out of the house by G—d he would complain of them to-morrow. Mr. Death was

tanding outside at the time, and told Mr. Earl, that as I was a slave, and not disturbing him, he ought not to molest me. He said he did not care, and if he could hold me he would kick my a—e. Mr. Death told him that he did not think that he was such a blackguard, and he would have nothing more to do with him, for he would bring himself in trouble. He said he did not care any thing about the Fiscal, he may kiss his a—e; and also said he was a true *Barbadian, and true blood*. Mr. Earl then ran into my house and took up a chair, threw it at me, and broke it. I ran into the chamber, and as he was coming after me Mr. Bennett held him, and would not allow him to come in; he then put himself in a posture to fight Mr. Bennett; Mr. Death then came in and prevented him. The dienaars were present but did not interfere; they only told Mr. Earl that he was in the wrong. After great difficulty Messrs. Death, Bennett, and others, got Mr. Earl out of the gate. This is not the first time that Mr. Earl has molested me. My house was much pelted with stones. I have lost property, consisting of a chair broken, a coverlet, pair shoes, and a Madras handkerchief, and all the provision I had for the dance stolen.

*Dec. 29.*—William Bennett states:—I was at the house of Nancy Scott, on the evening of the 26th instant, at a dance given by a party of free people. My wife and children were with me. A little before eight o'clock I left the house to go to my own dwelling, and by the time I returned the dance was broken up by the dienaars. I was present when Mr. Earl sent in a man to light a candle. There was a light in the hall where he might have lighted it, but he went in the chamber to do so. He was turned out of the chamber, and about five minutes after entered the room and said, "Where is the damn bitch (meaning Nancy Scott), I will kick her a—e." Nancy Scott was going to shut the door, but I told her not to do it. Mr. Earl attempted to go into the chamber to beat her, when I prevented him, and told him he ought to be ashamed of himself. I held him, and he fought very hard to get away from me, and I am confident he would have beat her very much had he got away from me. Three dienaars were there, they told Mr. Earl he ought to be ashamed of himself. In the wrestle I cannot say whether or not there was a chair thrown at Nancy Scott. After much difficulty Mr. Earl was put out of the house.

Maxwell Ward states:—I was going home to my dwelling between the hours of eight and nine o'clock. I saw a man coming out of Nancy Scott's house with a candle in his hand; and soon after Mr. Earl, who had sent the man to get a light, came up to the gate, and seeing the man was turned out without a light, he said he would be G—d damned if there should be any dancing in the house that night (at this time there was no dancing); and seeing the dienaars in the street, he ordered them to go into the house and bring every person that were in it and take them to the Barracks, saying, at the same time, that the woman Nancy Scott, who lived in the house, is a slave. The dienaars went in and turned out every body. I went up to the dienaars and asked upon what authority they turned out the people. They said, by the authority of Mr. Earl, who had sent them to do so. I asked them if Mr. Earl was a police officer. They said it were their orders from the Fiscal. Mr. Earl then went into the house in a great passion. I asked the dienaars why they did not go and take out Mr. Earl, as he was making a disturbance. They said they could not, as Mr. Earl was the person who sent to call them.

Laurence Redman states:—I was present, with other free persons, at the house of Nancy Scott on the evening of the 26th inst. we having engaged her to provide for a dance which we made; and in consequence of Mr. Simonelli's coming in a little after eight o'clock to stop the dance (the musicians being slaves), she, Nancy Scott, requested them to put it off for another time; to which they consented. In going out of the house it was so much pelted with stones that I was afraid to go out of the door.

John Ward states: I was sitting in my own dwelling a little after eight o'clock, when I heard a noise at Nancy Scott's house. I went there in consequence. I found Mr. Earl there with four dienaars, desiring them to go into the house and break up the dance (I, however, observed no dancing at the time), and to take all the people to the Barracks, as he would have no dancing at all in the house. The dienaars went in, and the people came out. Nancy Scott called Mr. Earl a hangman. He then ran into the house to beat her; but I cannot say whether or not he struck her. I then told the dienaars that

Mr. Earl had sent for them there to keep the peace, and he was going to break the peace himself; but they did not interfere; and after much trouble Messrs. Death, Bennett, and Mr. Earl's housekeeper got him out of the house.

Thomas Death, an Englishman, states:—On the evening of the 26th inst. I was in conversation with Mr. Earl, when he sent a man named Champaigne into Nancy Scott's house to ask for a light. The man was turned out of the house in consequence of his going into the chamber to light his candle instead of lighting it in the hall where there was a candle burning. Mr. Earl soon after ran into the house, took up a chair, and as he was going to throw it at Nancy Scott it was taken from him, but with great difficulty. I went into the house and endeavoured to get him out, which I did with the assistance of others. Mr. Earl made use of very dirty language, and said he was a true Barbadian, and a true blood, and much of that stuff.

There would have been no disturbance at all if Mr. Earl had not gone to the house. He behaved himself, upon the whole, in a most shameful manner. I told him that he had no authority in himself to turn the people out of the house if even they were making a disturbance, and that if he wished to have them out he was to apply to the proper authority; but he would not listen to any thing I said to him.

*Result.*—In consequence of the complaint being supported by so many witnesses, the Protector felt it his duty to transmit all the documents to his Honour the Fiscal, for prosecution against Mr Earl.

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To his Honour the Fiscal.

SIR,

*Protector's Office, Berbice, 2d January 1827.*

I BEG to call your peculiar attention to the enclosed documents. They refer to a complaint made before me by a female slave named Nancy Scott; and if true (of which, from internal evidence, I have little doubt), demand from the administration of justice the most prompt and efficient redress. I feel it wholly unnecessary to trouble your Honour with any comments of mine on the fearful consequences of allowing such a misdemeanour as the complaint alleged against Mr. Earl, if he has thus committed himself, to pass with impunity. I shall therefore satisfy myself with specifying the clause of the Slave ameliorating Ordinance which, in my humble apprehension, he has violated. By that Ordinance the right of property is recognized in the slave, under certain exceptions, and whoever molests or disturbs him, or her, in the enjoyment of it, is guilty of a misdemeanour, to be punished by fine or imprisonment, at the discretion of the Criminal Court. Now the evidence taken before me establishes two points, namely, that the house of the Complainant was forcibly entered, without warrant or authority, by Mr. Earl, and that her furniture was broken, and certain other articles stolen by some of the crowd of persons whom the original outrage of Mr. Earl had collected. In my capacity as Protector of Slaves, I only complain of his conduct towards the slave woman, Nancy Scott. It is for your Honour to weigh the tendency of his proceedings in daring to assume magisterial authority, in intermeddling with the enjoyments of free men of colour, whose rights are secured to them as firmly and as justly as those of Mr. Earl, or any other white man in the colony. The clause to which I refer is the 27th clause, which, after recognizing the right of a slave to possess property, concludes thus: "or if any other person whomsoever shall molest or disturb any such slave in the possession or free use and enjoyment of any land, money, or property so lawfully acquired by such Slave, such owner or other person shall, upon conviction thereof, be liable to restore to the said Slave, &c. &c. And be further liable to fine or imprisonment, or *both*, at the discretion of the Court."

As I am preparing for transmissal, through his Excellency the Governor, to his Majesty's Secretary of State for the Colonies, a report of the proceedings of my office since the Ordinance has been in operation, I shall feel honoured in being put in possession of the course of proceedings you will be pleased to adopt. I am, &c.

(Signed) D. POWER,  
H.M. Protector of Slaves.

## BERBICE.

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SIR,

*Fiscal's Office, Berbice, 2d January, 1827.*

I HAVE the honour to acknowledge the receipt of your letter of this date, inclosing the complaint made to you by the negress, Nancy Scott, a slave belonging to E. Bennett, against Mr. Earl. I beg to inform you that I have addressed myself by memorial to his Excellency the Governor, praying him to direct a meeting of the Honourable Commissaries of the Court to collect evidence in the case. I have, &c.

(Signed) M. S. BENNETT, Fiscal

To D. Power, Esq. H.M. Protector of Slaves.

*List of Applications for Manumission, in a state of legal progress, from the 1st November to the 31st December, 1826.*

Name of Slave.	No.	Name of late Owner.	Date of Application.	If by purchase of him or herself. Amount paid.	If by Deed of Gift, name of Giver.
			1826		
Netze and 1 child	2	Winkel Department	Nov. 9	..	Statu Libera
Sukey and 1 child	2	Pl'n Golden Grove	—	..	Thomas Ross
Billy Bennett	1	James Bennett	16	f.2600	
Leentje and 2 children	3	J. J. C. L. Frantzen	17	3780	
Katy and 1 child	2	W. Katy	20	..	W. Katy
William, Edward, Jane, and Mary	4	D. Barry	—	..	D. Barry
Cecilia and 4 children	5	J. F. Broer	22	..	J. F. Broer
Kaatje and 1 child	2	Hans Leen	23	2000	
Sophia and 1 child	2	L. Van Bukkar	—	..	L. Van Bukkar
Bernard	1	P. De Goege	—	..	
Mary Burrows and Maria Parker	2	H. Smithson	—	..	H. Smithson
Margaret Thomas	1	Mrs. F. Jeffery	24	..	Mrs. F. Jeffery
Caroline	1	L. Theurer	Dec. 6	..	L. Theurer
Charlotte and 1 Child	2	S. L. Rynveld	—	..	S. L. Rynveld
Aletta	1	L. C. Bukkar	7	..	L. C. Bukkar
Lucy	1	Ann and Sarah Rice	—	900	
Fanny	1	A. Bierman	12	1500	
Bella	1	E. Smithson	—	1000	
Maria	1	Pl'n Albion	14	1200	
Agnes M'Donald	1	John M'Donald	20	..	Statu Libera
Johannes Arends	1	Pl'n Dur Arend	22	..	

*Deposits made in the Savings Bank from the 1st November to the 31st December, 1826.*

Date of Deposit.	Name of Slave.	Name of Proprietor.	Amount Deposited.	To whom bequeathed in case of death.
1826 Nov. 20	Zacharias	Winkel Department	f.13	To his child, Thomas Zacharias, born of the free woman, Sally M'Gregor.
22	Daniel	—	518	To his children, Sarah Maria, Lucretia, and Emanuel, and any further increase he may have.
Dec. 13	William Henry	Charles Kyte	47	To his son Charles, born of the woman Henrietta, also belonging to Mr. Kyte.
28	Zacharias	Winkel Department	9	As above-mentioned.
			f.587	

*Return of Marriage Licences granted by the Protector of Slaves, from the 1st November to the 31st December, 1826.*

Date of Applications.	Names of Parties.	Name of Proprietor.	Date of Licence.
1826			1826
Nov. 10	David and Lucy	Winkel Department	Nov. 10
17	Landaw and Petronella	—	17
Dec. 7	Sim and Lucia	—	Dec. 7
8	Jan Brock and Maculla	—	8
25	Goree and Manderina	—	25

SIR,

*Berbice, 4th November 1826.*

I HAVE the honour to acknowledge the receipt of your letter of the 1st inst. and in reply thereto beg leave to state that it is not in my power to furnish you with the list required.

In conformity to the 35th section of the New Code, I shall not fail to transmit to your office the certificates of the name or names, and place or places of abode of such slave or slaves as may come to me for examination, and whom I may deem sufficiently instructed in the principles of religion to understand the nature and obligation of an oath.

I have, &c.

(Signed) FRANCIS WHITFIELD,  
Minister of the English Church.

*To D. Power, Esq. H. M. Protector of Slaves.*

FWEL EDEL GESTUNGE HUR,

Foe gens ula missive van gesteren heb ik door dezen de Eer Ued te meloes dat ik tot meden noy geen slaven in den Gods dienst heb onderwezen, maar dat het my aangenaam zal zyn zoo veel mogelyk aan Uld veyoek te voldoen en tot de rettelyke & Gods dienstige vebitering onzer slaven het mynen toe te dragen.

Ik heb, &c.

(Signed)

I. VOS,  
Ev. Luth. Predicant.

*De Wellor Gestunge Heer D. Power, &c.*

TRANSLATION.

In conformity with your letter of yesterday, I have the honour to acquaint you herewith that I have not till this day instructed any slaves in religion, but will be very glad to comply as much as possible with your request, and do all in my power to better our slaves, both in civilization and religion.

I have, &c.

(Signed)

I. VOS,  
Preacher of the Lutheran Congregation.

SIR,

*Berbice, 9th November 1826.*

I HAVE had the honour of receiving your letter of November 1st, in which you state that the New Code for providing religious and moral instructions for the negroes is in operation, and that you require from me a list of those negroes whom I deem so far instructed in religious belief as to understand the obligation of an oath. I have to apologise for not answering you earlier, but I was very much engaged at the latter end of the week. I was also very unwell. I am happy to say that, as far as my knowledge extends, the slaves are well satis-

fied with the benefits bestowed upon them, and I doubt not the new Code will be attended with the happiest effects.

Some of the principal obstacles which were in the way of their improvement are now removed, particularly as it respects the provision made for their legal marriage, and the sanctity of the Sabbath; and I am happy to say that the part of our chapel which is more particularly appropriated to the slaves was filled to excess last Sunday, chiefly from the country, and we have applications daily for Watts's Catechisms, and for the Union Sunday School Spelling Book. I think I have never seen so great a desire among the slaves to learn to read and to say the Catechism, as at present. We have numerous applications from the West Coast and Canje.

In forwarding you a list of names of those who may hereafter be called upon to give evidence in a Court of Justice, I think it right to inform you that our books of instruction are the Sunday School Union Spelling Book and Dr. Watts's Catechisms and Hymns, which are all excellently adapted to the capacity of the negro, and easily comprehended by him. Our plan of instruction is also chiefly by catechising and conversation, for mere public preaching is entirely beyond the reach of their untutored minds.

I am sorry to say that religious instruction has not extended so far as desirable. Our first efforts were on the late Crown Estates, where great good was doing, but at their restoration to the Dutch Company instruction was done away, and none of them have had any opportunity to obtain any since. This perhaps may be of importance for you to know, as I doubt not they still retain some impressions which they then received. Since that our labours have been chiefly confined to the Crown slaves in town and the negroes of New Amsterdam, and a few from the neighbouring estates. Many of the Crown people are intelligent, industrious, and well-behaved, and a considerable number can read easy parts of the Bible, and many of them have obtained some knowledge of the Christian religion. Several couples have submitted to marriage, and about thirty-five been admitted to the sacrament of the Lord's Supper. Only one has been excluded, so that upon the whole they have conducted themselves as Christians. The names I shall furnish you with will of course be chiefly from among them. I shall also in future endeavour to explain to them more particularly the nature and obligation of an oath.

Before I conclude this I must beg permission to make a few remarks on the 35th article, to which your letter refers.

There is something in it exceedingly degrading to an Englishman, who has been qualified by the Toleration Act to preach the gospel. It is entirely repugnant to the principles of toleration and the British Constitution.

Every Protestant Dissenter from the national Church, on receiving a licence to preach, is obliged to swear that he "abhors and detests popery from the heart;" but here in this Protestant colony, the Roman priest and the foreigner are admitted to privileges of which the English Protestant is deprived. He must take out a licence merely to qualify himself to give a certificate of the character of a slave, though he may have been a preacher of the gospel for twenty years by the laws of his country: for it is expressly provided, that no licenced teacher of religion, except of the sects there specified, shall be competent to grant any such certificate. Without submitting to this degradation he cannot be qualified for this simple act. It is indeed said to be adopted from the Demerara Code, and it savours entirely of the violent resolutions of 1823, a copy of which I enclose.

Perhaps, Sir, I may be permitted to state, that the Protestant ministers it thus degrades in the eyes of the colonists, are in every point of view as respectable in theological learning, in ministerial qualifications, in piety and Christian zeal, and their attachment to the House of Hanover, as any of the sects enumerated. Except they will submit to this degradation, it excludes the only people that can furnish the necessary certificates to any extent. For instance, in this colony there is no Roman priest, nor is it likely there will be; neither is there any minister of the Scotch Church. The minister of the Dutch Reformed Church has lived in Holland for several years.  
\* \* \* \* \* As to the Lutheran, though they have a fine estate here with upwards of 150 slaves, till within a few years they had



neither church nor minister, and though they have both now, their slaves are destitute of instruction. In the Episcopal Church the case is the same, as must be acknowledged by all who attend. The ministers here excluded found the colonies entirely destitute of religious instruction, with perhaps a dozen or two of people meeting in a room. Lately indeed, in Demerara, it is said some of those sects began to instruct slaves also, but they entered not only into the labours of the missionaries, but into some of their chapels, and the lists which they furnish to the Protector must be, in the main, from among the slaves the missionaries instructed. We need not wonder that Protestant missionaries are treated in the manner they are, when thus degraded in the eyes of the public, and even Roman Catholic priests preferred to them. I certainly consider the clause intended to exclude those who are almost the only instructors of the slaves. However, Sir, as you have written to me on the subject, I think it my duty to send you a return of instructed slaves; and I would further state, that I believe its evil consequences have entirely escaped the eye of the Governor of this colony, through the multiplicity of business he had to attend to, as I have always found him to be a friend to those principles of religious toleration which have so long been the glory of the British Constitution.

I have no apprehension as long as Governor Beard remains; but he may be removed, and there is cause of great alarm when I consider the opposition that some of his Excellency's predecessors gave me and others. It may also be of great consequence to succeeding missionaries.

Having given this explanation, I forward the enclosed list. I could have added many more names, but I hope these will be satisfactory at present.

Wishing you the divine blessing in the important situation you occupy,  
I am, &c.

(Signed) JOHN WRAY, Protestant Missionary.  
To D. Power, Esq. H. M. Protector of Slaves.

*A List of Slaves returned by the Reverend Mr. John Wray, a Christian Minister, as being sufficiently instructed in Religion to understand the nature and obligation of an Oath.*

Names.	Residence.	Owners.	Remarks.
Gabriel	Winkel	British Crown	
Tom	—	—	
January	—	—	
Cupido	—	—	
Louis	—	—	
Christina	—	—	
Santje	—	—	
Mentor	—	—	
Mozes	—	—	
Julius	—	—	
Davy	—	—	
Jenny	—	—	
Cornelia	—	—	{ The wife of Lewis, to distinguish her from another of the same name.
George	—	—	
Daniel	—	—	
Louisa	—	—	
Mandarina	—	—	The daughter of Gabriel.
Flora	—	—	
Jacob	—	—	
Adrian	—	—	
Susanna, second	—	—	
Jacobus	—	—	
William	—	—	
Rosy	—	—	
Paul	—	—	
Zacharias	—	—	
Jappa	—	—	
François	—	—	

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Names.	Residence.	Owners.	Remarks.
Cecilia, second	Winkel	British Crown	
Solomon	—	—	
Sim	—	—	
Roxanne	—	—	
Toetoe	—	—	
Truitje	—	—	
Maria	—	—	
Petronella	—	—	
February	—	—	
Simon	—	—	Not the one legged man.
Hendrick Rose	—	—	
James Case	—	—	
John Brock	—	—	
Elizabeth	—	—	
Dina	—	—	
Jaunetje	—	—	
Betsy, second	—	—	
Adriana	—	—	
Cornelia, second	—	—	
Truitje, second	—	—	
Matilda	—	—	
Betsey, first	—	—	
Anna Case	—	—	
Jacoba	—	—	
Annatje	—	—	
Sacco	—	—	
Maculla	—	—	
Queen	—	—	
Johanna	—	—	
Egleton	—	—	
Priscilla	—	—	
Landow	—	—	These five have lately expressed a wish for baptism; some of the above have not yet been baptised, but attend instruction. There are many other young people belonging to the Crown, some of whom have learned to read, and attend chapel, but are not returned because I have them not on my lists of catechism; but I doubt not understand the obligation of oath. The names of a few aged people who are regular in attendance are omitted on account of the difficulty of making them understand.
Corydon	—	—	
Hercules	—	—	
Telemachus	—	—	
Susy	—	—	
Bob	Canje Ferry	F. H. McKenzie, Esq.	
Thomas	Lonsdale	W. Henery, Esq.	
Philippina	—	—	
Bernard	—	—	
Henery	—	—	
Cloe	—	—	
Africa	—	—	
Mustick	—	—	
Nelly	—	—	
Frank	—	—	
February	—	—	
Princess	—	—	
Harriet	New Amsterdam	Santje	
Phillis Hill	—	Boedal, of Mary Hill	
Eliza	—	Charles Matheson	
Marian	—	Miss Amba Hiles	
Sophia	—	Mrs. Akers	
Betty	—	Mary Hills Boedal	
Thomasin Brith	—	Brith's Boedal	
John	—	S. Davson, Esq.	
Caroline	—	M. S. Bennett, Esq.	
London	—	Miss Louisa McCamon	
Jack	—	Miss Mary Dawes	
Dorinda	—	W. Henery, Esq.	Husband and wife.
Lindre	—	—	
Desdimonia	—	Mrs. Akers	
Jim Harris	—	Mr. Nat. Harris	
William Kyte	—	C. Kyte, Esq.	
Morris	—	J. T. Mathews, LL. D.	
Maria Reyner	—	Mrs. Stanley and Sister	
Jas	Plantation		
Vulcanius	Sandvoort		The evidence of the three first was admitted on an important criminal case in 1817 by Judge Samuel. A good many of the Sandvoort people had acquired some knowledge of religion when they belonged to the Crown.
Amsterdam	—	J. and D. C. Cameron, Esq.	
Theritje	—		
Frederica	—		

Names.	Residence.	Owners.	Remarks.
Clarissa	Vryheid	W. Keetz, Esq.	These, with some others from Vryheid, attend chapel very well, and frequently remain after service to learn Dr. Watts's Catechism, which is also explained to them. I have not examined them as to the nature of an oath, but they are all taught the evil of lying, and the necessity of telling truth. This last remark will of course apply to all.
Julia	—	—	
Rose	—	—	
Plussy	—	—	
Thrace	—	—	
Eliza	—	—	
Louisa	—	—	
Amarilla	—	—	
Kitty	—	—	
Betsey	—	—	
Kuty	—	—	
Philida	—	—	
Quarrina	—	—	
Corydon	—	—	

## No. 2.

MY LORD,

*Berbice, 17th February 1827.*

I HAVE the honour to report to your Lordship that the first case under the compulsory manumission clause (as it is called) of the new code, for meliorating the condition of the slave population in this colony, came before me as President of the Courts of Justice, at the Court House last Monday, when a most violent opposition was set up by certain influential persons in the Colony against the proposed manumissions.

Firmness, however, and a determination not to suffer the provisions of the Code in this respect to be thus defeated, have enabled me, with the able assistance of Mr. Power, the Protector of Slaves, to carry the measure satisfactorily into effect; and I now have the honour to transmit to your Lordship copies of all the proceedings in this case before the court. Copy of an appraisement of the slaves in question made this day; and also copy of a full report on the subject made by Mr. Power.

I flatter myself that these proceedings will be satisfactory to your Lordship, and that your Lordship will approve of the course I adopted.

I am happy to inform your Lordship, that, with a very few exceptions, the whole of the new Slave Code is generally approved of, and in many instances it has created a visible alteration for the better among the slave population. The Colony never was in a state of more perfect tranquillity than it now is, and ever has been since the promulgation of the new code.

I have, &amp;c.

(Signed)

H. BEARD.

*The Right Hon. Earl Bathurst, K. G.*

&amp;c. &amp;c. &amp;c.

At the Court House. BERBICE.

Before His Excellency Henry Beard, Esquire, 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.

*Monday, 12th February 1827.*

IN relation to the application of the female slave Jannetje, the property of Mrs. D'Hankar's children, to purchase the freedom of herself and child, named Johanna Jacoba, in conformity with the 31st clause of the Slave Ameliorating Ordinance, bearing date the 25th September 1826.

The Marshall called all persons having, or pretending to have, any title or interest in or to the slaves proposed to be manumitted either in their own right, or as the guardians, attornies, trustees, or executors of any other person, to attend and prefer such claims.

David Power, His Majesty's Protector of Slaves, files summons, bearing date 5th January last, granted at his request, by his Excellency the Lieutenant Governor, as President of the Courts of Justice.—Berbice Gazette of the 10th February instant. No. 1744, containing notice, dated 10th January last, from the Protector of Slaves' office, requiring all persons having interest in or claims upon the said slaves, proposed to be manumitted, to attend before his Excellency, as such President, this day at the Court House, to prefer such claims in pursuance of the 32d clause of the said Ordinance. The Protector filed also affidavit of Roelof Hart, clerk to the said Protector, of the due service of the said summons on the parties interested in the intended manumission.

The Protector then, with reference to the said Ordinance, addressed a few observations to his Excellency, and declared his readiness now to proceed, in conformity with that Ordinance, to the manumission of the said slave Jannetje and her child Johanna Jacoba, and prays his Excellency to call on the opposing party to name an appraiser on their part of the said slaves, at the same time naming as an appraiser on his the Protector's part, the Honourable William Scott. The Protector further prayed his Excellency to name an umpire between them.

M. Daly, for the widow A. C. D'Hankar, J. F. D'Hankar, J. J. D'Hankar, and for Simon Davson, and G. H. Ralfe as the attornies of Mrs. J. F. Obermullerborn D'Hankar, declared to object to the proceedings of His Majesty's Protector of Slaves to obtain the manumission of the slave Jannetje and her child Johanna Jacoba, and as he had stated his reasons in writing he would beg leave to read them.

His Excellency observed that he would readily hear all Mr. Daly had to say on the subject, and that he might read his written observations, but that if they were irrelevant to the subject immediately and exclusively before the Court, he would not permit the written document to be made matter of record. His Excellency at the same time stated that all he had to do on the present occasion, was to see that the respective parties had fair and impartial appraisers appointed between them, and for himself to name an umpire.

Mr. Daly then observed that if that was his Excellency's opinion, the arguments he had prepared would be useless: he however, at his Excellency's desire, proceeded to read from a paper the observations which he had to make, and in doing so at considerable length adverted to a great variety of topics relative to the new Slave Code, and particularly regarding the construction to be put on the clauses respecting compulsory manumissions, but rested his argument mainly on the ground that it should be made to appear before his Excellency that the money wherewith the slave Jannetje proposed to purchase the freedom of herself and child, arose from the earnings of her own honest industry, or by bequest or succession; and also that she had conducted herself honestly and faithfully for a period of five years previous to her application for manumission.

His Majesty's Protector of Slaves replied at great length, and combated the arguments of Mr. Daly generally, and contended that those questions could not at this stage of the proceedings arise before his Excellency, as President of the Courts, but that they were matters for his (the Protector's) own consideration, after the appraised value of the slaves had been ascertained in the manner prescribed by the Ordinance, and concluded by again praying his Excellency to call on Mr. Daly, on behalf of his clients, to name an appraiser; and also that his Excellency would be pleased to name an umpire.

His Excellency, after many observations on the several clauses of the Ordinance regarding manumissions, overruled Mr. Daly's objections, and said he concurred in opinion with the Protector; and again stated that the only duty he had to perform on the present occasion, was to call on the respective parties to appoint appraisers, and for himself to appoint an umpire between them; and that any question regarding the acquirement of the money for the purpose of purchasing the freedom of the slaves in question, could not arise before him as President of the Courts of Justice; but that that was matter

exclusively for the consideration of the Protector, after the value of the slaves had been ascertained by appraisement, and that no such question could properly arise before that process had taken place; and in fact it did not yet appear that any money was forthcoming at all.

His Excellency then called on the opposing parties to appoint an appraiser on their own behalf.

Mr. Daly then consulted with his clients in Court, and after many observations, said they declined to appoint an appraiser.

After some further conversation, Mr. Daly requested leave for half an hour to consult his clients out of doors, to which his Excellency acceded.

Mr. Daly subsequently returned into Court, and stated that his clients refused to appoint an appraiser.

The Protector of Slaves then urged his Excellency to appoint an appraiser to guard the rights and interests of the persons having appeared as opponents.

His Excellency then taking a review of the main features of the case observed that if an opponent could be permitted to set the several clauses of the act, or either of them, regarding manumissions of this description, at defiance, by refusing to appoint an appraiser when called upon by the President of the Courts so to do in the manner prescribed, the Ordinance would at once become a dead-letter, and that therefore he considered himself bound to comply with the request of the Protector to appoint an appraiser on behalf of the opponents, to represent their interest in the slaves now proposed to be manumitted. His Excellency then named William Henery, Esquire, as an appraiser on behalf of the opponents, and the Honourable A. R. Hollingsworth to be umpire between them the said appraisers; and directed the secretary to make the necessary communications to the aforementioned appraisers and umpire, with request that they would attend at the King's House, on Friday the 16th instant, at eleven o'clock in the forenoon of that day for the purpose of being sworn before his Excellency, as President of the Courts of Justice, in the terms of the Ordinance, to make a fair and impartial appraisement of the slaves who now sought to purchase their own freedom. After which his Excellency retired.

Thus done and minuted at the Court House, New Amsterdam, Berbice, *datum ut supra*.

In presence of  
(Signed) F. WHITE, Deputy-Secretary.

(Signed) H. BEARD, Lieutenant-Governor,  
and President of the Courts of Justice.

*At the King's House, Berbice, this 16th February 1827.*

WILLIAM HENERY, Esquire, appointed on the 12th instant to be appraiser of the female slave, Jannetje, and her child Johanna Jacoba, in behalf of the opponents then appearing against this manumission, having declined to act in such capacity, his Excellency appointed Robert Samuel, Esquire, Registrar of Slaves in this colony, to be appraiser in the stead of him, the said William Henery, Esquire.

The Honourable William Scott and Robert Samuel, Esquire, were then duly sworn as such appraisers.

(Vide affidavit annexed.)

Thus done and nominated, *datum ut supra*.

In presence of  
(Signed) F. WHITE, Deputy-Secretary.

(Signed) H. BEARD, Lieutenant-Governor,  
and President of the Courts of Justice.

## BERBICE.

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BERBICE.—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 in all Courts and Colleges within the same, sole Judge of the Vice Admiralty Court, &c. &c. &c.

(L. S.)

H. BEARD.

WHEREAS application hath been made to me as President of the Courts of Criminal and Civil Justice, in pursuance of the 31st and 32nd clauses of the new Slave Code of the 25th September 1826, by David Power, Esq., His Majesty's Protector of Slaves in this Colony on behalf of the negro girl Jan- and her child Johanna, the property of the children of D'Hankar, widow, also of this colony, the said negro being desirous of purchasing the freedom of herself and child, to appoint a time and place for the owner or manager of such slaves, or the person or persons under whose directions such slaves may be, to appear before me, by themselves or their agents, and to proceed to the manumission of the said slaves in manner and form prescribed by the aforesaid new Slave Code of the 25th September 1826.

I do therefore, as such president as aforesaid, hereby summons and direct the aforesaid parties, and all others whom it doth or in any manner may concern to appear before me, for the purpose aforesaid, at the Court House in New Amsterdam, in the Colony of Berbice, on Monday the twelfth day of February next ensuing the date hereof.

Given under my hand and seal of Office this fifth day of January, 1827.

By His Excellency's Command,

(Signed) W. M. MORRIS, Gov. Sec.

To J. F. D'HANKAR,

I. I. D'HANKAR,

S. DAVSON, AND

G. H. RALFE,

} As the Attornies of Mrs. J. F.  
} Obermuller, born D'Hankar,

and all others whom it doth, or in any manner may concern.

Roelf Hart, clerk to David Power Esq., His Majesty's Protector of Slaves in this Colony, maketh oath and saith, that he served a copy of the within summons on Simon Davson for himself and G. H. Ralfe, as the Attornies of Mrs. I. F. Obermuller born D'Hankar on the 8th day of January, 1827; and one copy on J. F. D'Hankar, on the 10th of the same month, which was read in the presence of Mrs. the Widow D'Hankar. And this Deponent further saith, that he did, on the 10th day of January last, deliver another copy of the within summons unto the said I. I. D'Hankar for and who promised to deliver to his brother I. F. D'Hankar.

(Signed) R. HART.

Sworn at the Court House, Berbice, this 12th day of Feb. 1827.

(Signed) H. BEARD, Lieutenant-Governor.

In presence of

(Signed)

F. WHITE, Dep.-Sec.

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BERBICE ROYAL GAZETTE.

Anno 1827. Saturday, Feb. 10th—No. 1744.

Notice.

*Protector of Slaves' Office, Berbice, Jan. 10, 1827.*

WHEREAS application has been made to me in conformity with the 31st clause of the Slave Ameliorating Ordinance of the 25th September 1826, by the female slave Jannetje, the property of Mrs. D'Hankar's children, to purchase the freedom of herself and child named Johanna Jacoba, and as in consequence of certain objections being made to the effecting of such manumission by certain parties interested either as owners, attorneys, or representa-

tives in said property, I have applied to His Excellency the Governor in his capacity as President of the Courts of Criminal and Civil Justice of this colony, that he would be pleased to issue a summons under his hand and seal, requiring all such parties to appear before him, by themselves or their agents, at some convenient time and place to be by him the said President for that purpose appointed.

Notice is hereby given, that His Excellency has been pleased to issue such summons aforesaid, specifying the 12th of February next at the Court House in New Amsterdam, in the colony of Berbice, where all persons having or claiming to have any title or interest in or to the slave proposed to be manumitted either in their own right, or as the guardians, attorneys, trustees, or executors of any other person, are required to attend and prefer such claims.

(Signed) DAVID POWER, H. M. Protector of Slaves.

### BERBICE TO WIT.

In relation to the application of the female slave Jannetje, the property of Mrs. D'Hankar's children, to purchase the freedom of herself and child, named Johanna Jacoba, in conformity with the 31st clause of the Slave Ameliorating Ordinance, bearing date 25 Sept. 1826.

Before 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.

Personally came and appeared, the Honourable Wm. Scott, Member of the Council of Government and Robert Samuel Esq., Registrar of slaves in this Colony;—Who, being duly sworn upon the Holy Evangelists of Almighty God, do severally make oath and say, that they the said deponents will make a fair and impartial appraisal (according to the provisions of the 32d clause of the Ordinance, bearing date the 25th September 1826, for bettering the state and condition of the slave population in this Colony,) of the value of the female slave Jannetje, and her child named Johanna Jacoba, whose registered names and descriptions are fully set forth in a Schedule hereunto annexed,

Sub. L<sup>o</sup>.—A.

*King's House, Berbice, 16th February 1827.*

(Signed) W. SCOTT.  
R. SAMUEL.

Sworn before me, *datum ut supra*.

(Signed) H. BEARD, Lieut. Governor.

In presence of

(Signed) F. WHITE, Dep.-Sec.

### *Schedule A referred to in the annexed Affidavit.*

#### Second Triennial Return.

*Slave Registry Office, Berbice, 16th February 1827.*

These are to certify that H. D. Obermuller, jun. has duly registered in my office, according to law, the following slave, belonging to Mrs. A. C. D'Hankar's children, per Reg. fol. 725. Attested the 16th February 1825.

Name.	Sex.	Age.	Colour.	Employment.	Place of Birth.	Conspicuous Natural Marks.	Remarks tending further to identify.
Jannetje	Female.	9	Black	None.	Berbice.		Daughter of Premire.

(Signed) R. SAMUEL, Registrar.

N. B.—The above-named slave, at the present date, is about 17 years of age. Johanna Jacoba born since last registration.

## BERBICE.

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We, the undersigned, appointed respectively by his Excellency, the President of the Courts of Criminal and Civil Justice, and David Power, Esquire, His Majesty's Protector of Slaves, to value the woman Jannetje, and her child Maria Jacoba, the property of Mrs. D'Hankar's children, do appraise the said woman Jannetje at 1800 guilders, and her child, Maria Jacoba, at 200 guilders, making altogether the sum of 2000 guilders, which we consider to be the full value of the said woman and child.

Thus appraised at the town of New Amsterdam, Berbice, on the 17th day of February 1827.

(L. S.)

(Signed) R. SAMUEL.

(L. S.)

— W. SCOTT.

SIR,

*Protector's Office, Berbice, 16th February 1827.*

I HAVE the honour to inform your Excellency that I have been engaged these last two days in preparing for your perusal a detailed statement of all that has passed in my office relative to the application of the female slave Jannetye, the property of Mrs. D'Hankar's children, to purchase herself and infant child, under what is termed the compulsory clauses of manumission, in the Slave Ameliorating Ordinance; from the moment when said application was made till the hour, when the different parties interested in the property, refused to comply with the provisions of the 31st clause, before your Excellency, in your capacity as President of the Criminal and Civil Courts in this Colony.

In that statement I knew well that I should be enabled, without the fear of contradiction, to shew the parties, claiming an interest in said slave, had due notice, in writing, from me, independently of the notification published twice a week in the Berbice Gazette, for the period of one month, and that they never availed themselves of the means they had to make me even acquainted with any objections to the manumission of said woman and child, save a written communication of their intention "to oppose it by all legal means."

These documents, being numerous, I cannot by possibility have ready for the departing Packet; but as an occurrence has taken place this morning, which shews an alteration of opinion in the parties, materially different from the determination which was manifested at the Court House on Monday last, I hasten to make your Excellency acquainted with the transaction.

This morning, Mr. Simon Davson and Mr. G. H. Ralfe, representing Mrs. I. F. Obermuller born D'Hankar, called on me, and begged to assure me, that the course they took on Monday last, with the other parties interested in said female slaves, they conscientiously believed they were right in not acceding to the appointment of appraisers then, they acted upon legal advice, and that they never wished to have the question considered on the grounds of hostility to the principle of the clause, deprecating as they did the interference of other persons, not at all interested in the individual case, to take advantage of it, for the purpose of defeating, were it possible, its purport and object; they had however reconsidered the subject, and in consequence of finding themselves in error, they visited me, in my official capacity, to make that communication.

Your Excellency will please to recollect that the advocate who appeared for these parties, contended before your Excellency on Monday that to allow the decision of the Protector as to the character of the slave claiming manumission, would be to constitute an *imperium in imperio*, and that he, in behalf of the opposing parties, had a right to traverse that decision, to record the written argument which he delivered, and even to appeal from thence; that was his main argument, in refusing to accede to the provision of the 31st clause. To that objection I replied, that the Ordinance left that decision to the Protector, under the responsibility, under which every subordinate officer lies to his superiors; that the parties had the fullest notice from me; that my office was open to all persons in this Colony to state any objections; that the clients of the learned Advocate, in their written answer to me, acknowledging the receipt



of my notice, had never, either directly or indirectly, made any charge of dishonesty or crime against the negress Jannetje: for, if they had, I should have entered, as was my duty, into a full and searching investigation. I added also, that I had myself examined the woman Jannetje, as to the means by which she acquired the money, and that her statement to me was, on the whole, satisfactory, and in accordance with the practice of the Colony, where a very considerable traffic is carried on by women of this class, not only in the sale of European Goods with the slave community, but in providing stock of every kind for the consumption of the town, and for the different merchant vessels in the port. For her station in life she bore a most exemplary character; that she had never been, since she came to woman's estate, punished by those in authority over her, and that from his Honour the Fiscal, at the head of the police of this colony, and who is peculiarly conversant with the characters of the negro population of New Amsterdam, I have been favoured with the following certificate:—

SIR,

*Fiscal's Office, Berbice, 8th February 1827.*

In reply to your official letter, requesting to know if, in the records of my office, there is any document touching to affix any charge of theft, dishonesty, or any species of criminal misconduct, to the negress slave Jannetje, belonging to the family of D'Hankar; I have much satisfaction in stating to you, there is no such document in my office; and that the said negress Jannetje has never, to the best of my knowledge and recollection, appeared before me, either as accused, accuser, or as witness, in any charge of offence brought before me for investigation.

I have, &c.

(Signed) M. S. BENNETT, Fiscal.

*D. Power, Esq. H. M. Protector of Slaves, Berbice.*

In consequence, however, of having heard that some persons, who are well known here for their marked hostility to the Slave Ameliorating Ordinance altogether, had thrown out insinuations that the money was not obtained by her own industry, but was given to her by Mr. H. D. Obermuller, junior, the attorney of the estate to which the woman belongs, and connected in close relationship with all the opposing parties, I felt it my duty to call upon that gentleman for an explanation. He frankly declared himself to be the father of the child, and declared his readiness to make oath, that the woman Jannetje never received more than twenty Joes from him; that he certainly allowed her to keep her pigs and poultry on his property in New Amsterdam; and, as she supplied his house with various articles of consumption, he paid her, as he would any other person, her regular demand. It was, in truth, a family disagreement which led to this opposition, of which other persons were glad to take an advantage, in order to evince their hostility to the law.

Thus your Excellency will perceive that every thing was done by me, to arrive at a proper opinion as to the character of this negress, whose legal rights I was not at liberty to give up, because the opposing parties had placed themselves in a wrong position. Of Mr. Obermuller's pecuniary affairs I could know nothing, but I must own that it did appear to me most unaccountable, that whilst these parties charged him with improper conduct, he was still permitted to remain as the attorney of the estate.

In the conversation this morning with the two gentlemen, Mr. Davson and Mr. Ralfe, they unequivocally admitted that the mistake was with them, and that they now found that they ought to have made their objections at the Protector's office; moreover, they were ready to admit, however strong their suspicions, they could not establish by proof that the money possessed by the female slave was given to her by Mr. Obermuller. They expressed themselves satisfied with any appraisers whom your Excellency had or should appoint, but, above all, they were most solicitous that their present application should be communicated to the proper authorities, desirous as they were not to be considered associated with any other persons in a contumacious opposition to the Law; an opposition which they had done every thing to discountenance in this case, though not successfully.

Feeling that it would be productive of much benefit to convince the respect-

able and reasonable portion of the Colony of the justice of the view I had taken of the case, and that your Excellency, under the provisions of the Law, could arrive at no other conclusion than that to which you came, I read to them, from the parliamentary documents in my possession, the following confirmatory paragraphs :—

*Extract from Earl Bathurst's Letter to Sir Ralph Woodford, under date 11th September 1824.*

A slave who can raise, or possesses the means of purchasing his own freedom, will seldom belong to that class of persons who sink into pauperism. It may be said of this, as of every other system of law, that frauds may be attempted; but in this case an officer is expressly appointed, who, as the Guardian and Protector of Slaves, will be bound to counteract such fraudulent practices.

*Extract from the same Nobleman's Dispatch to Major General Sir Benjamin D'Urban, February 25th 1826.*

“With respect to favour towards the slave, or ill will to the owner, the same favour which would procure the money for the manumission of the slave would probably secure his well-being afterwards; and if the owner received an adequate compensation, he would have little to fear from the effect either of favour to his slaves, or ill-will to himself; while the general operation of the measure could not be really endangered by individual instances of kindness or malevolence.”

“For the sake of the community, indeed, such indiscriminate manumissions ought to be prevented, for undoubtedly if the purchase money were obtained from any fund which may be formed for the liberation of slaves, there would be no test of previous habits of industry, of which there is presumptive evidence where the money is procured by the honest earnings of the slave. To supply this defect, it may be provided that in such cases a certificate of good conduct for five years should be required of the Protector of Slaves, before the manumission should be completed.”

In order to shew that the weight of proof in support of the charge of illegal acquirement by the slave, rests with those making such charge; the following case in point was laid before those gentlemen, particularly as their advocate had insisted that the weight of proof lay with the Protector.

*Extract from the Memorandum relating to Slaves in the Isle of Cuba, as transmitted by His Majesty's Commissioner H. J. Kilbee, Esq. to Mr. Secretary Canning, under date Havannah, October 9th, 1824.*

“Indeed, it is generally allowed that a master may refuse his slave to grant him his liberty, if the purchase money has been improperly acquired. A case in point has lately occurred. A slave applied to a judge to direct that he might be valued for the purpose of purchasing his liberty, but the master objected, that, shut up as he (the slave) had been during his whole life on a sugar estate, it was impossible that he could legally have acquired so much money.

“The court, although acknowledging the principle that the illegal acquirement of the money, was a sufficient bar to the demand of the slave, held that such illegal acquirement must be proved by the master, as it would be too hard upon the negro to oblige him to account for all the money he had ever received.”

On a review of the whole transaction, I feel that there exists not a shadow of a foundation for any charge of dishonesty against the woman Jannetje, with the exception of her having had an illegitimate child by a white man. In a com-

munity, where amongst the slave population the institution of marriage has never till lately been encouraged, and where, amongst all classes of all colours, cohabitation is the *rule*, and marriage the *exception*, I was not prepared to accede to the learned advocate's conclusion, that the earnings of this woman, obtained from industrious sources, upon the admission of her having had a mulatto child, to be considered as stated by him, "the wages of prostitution." Besides, I hold it almost to be a rule, that the attorney of an estate possesses over a female slave a power of commanding a submission to his will nearly equal to physical violence, and that the consent of the female is as much regarded in the one case as in the other. Under such an impression, I could not admit that a legal disqualification to purchase the blessing of freedom should attach to an immorality of such a character, particularly as I had the fullest proof of the exemplary propriety of her demeanour in all the other duties of her station, not only from private sources, but even from the two gentlemen who waited on me this morning. If a doubt before existed in my mind on this point, my opinion was confirmed, when I had it in sworn evidence, that one of the parties who opposed this manumission, was cohabiting and had children by the *sister* of this woman Jannetje, the property of the same estate.

I cannot conclude this letter without assuring your Excellency, that I have received unquestionable information that certain persons here, either members of, or connected with the late Council, have threatened, that in the event of any planters here acting as appraisers under the new Law, the most opulent mortgagees in England would send out orders to foreclose; I at the same time feel assured that those respectable houses in London would feel highly indignant at their names being so improperly introduced.

I have, &c.

(Signed)

DAVID POWER,  
H. M. Protector of Slaves.

No. 3.

MY LORD,

*Berbice, 19th April 1827.*

I HAVE the honour to transmit to your Lordship, copy of a Report which I have received from Mr. David Power, the Protector of Slaves in this Colony, accompanied by copies of his Complaint Book, from the 1st November last (the day the new Slave Code came into operation) to the 31st March in the present year. Also, Lists of slaves to whom license has been granted for marriage; slaves manumitted from 1st November 1826 to 31st January 1827; slaves in legal progress of manumission; and Savings Bank Deposits. Mr. Power has gone so fully into detail in his Report upon the several topics to which it refers, that I do not deem it necessary for me to do more than transmit these documents to your Lordships, and to observe, at the same time, that I fully concur in the observations made by Mr. Power, and respectfully beg leave to bring his Report under your Lordship's particular notice.

I have, &c.

*The Right Hon. Earl Bathurst, K. G.*  
&c. &c. &c.

(Signed) H. BEARD.

SIR,

*Protector's Office, Berbice, 16th April 1827.*

IN conformity with the provisions of the Slave Ameliorating Ordinance I have now the honour to enclose to your Excellency a transcript of the punishment record book of my office, comprehending returns from all the estates and task gangs in this colony, from 1st November, 1826, to 1st January, 1827. It is accompanied by a faithful copy of my complaint book and the other proceedings in my department. I should have forwarded to your Excellency those documents much sooner, but, from the variety of business, daily, as well as periodical, it was impossible, with the utmost industry, to have them prepared sooner.

*Marriage Licences.*

It is with great pleasure that I am able to communicate to your Excellency that since the 1st January last there have issued from my office 17 marriage licences. They have been principally applied for by Mr. Gallez on the part of his slaves, as proprietor of the plantation Ithaca, and have been directed to the Rev. I. Vos, Minister of the Lutheran Congregation to celebrate the same.

*Manumissions.*

The number of persons manumitted from the 1st November were fifty eight, men, women, and children, while the number of those now in legal process of manumission up to the 29th March amount to thirty six. Under the compulsory clause there have been three cases;—first, the woman Jannetje, upon which I formerly troubled your excellency with my correspondence; secondly,—that of a *negress* who claimed the right to purchase her own daughter Eliza from J. Tapin Esq., and to which that gentleman at once gave his assent: and lastly, Charles, lately the property of B. Zeigler, whose application was also met with the approval of the attornies of the principal, resident in Europe. Appraisers were appointed by mutual consent to estimate the value of this man; and their award of £.1800 has been through me paid to them, as per their receipt in my office: It was most gratifying to my feelings to hear Mr. Davson tell the negro when he paid the money, that he, (Mr. D.) would, at any time, from a knowledge of his honesty and sobriety, advance him money as a capital for any industrious pursuit he should follow.

*Savings' Bank.*

The amount in the Savings' Bank is, up to the 31st March, 1827, a sum of £.600. When the depositors shall have received their first year's interest I am sanguine enough to anticipate its steady progress amongst the domestic and handicraft negroes.

*Prosecutions.*

At my instance His Honour the Fiscal has commenced prosecutions against five persons, residents of this colony, for violation of the provisions of the law. They all will, I understand, come before the criminal and civil court at their next sittings. There have been but two trials of slaves before the criminal court since the 1st November last; these two trials, in compliance with the instructions of the Right Honourable Lord Bathurst, I had personally attended at their final hearing, as from the constitution of the Dutch Courts the examinations are taken before Commissioners *Clausis Januis*. One of the slaves was on the fullest testimony convicted of robbery in a store and sentenced to banishment; and the other a Winkel negro, was most satisfactorily acquitted.

There remains only one point on which I find some difficulty to execute, as efficiently as I could wish, the trust reposed in me; I mean the legal expense which attends the recovery of small debts due in this colony. I believe, sincerely, that no greater benefit could be conferred on this community than the establishment of a summary jurisdiction to enforce, at a small expense, and within a limited period, a payment of the same. It would be a most beneficial measure in my humble judgment, to accompany the existing facilities for manumissions; indeed, in all my conversations with the negroes, and with the persons who have just obtained their freedom, I have found them laying considerable stress on the difficulty of getting paid for their work. That this is not merely an excuse for idleness, I think I can establish from the following facts.

I have been favoured by Mr. Brown, the Deputy Ordnance Store-keeper, with a return, a copy of which I beg leave to annex, and which in my mind establishes most satisfactorily, that when there is a certainty of payment on the part of the employer, there will always, amongst the better description of negroes, exist a corresponding alacrity for employment. At the sawing mill in this colony there have been, for a considerable time past, a number of negroes

hired belonging to the crown, and to private proprietors; the work is task work, which, when they finish, they are permitted to work extra hours for their own benefit.

In the pay lists for January, 124 slaves are returned as having worked extra time on their own account, the amount paid to them is £35. 2s. 6½d.

In the pay lists for February, 130 slaves are returned as having worked as above. Amount paid to them £47. 17s. 8d.

In the pay lists for March, 113 slaves are returned as above. Amount paid to them £28. 9s. 10d. Total £111. 10s. 0½d.

The total amount paid in three months for extra time (say from 1st January to 31st March 1827) to the negro slaves working in the engineer department, is £111. 10s. 0½d. sterling money.

That the same result would also follow in all other cases I am persuaded, provided the negro had the same security for the remuneration of his labour.

Six months have now elapsed since the new Slave Code was promulgated in this colony, and for the last five months it has been in active operation without producing a single inconveniency, or realizing any one of those numerous apprehensions with which its introduction had been anticipated by some; never was the negro population more peaceable and subordinate. Scarcely at any former period had the prison of this colony so few negro inmates. The festivals of Christmas and Easter, when an unlimited indulgence is generally allowed to the slave, have passed without outrage, or I may say, impropriety on their part.

No one can be more impressed with this state of things than yourself, as no one can feel a greater satisfaction at such a beneficial result than your Excellency, who has so powerfully contributed to produce the same,

I have, &c.

(Signed) DAVID POWER, Protector of Slaves.

Sworn before me at the King's House, Berbice, the 18th of April, 1827,

(Signed) H. BEARD, Lieutenant Governor.

*Complaint Book, from 1st January to 31st March 1827.*

*Complaint No. 1.*

*Protector's Office, Berbice, 2d January 1827.*

Sam, a blind man, states:—I belong to the Widow Sander, formerly of this Colony, and as she is gone to live in Surinam I have no person to take care of me, that is to say, to find me food and clothing. I have been living for some time among my friends. Mr. Demmett turned me out of his yard.

Sam was sent to the barracks, not as a prisoner, but to be taken care of, until steps were taken to attach certain property of Mrs. Sander's, for the maintenance of the said slave, and the Colony be relieved.

*Complaint No. 2.—2d January 1827.*

Jane Barry states:—That the woman Fanny Beerman (a slave) was in the habit of selling cloth for her, and she (Fanny) had bought some time ago a calf from her, which she afterwards sold to a Mr. Grimes, and for the amount of which she (Fanny) held his note of hand. I cannot get my money from Fanny, so that I have offered to take Mr. Grimes's note of hand in lieu.

Fanny Beerman being summoned, attended and produced Mr. Grimes's note of hand, and expressed her readiness to give the same up to Jane Barry in payment of the calf, which was taken accordingly.

Mr. Grimes having been summoned, attended, and, after being told that his

note of hand was now in possession of Jane Barry, and that the Protector demanded on her behalf the amount of the same, say He readily paid the same, on restitution of his said note of hand.

*Complaint No. 3.—2d January 1827.*

Jan Brock, belonging to plantation Highbury, the property of Messrs. Davidson, Barclay, and Co. manager Mr. John Ross, states:—We have too much work on the estate, and we begin from six o'clock in the morning till six at night, without getting the two hours' intermission. The bell is rung at eleven o'clock, but the driver has previous orders not to let us quit our work, which he is obliged to perform. The driver's name is Hendrick. Yesterday a negro woman belonging to the estate, named Samba, died, and she could not be buried by the estate negroes on account of work which we had to perform, but she was interred by strange negroes, belonging to the neighbouring estates. During the holidays, we got only one tumbler of rum to drink, and we got no allowance of clothes.

February confirms the statement of Jan Brock as to being kept in the field during breakfast time. The woman Samba died on the new year's day, and we had no time to bury her. She was interred by strange negroes. During Christmas, we got very little rum, and we got no clothes, on account of our vessel (the Apollo) not having arrived.

Friday, Floris, Morris, New Year, John, Peter, and Nicolaus, all confirm the statement of being worked from six o'clock in the morning till six o'clock in the evening, and of the woman Samba having been buried by strange negroes.

The Protector then ordered them to go to the Barracks, that the manager would be summoned forthwith,\* but they unanimously begged to be allowed to return to the estate to their work, and requested the Protector to come on the estate, where he would find many more to confirm their statement; which the Protector said he would on Thursday next.

*January 4th, 1827.*—The Protector having proceeded to plantation Highbury, assisted by Mr. R. Hart, interpreter of the Creole tongue, and having arrived there, waited till eleven o'clock, when the bell was rung for the negroes to come home; and the complainants of last Tuesday having been called, they persisted in their statement of that date before Mr. John Ross, the manager, and Mr. John Cameron, the attorney of said estate.

The manager then addressed the Protector, stating, that at eleven o'clock the negroes come home from their work, and remain in their houses until half-past one o'clock, and before they reach the ground to work it is generally two o'clock.

On Monday the 1st inst. they turned out in the morning at the usual hour. The woman was buried at five o'clock in the afternoon. The deceased negress was connected with a family on plantation Buseslust, and it being a holiday with them they came to bury her. As to the rum used on the estate, to the best statement he could at an average make, it generally amounted to 120 gallons a month; last month 150 gallons were used, on account of the holidays.

He further requested that the overseers of the estate might be examined.

Mr. James Grant, the field overseer, states:—The bell is rung at six o'clock in the morning. They are very slow in turning out, and they are seldom before seven o'clock in the field; some are earlier. They are generally employed on task-work; they do not do more one day than another. I have been six months an overseer on this estate; the work was never changed during that time. I can speak precisely as to weeding and trenching, and there was no alteration during my time. Some of the gang, who go on the ground early, have done by two o'clock, when the rest of the day is theirs. When they are not on task-work, and they remain until six o'clock in the evening, I am ready to declare on oath that they have their two hours' intermission.

\* This estate belonged formerly to the Berbice Association of Holland, and was for some years under the direction of the British Crown Commissioners.

In answer to a question put to Mr. Grant, "What distance the working place was from the negro houses?" he replied, that one could go to any part of the field in a quarter of an hour.

Mr. John McKay, also an overseer on the estate, states:—I have been three years on this estate. During the last month the negroes have not performed greater or more work, but I assure you *less*. There is a regular task, as regular as they go to the field, given them; some days they will work through the eleven o'clock, and are generally home by two o'clock in the afternoon (in woodcutting in particular).

The men gang, consisting of strong men, get the same work. The boys are sent with the women in the field weeding; but they never get a shovel to dig, or an axe to cut wood.

There is a third gang, consisting of young boys, young girls, and weak women, whose task of weeding is less than the other parties.

The wood cutting task is given eight feet by four. On Tuesday I saw six negroes at twelve o'clock who had the above task finished.

The complainants then having been called, they begged to be allowed to introduce other negroes to prove what they had stated—when the driver Hendrick was brought up, who said: At five o'clock in the morning, at least at gun-fire, the bell is rung. We are in the field at sunrise, and we come home at six o'clock in the evening, when we work through the eleven o'clock. Some of the people come home in the evening, and have not finished. If we have a cook in the field the gang stops aback, but now some try to get away from work, and come home.

If in the morning the manager tells me to commence *such* a field, and it must be done by eleven o'clock, when I see it is not done by that time, I force them to work through eleven o'clock. Those that can get home at six o'clock in the evening are only the best workmen of the estate; others leave part unfinished. This morning some came at seven o'clock to work.

James states:—From six in the morning till six at night we are at work. When I have not finished in the evening I am put in the stocks; sometimes I come home when the bell is rung at eleven.

Mars says:—At six o'clock in the morning I am turned out, and am in the field by sunrise. I work till six at night. The bell is rung at eleven, but we are not allowed to break off. The drivers have orders to that effect.

Cornelia was by accident selected. She says:—We are at work by sunrise. Mr. Ross gives us work, and if we are not able to finish it we leave it part undone. By the time we get home to breakfast it is one o'clock, and we are to return to the field immediately without it. Mentor says he is generally at sunrise at his work, and if he works through eleven o'clock he finishes by four in the afternoon.

Amsterdam says: On Tuesday I went to work at six o'clock. I am the best workman on the estate, and must say, that if I commence in the morning I am obliged to work through eleven o'clock to finish my work by five in the afternoon.

*Result.*—The Protector having heard the statement of the managers as also of the negroes respectively, supported by their evidences, is of opinion that there existed a misunderstanding as to task or other work having been given, and therefore left it to the choice of the negroes whether they would be employed by task or otherwise, to which they replied that they were willing to do any task work if it was given as on other sugar estates, but that their task work exceeded that of other estates by far, and that if they finished their task one day by four o'clock it was increased next day by the manager to as much as to keep them constantly at work till six o'clock in the evening. Wherefore the Protector promised, that he would enquire abroad what task was generally performed on sugar estates, and would send it to the Manager for his guidance, entreating them, however, that they should behave themselves civilly to their manager, and be obedient to their superiors, lest he should be obliged to chastise them severely, which was also told to the woman Gang. After which they were ordered away.

The Protector then thought it his duty to remind Mr. John Ross the manager, that he had no right to force any more work upon the negroes than was generally performed on other sugar estates, and that he thought it no more but decent that the estate's negroes should bury their dead, and not the negroes belonging to other estates. He hoped that in future he would have no occasion

to be dissatisfied with his proceedings, but that he would try as much as possible to imitate the other sugar estates as to the quantity of work. With respect to holidays, he told the slaves that he had no power except for the Sunday; at the same time he thought what was customary should be allowed by all estates, as the want of an uniform system on that head would be productive of much discontent.

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*Complaint No. 4.—3d January 1827.*

John, belonging to Simon Davson, states:—Mr. W. Buie, clerk to Mr. Davson, hired a corgaal which I owned, for the period of sixteen weeks (produces a tally corresponding with the time mentioned) at the rate of eleven guilders per week. The corgaal was subsequently lost. When I asked Mr. Buie for the amount of the hire of the corgaal, he said it was too much. At the time I hired the corgaal to him, I asked him for a paper; he did not give it, and said I must be afraid. I gave 77 guilders for the corgaal; it was lost while hired by Mr. Buie. I demanded the amount of hire of the corgaal, and also the cost of the same. Mr. Buie refused to pay for the hire, and only offered the amount of the cost (f. 77).

Mr. Buie being summoned, states:—I hired the corgaal from the man John for ten days certain, for which time I was to pay him 11 guilders. The corgaal was hired by him for a Mr. Macullum, who has never sent it back. I am willing to pay the man John whatever may be considered reasonable.

Mr. Buie's statement being read to John, he said it was correct, and agreed to receive whatever might be awarded to him by arbitration. Two respectable gentlemen were appointed arbitrators, one by the Protector, and the other on the part of Mr. Buie. The complainant since called, and expressed himself satisfied with the award.

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*Complaint No. 5.—5th January 1827.*

Primo, belonging to Charles Ross, states:—That Mr. Ross gave him a flogging with the handle of a chaise-whip, after I had put the horse in harness, and fixed it in the gig. Messrs. Samuel and Meriton were present. Mr. Meriton took the whip away from Mr. Ross. Mr. Ross wishes to send me in the bush up the river, and as I have a wife and family at the Winkels I think it hard to leave them.

Mr. Ross states: I never flogged him with the handle of a chaise-whip. Primo was drunk, and could not do his work. I made a lick at him, but the handle of the whip got broken; he is constantly so drunk that I cannot get him to do any thing for me; consequently, it is my intention of sending him in the country.

*Result:* The Protector dismissed the complaint, as he cannot interfere or prevent a proprietor from sending his slave in the Country.

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*Complaint No. 6.—10th January 1827.*

Judy, belonging to W. Henery states:—I have got sores all over my feet. I went to shew the manager yesterday morning, and he refused to help me, but drove me to the field. The pain from the sores has occasioned a swelling in the groin. The sores on the feet were nearly cured at one time, but sending me in the field made them break out again.

Mr. Mackenzie, the manager, states:—On Tuesday Judy came to me with a small speck on her foot, and I told her to go to work. It is her way, that whenever the work is getting a little more than general she gets her sores open to keep her from working. She is about 35 years of age. The letter she brought from the Protector for me was found this morning in the gallery of Mr. Henery's house, and she has not been seen since she left the estate to complain. She never told the doctor (who is every other day on the plantation) that she was sick.



*Result*:—The Protector having ordered the woman Judy to return to the estate with a letter to the manager, and she not having done so, but left the letter in the gallery of Mr. Henery's house, where it was found in the morning, directed the manager, that, as soon as she is apprehended, to give her a good dose of medicine and keep her in solitary confinement to the full length of time allowed by law.

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*Complaint No. 7.—10th January 1827.*

Mr. Peter Lans states:—My negro Jack ran away since Christmas eve. He was brought to the barracks yesterday. I wish him to be examined as to the cause of his going away, and if found guilty to be punished; this is not the first time he has ran away.

Jack states:—I went up to No. 10, Corantine Coast, after the boat (Jack is a sailor), and in returning to town was taken at plantation Dunrobin, and sent to the barracks.

*Result*:—Jack having often absconded from his master without any just cause, the Protector ordered him to be punished in the public market.

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*Complaint No. 8.—17th January 1827.*

Edward, belonging to Dr. Beresford, states:—That he formerly belonged to Mr. Edward Bartrum on the West Coast, and that he used to hire himself from his master, and was a pork butcher. That he sold a quarter weighing 30lbs. to Dr. H. R. M<sup>c</sup>Gee, the price whereof is 15 francs, which he now refuses to pay me.

Mr. H. R. M<sup>c</sup>Gee was written to by the Protector, and desired to state whether or not the above was correct, to which he sent the following answer:

Sir,

*January 18th, 1827.*

In answer to your letter concerning money due to a negro called Edward, belonging to Dr. Beresford, I declare, I know no such negro, neither had I any transactions with him. I recollect having several times got pork from a negro called Kennagh, belonging to Mr. Bartrum, which negro did demand payment of 30lbs. of pork several months ago, and was refused on the grounds of having been already paid the amount. I am always very punctual in any dealings I have with negroes, and was particularly so with this man Kennagh, whose temper and character I much disliked. I now assure you, and *that* under tender of oath, that he, Kennagh, if such be the complainants' name, has been paid long since all monies due to him by me. I am, &c.

To H. M. Protector of Slaves, N. A.

(Signed) H. R. M<sup>c</sup>GEE.

The Protector, on account of the complainant having no written proof or oral evidence, that the money had never been paid, and in consideration of the above letter, dismissed the case. The negro was, however, directed to ascertain whether any person belonging to Dr. M<sup>c</sup>Gee's household could give any evidence as to the transaction.

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*Complaint No. 9.—23d January 1827.*

Robin, belonging to Mr. Currie, Storekeeper, in New Amsterdam, states as follows:—Yesterday, at one o'clock, I went to Mr. Currie's housekeeper, to ask what she wanted for dinner, as I am the cook. She ordered me to pick peas. When I came down stairs Mr. Currie told me there were some broken bottles for me to move. I replied, that his housekeeper had sent me to pick peas. I went to pick them accordingly. As I came back with the peas the housekeeper asked me why I did not shell them. I told her I would have done so, but Mr. Currie ordered me to remove broken bottles. As I was coming down Mr. Currie asked me why I did not do as I was ordered by him, and began to beat me.

Mr. Currie was summoned to attend at eleven o'clock the next day.—*January 24.*

Mr. Currie, accompanied by Doctor Ramsay, Staff Surgeon of the forces attended :

Mr. Currie having heard the complaints made by Robin (his slave) stated, that on Saturday evening last, seeing a quantity of broken bottles and straw lying about in the store, from an apprehension of its getting fire, he desired Robin to remove them. He did not do so, and on Monday morning, finding them still strewn about he repeated his orders to have them removed. Robin assuming a most impudent tone replied, "I do not know who put them there." Remove them immediately said witness. Robin still refused. Witness then desired him to go up stairs and fetch down the key of the stocks. Robin then placed himself in a most impudent attitude, and looking at the witness, said "I am not such a fool as to fetch the key to place myself in the stocks." Witness then sent a little negro girl to bring the key, and held Robin by the collar of his jacket until the key was brought. When the girl came with the key witness said coolly "come to the stocks." Robin resisted. A struggle between witness and his slave then took place, and it was one time dubious who should have the best of the struggle. The man has always been well treated by witness, but he is very insolent when he has got liquor, and is unfortunately addicted to it. Witness was obliged last October to apply to the Fiscal to have Robin punished for similar acts of insubordination and insolence,—produced a record of the same. Witness has resided sixteen years in this Colony, and had never a complaint exhibited against him before.

Doctor Ramsay stated that Robin had been in his service, having hired him from Mr. Currie. He behaved very well when sober, but was too frequently drunk. It was horrible to think with what facility slaves could procure the worst and most inflammable spirit in this town. He could bear testimony to the humane and kind treatment Robin experienced from Mr. Currie. He thought sometimes from Robin's being addicted to drinking that Mr. Currie reposed too much confidence in him.

The Protector then expressed a wish to put a few questions to the negro girl who brought down the key of the stocks.

This girl, (about nine years of age) stated, that by her master's desire she brought down the key of the stocks. Robin had refused to go for the key. At first he said he would not take away the broken bottles, he would not put them there. He did very bad to master when he wanted to put him in the stocks.

The Protector admonished Robin on his insolent and violent conduct to his master, both in refusing to execute his orders, and in venturing to oppose personal force. And as an example towards other domestic negroes, ordered him to receive twenty lashes by the hand of the public executioner in the public way. It was intimated to his master that he might interpose to reduce the number of stripes at the execution. When Robin was on the point of receiving the punishment he begged his master's pardon, which, after being again reprimanded, was granted to him.

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*Complaint No. 1—Continued.*

The case of the blind man Sam, who stated himself on the 2d January to be a deserted slave of the widow Sanders, formerly of this Colony but now of Surinam, was brought again before the Protector. The slave had been placed by his authority under the charge of the Under Sheriff, not as a prisoner, but to be supported until the due legal measures were adopted to obtain alimony for him. It being intimated to the Protector that certain monies were in the hands of the vendue master belonging to Mrs. Sanders, he applied to the King's Advocate here, to institute the necessary proceedings to attach a certain portion of the same, in order to constitute a fund for the maintenance of the said negro. In consequence of these proceedings Mr. W. Fraser appeared this day at the office, and stated as follows: I represent Mrs. Sanders by her power of attorney, and as the negro Sam has lodged his complaint as being a deserted slave by his mistress, I have to request that a full investigation of what he

has stated should take place, offering as evidence to contradict such a statement, Mr. Dummett and the negro George, who has formerly been the property of the same lady, and who, no doubt, having been a fellow slave, will be disposed to speak as favourably as possible of his fellow negro.

Mr. Dummett, merchant, of New Amsterdam, states:—the negro Sam belonging to Mrs. Sanders was placed by Mr. W. Fraser in my yard, to do any little work that might be required of him until he was sold at vendue, for the benefit of Mrs. Sanders. He stopped with me a fortnight, when an opportunity offered to sell him at vendue. At that time a gentleman was in treaty to purchase him, but it was Mrs. Fraser's request that he should be sold publicly. The negro Sam came with me to the vendue, when I found I could not effect a sale that day, consequently I ordered him home to the yard, and I saw nothing of him afterwards till Christmas-day. His allowance of food during the interval of his absence, had been placed along with the other people belonging to the yard for three weeks, when in consequence of his not making his appearance it was discontinued. When on Christmas-day he made his appearance, I questioned him where he had been for the three weeks past. His answer was that he had been walking. He took himself off, and since that time I saw nothing more of him, until I heard he preferred his complaint as a deserted negro. I never at any time ordered him to leave the yard. I even asked his old companion, George, my slave, whether he knew any thing about him. He answered no, he knew nothing of him.

The negro George was then confronted with the blind man Sam, and said:—I belong to Mr. Dummett. I know this blind man Sam; he was sweeping Mr. Dummett's yard for some time; I gave out the provisions, and Sam had the same share as the other slaves—the same as myself. Mr. Dummett asked me where Sam was. I answered I did not know. I put out his allowance of provisions for a certain time. He did not come to take them. The negro Sam can do light work. He took planks to Mr. Graham's house for his own advantage, and received payment.

After the examination was closed, Mr. Fraser submitted to the Protector the propriety of inflicting some punishment on the complainant for having actually absconded, and then made a most unfounded complaint, which led to great trouble and expence.

The Protector, unwilling to have any stripes inflicted on a blind slave, ordered him to be confined in the solitary room of the barracks for a fortnight, but to receive the usual food. He cautioned him also how he again made any similar effort to impose.

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*Complaint No. 10.—24th January 1827.*

Joe, belonging to W. Jansan, proprietor of plantation Goedland in Canje, complains:—Mr. Janson purchased me at vendue; when I first went on the estate I met many negroes there. We are obliged to pick coffee on a Sunday, and were in the expectation of getting paid for our labour. Two weeks ago we hauled wood ashore on Sunday, and never got any payment, or any thing for our trouble. We only get a half of a salt fish for our weekly allowance:—the negroes on the estate will confirm this statement.

He was desired by the Protector to mention any two of them, to be summoned as witnesses. He said Cupido and Hendrick. The Sunday work he was certain took place since the new Law.

*January 25th.*—Mr. Jansan appeared according to summons, and denied that any of his slaves were employed in picking coffee on a Sunday since the new Slave Law. His slaves had been working in the bush, and arrived in the punt loaded with staves on the Saturday night, too late to unload. As on Sunday morning the water was high, I asked them to agree to land the staves. They consented for a dram, which they received. They were only employed three quarters of an hour at their own option.

Cupido and Hendrick, the two slaves mentioned as witnesses by the com-

plainant, stated, that none of the slaves on the plantation had been engaged in picking coffee on a Sunday since the new Law. We get our due allowance of food, and have no claims for Sunday labour on our master. Mr. Jansan was told by the Protector that he must pay for conservatory labour on a Sunday in the currency of the Colony; but as the slave Joe had made an unjust accusation both as to sufficiency of food and claims for money, he authorised him to confine said negro two successive Sundays in the stocks.

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*Complaint No. 11.—24th January 1827.*

Present, a female slave, belonging to Daniel Munro, states:—I am hired out to Mr. Richard Collier. Last evening he was going out to walk, when his housekeeper, Miss Eliza Inglis, hid his hat to prevent him. Mr. Collier searched, and found his hat in a barrel which contained some corn. Miss Eliza thought I had told him where his hat was, and began beating me in a shameful manner. Mr. Collier also beat me, knocked me into a pond, and threw a table, on which I was washing clothes, after me. My master's housekeeper, who lives next door, came to take me away, but she was pushed off by Mr. Collier. My master then came and took me away, otherwise they might have killed me. (The complainant is a poor looking diminutive negress.)

Mr. Munro, the complainant's master, stated, that he was returning from his work, being a boat builder; when he saw both Mr. Collier and his housekeeper beating his negress Present. He called out at his wife to see how they were both treating the slave. My wife went then to take her away, but was pushed off by Mr. Collier. I then went myself and took her away. I have owned Present for the last nine years, and have not had any occasion to punish her on account of work or otherwise.

This case was referred for prosecution to his Honour the Fiscal, as (if true) a most wanton and unprovoked assault on a helpless female slave. Mr. Collier and his housekeeper had been summoned, but neither attended.

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*Complaint No. 12.—7th February 1827.*

John William, belonging to Messrs. Gillis and Buie, states:—Mr. Gillis sent me to plantation Sandvoort by a negro man, named Sam, on the 21st December last, about 4 o'clock, p. m. I was put in the dark room by Mr. Nicolson, and remained there that night; next morning, about 7 o'clock, I was taken out and flogged by two drivers (Cornelius and Blaize) by order of Mr. John Cameron. I received 100 lashes. After I was flogged I was kept on the estate until the following day, as the gentlemen (Messrs. J. Cameron, John Alves, and P. Nicolson) who were standing by said, they did not wish either the Fiscal or the Protector to see me, I was so much cut by the whip. After I was flogged, Mr. Nicolson examined me respecting some stolen coffee, for which I was flogged.

Blaize and Cornelius, drivers, belonging to plantation Sandvoort, state:—We flogged John William by order of Mr. John Cameron. This case was referred by his Excellency the Lieutenant Governor (as the same was brought before him by his Honour the Fiscal) to me. A prosecution arising out of those proceedings against the parties is now pending, and therefore no further measures for the present have been adopted in this case.

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*Complaint No. 13.—9th February 1827.*

Complaint of the following negroes belonging to plantation Providence, the property of W. Henery:—

Gaspar states;—I get no eleven o'clock. If we go to the field we ask for task work, which the manager refuses to give us. I asked for eleven o'clock;

he said he could not give me. We work from morning till night, and then when we come home we work again till middle night. We boil our plantains in the middle of the night to eat. I have a wife. On the field where I am working I must cut a bundle horse-grass for the horses that draw the punts, and as I did not come soon enough, my master put twenty-five of us in the dark hole.

These horses draw the punts which the negroes formerly used to drag. It is three years since I was flogged, and that was by order of his Honour the Fiscal. We get a plenty to eat, but have no time. When we cut wood we finish soon. I got double allowance of clothes last holidays as well as the drivers.

Ralph states ;—In the morning we go to the field, and come back late in the evening, so that we have no time to eat our breakfast or dinner. We were last night till 7 o'clock in the field.

N. B. At 7 o'clock the negroes were in town at the Protector's.—On a question put to him, whether he was not in the habit of catching fish in the afternoon when his work was finished, he answered, no, only on Sundays.

Otto states ;—We don't get our eleven o'clock, and no task work. I do not carry any plantains in the field with me, and get nothing the whole day but water from the boy (who is in the field for the purpose of roasting their plantains). I never get any rum in the field.

Simon states ;—We go to the field in the morning, and stop there till six in the evening, when we throw horse-grass, and work again till 12 (midnight). We boil our plantains at night and eat some, the rest we keep to carry with us next day to eat in the field. So does Gaspar, Ralph, and others.

Boatswain, the driver, states :—Last evening, about 5 o'clock, I told the people to cut horse-grass, as it were the managers orders to me (*viz.*, for the horses that draw the punts); there were only five that obeyed my orders, and cut the grass; the others sat down and refused to do it. I told them to go home, but I received no answer. They are in the habit of cutting four rows of canes daily, but yesterday they only cut two and a half rows each. We generally knock off work between the hours of 3, 4, and 5 o'clock in the afternoon.—The negroes wish to get task work, and there is a boy regularly on the dam to roast plantains for the negroes, and dip water for them to drink. We were in the habit of getting two drams a day in the field, but not for the last three weeks.

Jeannette, the wife of Gaspar, states :—I get up at 4 o'clock in the morning, and boil plantains for my man, myself and little child. My man takes his share as well as I do to the field. About one o'clock I sit down and eat my plantains in the field, and so does my man. We certainly get a little more work than we used before. The grass cutting takes about two minutes. The men on the estate get better allowance than the women. We negroes like very well to work for *backra*, but we like to have a little time to eat and drink to keep up our hearts.

Mr. Roderick M<sup>c</sup> Kenzie, manager of plantation Providence, states :—When the new Laws were explained to the negroes by their master, they begged that task work might be continued; it was therefore continued. They are in the habit of finishing their work 1, 2, and 3, o'clock, sometimes by 4. For the last three weeks they have not performed the same labour they were in the habit of doing. On Wednesday last there were thirty men cutting canes, they did not cut more than one and a half hogsheads; whereas they were to cut three hogsheads. In the same field they only cut two and a half rows yesterday; the women cut three and a half rows a day. About three weeks ago the sharing out of rum was discontinued on account of their not finishing their work. When they finished their work they used to get one, and sometimes two drams. As for clothing, they get the best in the Colony, and some of them double allowance :—fish and plantains regularly every Sunday. If they choose to give their plantains to the boy in the field to roast, they may do so, and stand up in the field to eat them.

Wm. Henery, the proprietor, states :—My system and directions to the manager, which he adopts, is mild treatment to the negroes. I have been a considerable time residing on the estate, and consider the whole of the negroes statement false, as I generally see them between the hours of 3 and 4 out

of the field, and generally fishing for their own benefit. In order to relieve manual labour, I have gone to the expence of purchasing several horses and mules; they are compelled for their food to bring grass every night. I rarely interfere with the estate's work.

Gaspar, Otto, Ralph and Simon got for their allowance,

One tradesman's hat, two pair of trowsers, two shirts, two caps, one hat, one bonnet, one iron pot; and the other field negroes, one hat, one shirt, one pair of trowsers, one bonnet, two caps, one iron pot, and one blanket every year.

The Protector then ordered the negroes to return to their estates, telling them that he would be with them to morrow morning at 11 o'clock.

10th February 1827.—The Protector having proceeded to plantation Providence, the following were examined;—

Secundus, head driver, states:—Since the new Law came into operation, the men gang have been grumbling at being obliged to work till six o'clock in the evening.

I cut canes with from forty to fifty women daily, forty-six punt loads, which is equal to five hogsheads; the most industrious people have often done at one o'clock, and others a little later. I am the last in the field, and come home generally between the hours of three and four.

The day the men came to the Protector to complain, the women gang had done their work at three o'clock. On reference to the plantation journal it appeared, that one-third more negroes, say sixty odd, had not half the quantity of sugar as made by a number of forty in November and December.

Jurrie, head carpenter of the estate, says:—That although he had no business with the field people, yet he knows that they are generally home at four o'clock, and that he often sees them fishing in the trenches.

Mr. Parys, the overseer, says:—That Adam, when he had come back from the Protector, went to the field a rat catching. I told him that he should do his work, and that when that was done he might go rat catching. He told me, "You be *d*—*d*."

*Result.*—The Protector having considered the matter, and heard the evidences respectively, is of opinion that their complaint has been false in every respect, and therefore the negroes Gaspar, Mentor, Adam, Adonis, Moses, Joseph, Ralph, Simon, Otto, Abram, Sandy, Quashie, and Davy were sentenced to receive thirty lashes each, to be confined in the stocks to-morrow (being Sunday) for three hours, on Easter Sunday next to be confined in the dark hole, and the Easter Monday to work in the field, when the rest of the gang shall be enjoying their holidays. Requesting also from the Proprietor that the double allowance of superior clothing which some of them received might be taken back from them as a reward for their ingratitude.

Through the interference of Mr. W. Henery, the negroes Abram, Sandy, Quashie and Davy were pardoned, they being only boys, and very likely led away by the older negroes.

*Complaint No. 14.—Plantation Woodlands, West Coast, Berbice,  
1st February 1827.*

Examined the complaint of the negro Brandy, belonging to this estate.

*Complaint.*—The negro Brandy states that he went to the field early this morning where he met the driver, who accused him of coming too late; that the driver ordered the negro Richard to hold him, and flogged him with a cat, which he carries in his pocket. He told the driver, he would go and complain to his master, when the driver flogged him again. He then came to his master and complained, when his master took his horsewhip and drove him away. He then went to the civil magistrate to complain, who told him to go to his master and get a pass to come and make a complaint. He went and asked his master for a pass, when his master called the driver, had him tied down and flogged, and then gave him the pass, with which he returned to the civil magistrate.

J. H. Rawlins, proprietor of this estate, states in answer to the complaint:— That the negro Brandy came to him this morning, and complained that the driver had cut his skin in the field; he saw no mark on Brandy, and therefore drove him away with the horsewhip, Brandy came to him about 11 o'clock, and told him that Mr. Downie, the civil magistrate had sent him for a pass to go and complain. He then flogged Brandy for being away from his work, and then gave him a pass. Mr. Alexander Murray was present when he inflicted the punishment.

The driver Isaac states:—That Brandy did not come to the field till after seven o'clock this morning, when he gave him a few stripes over his jacket and lap with a small CAT which he carries in his pocket.

The negro Brandy came to me about eleven o'clock this forenoon, and said he had a complaint to make against his master. I asked him if he had a pass, and finding he had not, I ordered him to go to his master and get one, and then come to me and lodge his complaint. He went, and returned in about half an hour, and shewed me that his master had flogged him when he went for the pass. I immediately went to the estate, and took the foregoing examination, which I now submit to His Majesty's Protector of slaves for his information.

1st Feb. 1827.

(Signed)

H. DOWNIE, Civil Magistrate,  
First District, West Coast, Berbice.

The Protector having duly considered the above complaint, thought it proper to refer the same for prosecution to His Honor the Fiscal, in the following manner:—

SIR,

*Protector's Office, Berbice, 2d. Feb. 1827.*

THE enclosed document will, I am sure, be read by Your Honor with great surprise. If the facts turn out as they are therein stated, there are three palpable violations of the law. Firstly, the punishment of the complainant by the driver with a cat in the field. Secondly, the horsewhip of the owner when the slave appeared to him; and thirdly, the infliction of stripes by order of the owner on an alleged absence, without the due interval that the thirteenth clause enacts.

But there is on the part of the owner besides, a manifest violation of the whole spirit and object of the Ordinance, in not only interrupting, but actually punishing the complainant because he went to seek redress from the assistant Protector and civil Magistrate.

I need not, I am sure, say, that such a flagrant outrage (if true), demands the severest infliction of the penalties.

To His Honour the Fiscal.

I have, &c.  
(Signed) D. POWER,  
His Majesty's Protector of Slaves.

*Complaint, No. 15.—27th February 1827.*

Jenny, belonging to plantation Hampshire, the property of W. Cort, states:—We do not get our allowance of clothing: we only get three yards osnaburg, and a little thread, as now exhibited, and on complaining to my master about it, he put several of the women in the stocks. I was one. I was afterwards sent to carry out wet megass. I have a pain in my back, and am three months gone in the family way. I complained of my back to my master, he said I was making fun, put me in the stocks. The sick nurse Molly told my master that I was not well, and he then gave orders to take me out. The last time I was in was yesterday (Monday) morning early, and taken out before breakfast; about one o'clock I left the estate.

The Protector, on account of her having no pass from her master, and her having left the estate without his authority, it being a far distance from town, referred the complaint to the local magistrate of the district for investigation and report, which took place as follows:—

Investigation of certain complaints made by the negro woman Jenny,

attached to plantation Hampshire, against her master William Cort, as appears by a letter addressed to him by David Power, Esq., His Majesty's Protector of Slaves, dated in Berbice, 1st March 1827.

First, That the women slaves have not received the customary allowance of clothing; that no blankets have been given to them, and the annual allowance being limited to three yards of osnaburgs and a little thread.

Mr. Wm. Cort states, in answer to this charge:—No blankets have been asked for since W. Cort's return from England in Nov. 1825, and the last delivery of blankets took place in July 1823.

But with regard to their clothing being limited to three yards of osnaburgs, and a little thread only, it is a gross falsehood, as they received on the 20th of March last three yards of osnaburgs with thread, on the 24th September last a similar allowance, and at Christmas last a long skirted cloth wrapper of jacket lined with flannel of superior quality to negro jackets usually given. Hats would at the same time have been given to them, had not the cask containing the same been burnt when the works were consumed by fire. A further supply is shortly expected from home, when they will be given to them. And on the 21st January last three yards more of osnaburgs with thread was at first received by the women gang; but finding they got nothing else, the oldest Creoles, Jenny at the head of them, threw the osnaburg back with the utmost contempt; and insisted, with threats, of beating the old women and younger creoles if they did not do the same, although they were promised at the same time a woollen petticoat in addition when they commenced cutting the back canes, and which were not then ready for delivery, as their mistress had lately been confined some weeks with illness. Jenny is the last woman on the estate that should have complained of not having sufficient clothing, as her mistress and her daughter have given her suits of clothes exclusive of her allowance; and had she not turned out an abominable thief, and headed the creole gang with so much insolence and overbearing conduct, she would not have been sent into the field to endure the work she now complains of.

Secondly. That being three months gone with child, she complained of suffering a bad pain in her back from carrying wet megass, and that her master replied she was only making an excuse, and ordered her to be placed hands and feet in the stocks, where she remained until the sick nurse spoke to him, when she was released, a little before breakfast on Tuesday last.

Partly in reply to this charge, William Cort has to request His Majesty's Protector of Slaves to refer to the letter he had the honour to write to him on the 28th ult.; that he begs further to add on his oath, if required, that the woman, Jenny, never complained to him of any pain in her back. She only wished to do other work; a request that her master would not have refused had she not recently manifested so much violent and insolent behaviour. And when she was ordered into the stocks for quitting her work, the sick nurse was desired to inquire if any thing ailed her. She then told her that her back pained her, and would not say any thing else was the matter with her. A few minutes after, the woman, Ann, a domestic, informed the sick nurse she believed Jenny was likely to miscarry; and she, the sick nurse, immediately returned to the said sick house, and released her from confinement; and, instead of not being liberated, as Jenny falsely asserts, till Tuesday last, a little before breakfast, making her period of confinement twenty-four hours in the stocks, hands and feet, she was not confined *ten minutes* on Monday morning, and with her feet only in the stocks, as the hand-stocks were not effective, and could not confine the hands.

Negro woman, Molly, attached to plantation Hampshire, and doing duty on that estate as sick nurse:—

Q.—What do you know as the cause of Jenny having gone to complain of your master?

A.—On Monday morning last Jenny was employed carrying megass from the mill. She came to me and said she had pain in her back, I told her to go in the sick house. When her master went into the sick house betwixt eight and nine o'clock that morning, he directed her to be put in dark house. A little time afterwards, when I was waiting about the yard, I met Ann, and she told me Jenny had shewn her towel (menstrual discharge); on being in-



formed of this I went and let Jenny loose, and told her master of it, and he said she might go to light work. Jenny then said she would go aback to the field; but instead of doing so she went off to complain.

Q.—Did you know of Jenny's being with child?

A.—I never knew of her being with child until Ann told me of it last Monday morning.

Q.—Did Jenny herself never tell you of her being with child?

A.—No; she never did until she went into the sick house Monday last.

Q.—What clothing do the women get on this estate, yearly?

A.—They get thread and three yards of osnaburg three times a year.

Negro woman, *Ann*, a house servant:—

Q.—What do you know as the cause of Jenny going to complain of your master?

A.—Last Sunday morning I saw Jenny rather dull. I asked her what was the matter. She told me she had pain in her back; and on Monday morning she called her mother, *Helena*, and told her of it. When her mother replied, "Again, you throw away belly again?"

Q.—Did Jenny ever tell you of her being with child?

A.—She never told me until last Sunday.

The foregoing investigation took place on plantation Hampshire, on Friday the 2d, and the following on plantation Kilcoy, on the 4th March, 1827.

*Helena*, attached to plantation Hampshire:—

Q.—Are you the mother of the girl, Jenny, that went to town to complain of your master?

A.—Yes, I am her mother.

Q.—What do you know as the cause of Jenny's complaint?

A.—Jenny told me two or three times, that her master at different times said to her, "She was at the head of the women that went to Mr. Fraser to complain; that he kept his eye on her, and would punish her." That on Sunday, the 25th ult. she told me she did not feel well; that she knew she would be called on to go to the mill-house next morning; that if she complained of being unwell she knew she would not get path (exemption from doing duty at the mill-house). I told her to keep heart, and when her master went to the mill-house in the morning to tell him of her being sick.

Q.—Did you know of Jenny being with child?

A.—Yes. When she complained to you she was put in stocks, hands and feet, for three nights, for coming to complain. I then told Molly it was not good to put Jenny's *hands* in the stocks, as she was one month gone with child; when Molly replied it was master's order.

Q.—Do you know of anything further as to Jenny's complaint?

A.—I do not know anything more: I was in the field aback, when she was put in the stocks Monday last.

Q.—When you returned from the field that evening, did you see Jenny?

A.—At the time I came from the field I did not meet Jenny, she was then gone to complain.

Q.—What clothing do the women on Hampshire get yearly?

A.—We get clothes twice, but I have not got a blanket for a long time past. Some blankets came out at the time Mr. Beard was on the estate, but every one did not get them, and only them that had sucking children got blankets. I asked Mr. Beard for a blanket, and he sent me away; that my name was not down for a blanket.

Q.—Edward. Are you Jenny's husband?

A.—Yes.

Q.—What do you know to be the cause of Jenny's complaint against your master?

A.—Since they came to complain to you here, master is always troubling her; for any little thing (trifling crimes) he puts her in the dark-house, and in stocks hands and feet; tells her he will not pass her, as she was at the head of the women that went to complain to D. Fraser. Three different times Jenny wanted to go to complain, but her mother and I prevented her.

Q.—Did you know, and how long since you knew, of Jenny's having been with child?

A.—I know very well. Every person knows, for at the time Jenny gets with child, she frequently vomits.

Q.—Did Molly know of Jenny's being with child?

A.—Yes. Her mother Helena told her.

Q.—Were you in the mill-house on Monday, when Jenny was put in the stocks?

A.—No. I was in the field; when I returned home Jenny was not there.

(Signed) D. FRASER,

Assistant-Protector of Slaves,  
2d District East and Corr Coast.

4th March 1827.

20th March 1827.

The Protector having called at plantation Hampshire, saw, from the above investigation taken by the local magistrate, that there existed a species of insubordination amongst the women gang of that estate. He admonished them how they should behave in future, particularly to Mr. Cort's family. And as to the portion of the regular allowance of clothing, the delivery of which had been delayed on account of the buildings of that estate having been consumed by fire, he recommended that they should have a little patience, when they would be supplied with all requisites. From the investigation it appeared there was no ground for the statement that the complainant had been imprisoned hand and feet in the stocks, for the length of time she said. Her character from the elder negroes was, that she was a very troublesome and violent woman.

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*Complaint, No. 16.—22d March 1827.*

Mars, belonging to plantation Nieuw Vigilantie, states:—I have been heretofore sick nurse in the hospital, and therefore am not able to do the field work so well as a field negro, although I try my utmost endeavours. My master, through a difference which I had with the overseer, put me to a side line to dig. This day week I commenced digging, and was working till Friday, when my master looked over my work, and said he was not satisfied with the same. He therefore put me in the stocks. Saturday I worked, and was put in the stocks again. Monday morning I went to work, and dug as usual: I was again confined. Tuesday morning I went to the hospital, as my feet were swelled from sitting in the stocks: My master told me I should go to work, and he would not allow me to sit down in the hospital. I therefore come to complain.

A letter was addressed to Mars' master, Mr. H. C. Mittelholzer, to enquire into the complaint, and the complainant returned, on account of his having no pass from his master.

Mr. H. C. Mittelholzer, having come to town, called at the Protector's Office, and stated that the negro Mars had been sick nurse, but on account of his bad behaviour was sent to the field. That the general task of digging is 200 feet; and that complainant dug only fifty feet the first day, twenty-five the next day, and not quite twenty the third day. That he had been confined in the stocks for his obstinacy when told about his neglect of work. He bears the worst character on the estate.

From the respectability of Mr. Mittelholzer's character, as a proprietor of this colony, dismissed the complaint as wholly unfounded, and desired the negro should be continued in field work, so long as it was the pleasure of his master.

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*Complaint, No. 17.—26th March 1827.*

Complaint of the woman Kate, belonging to Mary Richards, states:—I have from time to time been saving a little money, which has accumulated to ten joes in dollars, which I was putting up in case of death to assist in

burying me. I told my mistress I had this money, and the purpose I intended it for. I was hired out lately, and was in the country when my mistress in my absence opened my box, which was in her bedroom, with a false key, and stole out all the ten joes excepting ten dollars. She never gives me any clothes or provisions, and although I am hired out, I make as much time as generally to wash her clothes.

27th.—Mary Richards appeared according to summons, and stated to know nothing about Kate's money.

*Result.*—The Protector thought proper to refer the above complaint to his Honour the Fiscal for prosecution.

*List of Slaves to whom Licence has been granted for Marriage.*

Date of Licence.	Names of Slaves.		Name of Proprietor.	Number of Couples.
	<i>Men.</i>	<i>Women.</i>		
	Balthazar	and Hecate	L. T. Gallez	5 from 1 Nov. to 31 Dec. 1826
	Vryday	and Jannetje	—	
	Prius	and Venus	—	
	Midas	and Cornelia	—	
	Abram	and Galathea	—	
	Noah	and Hannah	—	
	Hercules	and Phillis	—	
	Telemachus	and Cornelia	—	
	George	and Eva	—	
	Frederic	and Leentji	—	
	Bernardus	and Sarah	—	
	Gordon	and Brunetta	—	
	Michael	and Anna	—	
	Crispin	and Martha	—	
	Class	and Dorinda	—	
	Ouvermacht	and Julia	—	
March 29	William	and Juna	William belonging to Winkel Dept. and Juna to L. F. Gallez	1
			Total. ....	22 Couples

Protector's Office, Berbice, 31 March 1827.

*List of Slaves manumitted since the 1st Nov. 1826, by his Majesty's Protector of Slaves.*

Date of application.	Date of Manumission.	Name of Slave.	No. of Slaves.	Name of late Owner.	If by purchase of him or herself, Amount paid.	Remarks.
1826 Nov. 9	1827 Feb. 17	Netje and one Child	2	Winkel Dept.		Statu Libera. Deed of Gift of J. Ross.
—	—	Lukey and one Child	2	Plantation Golden Grove		
Nov. 16	—	Billy Bennett	1	James Bennett	2600	
Nov. 17	—	Leentje and two Children	3	J. J. C. L. Franzen	3780	
Nov. 20	—	Katy and one Child	2	W. Katy	..	Deed of Gift of Owner.
—	—	William, Edward, Jane and Mary	4	David Barry	..	—
Nov. 22	—	Cecilia and four Children	5	J. F. Broer	..	—
Nov. 23	—	Kaatje and one Child	2	Hans Leen	..	—
—	—	Sophia and one Child	2	Louisa Van Bakkar	..	—
—	—	Bernard	1	P. De Goege	1100	Purchased by mother.
—	—	Mary Burrows, and Maria Parker	2	H. Smithson	..	Deed of Gift of Owner.
Nov. 24	—	Margaret Thomas	1	Mrs. F. Jeffery	..	—
Dec. 6.	Feb. 24	Caroline	1	L. Themen	..	—
—	—	Charlotte and one Child	2	S. L. Rynveld	..	—
Dec. 7	—	Aletta	1	L. C. Bakkar	..	—
—	—	Lucy	1	Ann and Sarah Rice	900	
Dec. 12	—	Fanny	1	A. Brierman	1500	
—	—	Bella	1	Elizabeth Smithson	1000	
Dec. 14	—	Maria	1	Pl'n Albion	1200	
Dec. 20	—	Agnes M'Donald	1	John M'Donald	..	Never was registered.
Dec. 22	—	Johannes Arend	1	Der Arend Plantation	..	Deed of Gift.
1827 Jan. 3	Mar. 23	Christina Alida	1	C. Manning	..	Deed of Gift by Owner.
Jan. 5	—	Grace, Jane, B. Walter, and two Children	4	Thomas B. Walter	2000	
Jan. 8	—	Rosetta and one Child	2	James McKay	..	—
Jan. 12	—	Edward, Rosaline, and Frances	3	Winkel Department	850	Purchased by their father.
Jan. 16	—	Alexander	1	W. Henery	..	Purchased for manumission by J. Hopkins.
Jan. 27	—	Harriet Harvey and one Child	2	A. Mc Watt	..	Deed of Gift by Owner.
—	—	Hannah Caroline and her three Children	4	Mary Harris	1200	Children born after purchase.
—	—	Penny	1	Wilhelmina Hawkesworth, her daughter	800	Purchased by her daughter.
—	—	Ermine and one Child	2	Thomas Rich	..	Deed of Gift by Owner.
—	—	Phœbe	1	J. McLean	1600	
			58	Men, women, and children.		

*List of Slaves in Legal Progress of Manumission.*

Date of Application.	Name of Slave.	No. of Slaves.	Name of late Owners.	If by purchase of him or herself, Amount paid.	Remarks.
1827					
Feb. 6	Margaret and her three Children	4	A. Hartman	..	Deed of gift of Owner.
—	Mulah and one Child	2	Plantation Dentichem	..	Statu Libera.
—	Susette	1	Widow Helder	..	Deed of gift of Owner.
—	Eliza	1	John Tapin	100	Purchased by her mother.
—	Janet and one Child	2	—	..	Deed of Gift of Owner.
—	Frances Mc Quiston	1	Plantation Belle Air	600	
Feb. 7	Maria	1	Noruh Lynch	..	—
Feb. 14	James Augustus	1	John Tapin	264	
—	Jack James	1	Ann Crawford	..	—
—	Patience	1	Mercy Harper	..	—
—	Belinda	1	Hector Ross	..	—
Feb. 17	Charles, Sarah, and Frederick	3	Charles Kyte	..	—
—	William	1	Caroline Bottiger	300	
Feb. 22	Charles	1	B. Zeigler	1800	
—	William James	1	William Harris	..	—
—	Jem	1	John Fraser's Estate	1575	
—	Elizabeth and one Child	2	..	..	Never was Registered.
Mar. 29	Anna	1	J. J. Vulpius	..	Deed of gift of Owner.
—	Abraham	1	Annetje Vulpius	..	—
—	Johanna Elizabeth	1	J. P. Alt	..	—
—	Tocriba and five Children	6	C. Ples	2200	
—	Henry Leman	1	F. Leman	..	—
—	Isabella	1	La Rose	..	—
	Total....	36			

*Savings' Bank Deposits.*

Date of Deposit.	Name of Slave.	Name of Proprietor.	Amount deposited.	To whom bequeathed in case of Death.
1827			f. 587	This amount deposited from the 1st Nov. to the 31st Dec. 1826.
Feb. 5	Zacharias	Winkel Dept.	7	To his child Thomas Zacharias.
Feb. 15	—	—	6	—
			f. 600	

Protector's Office, Berbice, 31 March 1827.

## No. 4.

SIR

Downing Street, 14th July 1827.

I HEREWITH enclose you copies of a correspondence which has taken place between this department, and Mr. Innes, &c., on the subject of an appeal to the Privy Council to arrest the operation of the manumission clause in the Berbice Ordinance.

I also send you a copy of the memorial presented to the Privy Council.

Counsel has been heard for the petitioners, and the further consideration of the case has been postponed for reasons upon which it is not necessary to enter; but it is proposed in the course of the autumn to examine witnesses on th

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subject for the purpose of having all those intricate and difficult points, which are involved in the remonstrances of the petitioners, minutely and accurately examined, and the details affecting them fully recorded.

Under these circumstances repeated applications have been made to this Department for the suspension of the operation of the Berbice ordinance; and considering the length of time which must now unavoidably elapse before His Majesty's government can finally have received from the memorialists all the information which they may think essential for establishing their case, I am to direct you, until further orders, to suspend the operation of the said ordinance, so far as relates to compulsory manumission.

But at the same time you will take care to inform me of the particular details of every case of manumission which, during this interval, may be submitted for adjudication and appraisalment.

Lieutenant-Governor Beard,  
&c. &c. &c.

I have, &c.  
(Signed) GODERICH.

SIR,

Downing-Street, 1st December 1826.

I AM directed by Lord Bathurst to inform you, that if you, and the gentlemen who accompanied you in your interview with his Lordship, have any representations to make, on the part of the planters and mortgagees of Demerara and Berbice, against the provisions for the progress of manumission, as at present in operation in Trinidad, St. Lucia, and the Cape of Good Hope, being enforced in Demerara and Berbice, you will either communicate them to the Colonial Department, or submit them in a memorial to His Majesty in Council.

I have, &c.  
(Signed) R. W. HORTON.

J. Innes, Esq.

SIR,

Downing-Street, 3d February 1827.

ON the 1st December I was directed by Lord Bathurst to return an answer to your application, on behalf of the West India merchants and planters, desiring that they would inform him whether they preferred addressing their representations against the enforcement of the compulsory manumission clause in Demerara, specifically to his Lordship, or to His Majesty's Privy Council, and they informed me in reply, that the latter form was the one of which they made choice; but as his Lordship has not yet received any memorial, he would be glad to know at what time the parties intend to enable him to transmit it to the Privy Council.

J. Innes, Esq. I have, &c.  
(Signed) R. W. HORTON.

MY LORD,

14th May 1827.

IN reference to the conference with your Lordship on Friday last, we beg most respectfully to call your early attention to the accompanying statement, and the documents therein alluded to.

The request which we take the liberty of making is, that your Lordship will instruct the Governor of Berbice that compulsory manumission shall not be acted on at present. Should your Lordship consider that the statement we have made is not sufficient to warrant the suspension of the Berbice compulsory manumission regulations, we trust your Lordship will permit us another interview, for the purpose of going a little more into detail than we wish to do in writing, considering the numerous important claims on your Lordship's time.

We have, &c.  
(Signed) J. BLAIR.  
JOHN INNES.

The Right Hon. Lord Viscount Goderich,  
&c. &c. &c.

See Earl Bathurst's Dispatch, 18th March 1824.

IN 1824, copies of the Trinidad order in council were transmitted to the Governors of Demerara and Berbice, with instructions to submit them to the courts, that laws might be framed in the same spirit as best suited to the "existing laws and usages."

Lord Bathurst's Dispatch 20th November 1824.

In Demerara the Court of Policy evinced such a strong desire to meet the wishes of His Majesty's government, that Earl Bathurst conveyed to them, in flattering terms, His Majesty's approbation of what had been done.

See Additional Papers presented to Parliament, 1825, pages 273, 274, 275, and 276.

On one most important point the Court of Policy declined to legislate for reasons respectfully stated; that point was what is termed "compulsory manumission."

Earl Bathurst's dispatch 9th July 1825.

Earl Bathurst, however, desired that the subject might be again brought under the consideration of the Court of Policy.

Proceedings, Court of Policy, 6th September 1825.

Accordingly it was re-considered, but without producing any change in the opinions or determination of the court.

Lord Bathurst's dispatch 25th February 1826.

Earl Bathurst then candidly intimated to the Court of Policy, that in once more submitting the measure, it was for the last time, and that, failing of success, his Lordship would submit to His Majesty the expediency of enacting it by direct royal authority.

Proceedings, Court of Policy, 3d July 1826, with the accompanying Speeches of President Wray and Mr. Van Berkel. In October 1826.

On this third and last consideration by the Court of Policy, their decision was as in the preceding instances.

See accompanying Petition and Memorial of the Planters and Mortgagees, to the King in Council.

When intelligence of this final decision reached this country, the planters and mortgagees of Demerara and Berbice resident here, took legal advice on the most regular course of protecting their property from compulsory manumission, which they conceived would be an invasion of it. The legitimate mode was declared to be by petition to the King in Council, before whom the subject would undergo legal and thorough investigation. This advice was acted on, and the subject brought regularly before the King in Council. It is presumed that there would have been a hearing before now, had not the changes in administration interfered. Much longer delay is not anticipated.

September, 1826. February 12, 1827. See Statement transmitted to Lord Goderich, 10th May 1827.

Meantime the Governor in Council in Berbice has proclaimed in that colony, regulations in accordance with the Trinidad order in council, *including* compulsory manumission, and a trial under the compulsory manumission regulation has actually taken place.

As the question of compulsory manumission remains undecided by the King in Council, it is only an act of common justice that it shall not be permitted to be *acted* on as the law of Berbice, before it is ascertained that such a law can exist consistently with the rights of property. The planters and mortgagees have done only their duty in seeking a fair discussion before the competent tribunal, and therefore it would be an act of injustice, totally inconsistent with the spirit of the British Constitution, to permit their private property to be interfered with before any decision by that tribunal. It is almost unnecessary to remark, that the acts of the Court of Policy in Demerara, and of the Governor in Council in Berbice, are subject to the approbation or disapproval of His Majesty. All that is requested at present is, that it shall be signified to the Governor of Berbice, that it is the pleasure of His Majesty that compulsory manumission shall not be acted on, whilst the justice and legality of the measure remain undecided by the King in Council, before whom it has been placed by the planters and mortgagees.

14th May 1827.

(Signed) J. BLAIR.  
JOHN INNES.

*To The King's Most Excellent Majesty in Council.*

The humble Petition of the several Persons whose names are hereunto subscribed,

*Sheweth,*

THAT your petitioners are respectively owners and proprietors of, or mortgagees and creditors upon, plantations and slaves to a very great extent in your Majesty's colonies of Demerara and Berbice.

That by a dispatch, bearing date the 25th day of February 1826, addressed by the Right Honourable Earl Bathurst, one of your Majesty's principal Secretaries of State, having the department of the Colonies, to Major-General Sir Benjamin D'Urban, K. C. B. Lieutenant-Governor of the said colony of Demerara, and printed by order of the House of Commons; your petitioners observe, that it has been proposed by the Earl Bathurst to the Court of Policy of Demerara, that that Court should enact a law giving to the slave population of that colony the right to purchase their freedom, without the previous consent of their masters, on certain conditions set forth in the dispatch, and that it has been expressly declared by his Lordship, that in the event of the Court of Policy declining to comply, his Lordship would submit to your Majesty the expediency of enacting such a law by your Majesty's royal authority.

That your petitioners have very recently received information that the Court of Policy in Demerara have felt themselves compelled, by a sense of duty to their fellow colonists, to decline complying with the injunctions contained in the dispatch of Earl Bathurst, and your petitioners are consequently led to apprehend that your Majesty will be humbly advised, by orders in council, to carry into effect the measure proposed to the Court of Policy in Demerara, and to extend the same to the adjoining colony of Berbice.

That your petitioners beg permission to assure your Majesty, with the utmost sincerity, that there is no class of your Majesty's subjects more desirous than your petitioners to enable the slaves to acquire their freedom, on terms compatible with the well-being of the slaves themselves, the safety of the colonies, and a fair and equitable consideration of the interests of private property; but your petitioners, at the same time, beg leave humbly to represent to your Majesty, that after the most anxious consideration of the subject, they are impressed with a deep conviction, that the measure as proposed by Earl Bathurst is incompatible with the well-being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property.

Your petitioners, therefore, humbly pray, that your Majesty will be graciously pleased not to issue any order in council, enabling the slave population of Demerara or Berbice to obtain their freedom without the consent of their owners, without your petitioners being first heard in defence of your petitioners' rights and interests, before your Majesty in Council. And that your Majesty will be further graciously pleased to permit your petitioners to be previously heard by their council in that behalf.

J. BLAIR.

WM. KING.

EDW. CUST.

WILLIAM FRASER.

AND. CHRIST. BOODE.

PHILIP COMBAULD.

PHILIP M. LUCAS.

ALEX. HALL.

HENRY MEERTENS.

N. S. CHAUNCY.

JOHN KINGSTON.

ROBERT WESTLEY HALL.

CHARLES M'GAREL.

HENRY SMITHSON.

JAMES CAVAN.

ÆNEAS BARKLY.

JAS. E. BAILLIE.

JOHN INNES.

JAS. WM. DUNKIN.

WM. LEACH.

CLAUD NEILSON.

J. B. SMITH.



COLIN CAMPBELL.	THO. NAGHTEN.
C. MACRAE.	JOHN DANIEL.
JOHN M'GAREL,	WM. PULSFORD.
JOHN FULLARTON.	TULLY HIGGINS.
J. A. RUCKER.	DAVID HALL.
CHARLES BROOKE.	R. W. HALL DARE.
W. J. THORNTON.	SPENCER MACKAY.
DONALD MACKAY.	A. COLVILE.
JOHN BOVELL.	HUGH BARKLY.
ALEX. CRUIKSHANK.	ROB. LANG.
GAVIN FULLARTON.	R. C. DOWNER.
DONALD M'DONALD.	HENRY DAVIDSON.
ROBERT EDMONSTONE.	W. ALVES.
A. M'DONALD.	HENRY DYETT.
JOHN GORDON.	WILL. MAX. ALEXANDER.
JOS. TIMPERON.	ROB. BELL.
ROB. PULSFORD.	HENRY SEYMOUR.
ELLIS J. TROUGHTON.	RUSSELL ELLICE.
JAMES WEDDERBURN.	GEORGE FORSYTH.
ALEX. SETON.	B. P. LESPINASSE.
H. HYNDMAN.	JOHN MURRAY.
DAVID CORNFOOT.	

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*To the King's Most Excellent Majesty in Council.*

The humble Memorial of the several Persons whose names are hereunto subscribed,

*Sheweth,*

THAT your memorialists are proprietors or mortgagees of plantations and slaves to a very great amount in the colonies of Demerara and Berbice, who feel themselves compelled to appeal to your Majesty for the protection of their property from the consequences of measures they are led to suppose are about to be adopted in those colonies.

That your memorialists are anxious to seize the very first moment to assure your Majesty, that there is no class of men more desirous, or who have so direct an interest, to improve the condition and increase the comforts of their slaves; and that, in the statement which they humbly propose to submit to your Majesty in Council, they are influenced, in no small degree, by a sincere and deep conviction that the measures about to be discussed would be found not less injurious to the slaves than ruinous to their masters.

Your memorialists beg leave to recall to your Majesty's recollection, that the House of Commons, on the 15th day of May 1823, came to resolutions to the following effect:—

First—That it is expedient to adopt effectual and decisive measures for ameliorating the condition of the slave population in His Majesty's colonies.

Second—That through a determined and persevering, but at the same time judicious and temperate, enforcement of such measures, this House looks forward to a progressive improvement in the character of the slave population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of His Majesty's subjects.

Third—That this House is anxious for the accomplishment of this purpose, at the earliest period that shall be compatible with the well being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property.

That similar resolutions were afterwards adopted in the House of Lords on the 7th day of March 1826.

That subsequent to the passing of the resolutions of the House of Commons, certain regulations have been made, by order of your Majesty in Council, with reference to the slave population of the colonies of Trinidad, St. Lucia, and the Cape of Good Hope. These regulations have been recommended to the Court of Policy in Demerara, to which body, according to the practice of the constitution of that colony, the power of enacting laws for its government has hitherto been supposed to belong. That the Court of Policy had evinced the most anxious desire to act up to the principle declared by the two Houses of Parliament, and has adopted, to an extent exceeding what the members could entirely reconcile to those principles, or to a rigid sense of their own duty, many of the regulations that had been submitted to them by your Majesty's Secretary of State; and they have had in consequence the great satisfaction of receiving your Majesty's approbation for the zeal and assiduity manifested by them, in giving effect to your royal intentions, and to the wishes of Parliament in favour of the slave population.

That to one of the regulations, however, which authorises a slave to purchase his freedom without the concurrence of his master, and which is popularly called compulsory manumission, the Court of Policy, after the most mature and calm consideration, was unable to accede. They stated to your Majesty's Government the grounds of their objections; but with so little effect, that Earl Bathurst, one of your Majesty's Secretaries of State, in his dispatch to the Lieutenant-Governor of Demerara, of the 25th of February 1826, declared that, should the Court of Policy continue to decline adopting this regulation of compulsory manumission, his Lordship would humbly submit to your Majesty the expediency of enacting it by direct royal authority.

That notwithstanding their great desire to avoid such an extremity, and to act in concurrence with the wishes of your Majesty's government, the Court of Policy, bound by what they considered the sacred obligation of their oath, to forward the interests of the colony according to their conscience, felt themselves unwillingly compelled still to refuse their consent to the proposed regulation. They have accordingly declined to adopt it; and your memorialists are therefore led to expect as a consequence, that your Majesty will be advised to issue an order in council, in conformity with Lord Bathurst's dispatch, to enact compulsory manumission as the law of the colonies of Demerara and Berbice.

That your memorialists are so deeply impressed with the conviction, that the Court of Policy could not have enacted compulsory manumission, consistently with the well being of the slaves themselves, with the safety of the colonies, and a fair and equitable consideration of the interests of private property, that they felt they would be wanting in common regard to their rights and property, and deserting their duty to their families, if they did not approach your Majesty with the humble and respectful, but most earnest representations of the injurious consequences inseparable from compulsory manumission in the present state of the negro population.

That the name and condition of slavery is so repugnant to the feelings of Englishmen, that your memorialists are well aware, that while they are simply pointing out the inefficacy and dangers of the proposed regulation, and its utter inconsistency with the course pointed out by the resolutions of the two Houses of Parliament,—while they are merely defending their own acknowledged property from ruin, they are exposing themselves to the imputation, with some persons, of desiring to prolong, nay to perpetuate, the state of slavery. They feel the most perfect conviction that no such impression can be made, even for a moment, on the candour and discernment of your Majesty, or your advisers in council. They are bold to assert before your Majesty, that slavery is as repugnant to their feelings as to those of any other class of your Majesty's subjects; they are as anxious, as the most clamorous advocate for com-

pulsory emancipation can be, for the accomplishment of such a progressive improvement in the character of the slave population, as may fit them for a participation in the rights and privileges which they enjoy themselves—and they protest, before your Majesty, and their fellow subjects, against the injustice and the folly of imputing to them a desire to prolong a state of society that has already subjected them to serious injury, and unmerited obloquy, and which they must rejoice more to see extinguished than any other description of persons, as soon as it can be done with safety to the state, with advantage to the negroes, and without making your memorialists greater sufferers than the rest of their fellow subjects, whose share in rearing the system has been as great as that of your memorialists.

That your memorialists will not waste one moment in advancing arguments to establish their right of property in their slaves. To suppose it could be doubted, would be to bring into question the title to all property whatever. It rests on the very same foundation with every other description of property known to the law. It has been as solemnly recognized by acts of the legislature, and by the decisions of British courts of justice. As little will your memorialists enlarge upon that proud distinction of this happy country, (perhaps the greatest cause of its prosperity) the sacred and inviolable respect at all times shewn to private property. To offer observations on such a subject to your Majesty in Council, would be as improper as superfluous. That the system proposed to be introduced does trench upon the right of property, and may even bring its existence into peril, your memorialists conceive is undeniable. That it must influence, to the greatest extent, the moral condition of the negroes, and may perhaps endanger the lives and safety of every white inhabitant of Demerara and Berbice, is equally apparent. These high and weighty interests then, being confessedly involved in compulsory manumission, your memorialists, if they were incapable of pointing out any very serious objections to the principle, or detail of the measures, would still, in accordance with justice, and the practice in this country, be entitled to claim a deliberate investigation, to ascertain the real extent to which they might be prejudiced, before an absolute enactment should deprive them of the means of ample redress: but your memorialists are unhappily not in the situation of those who solicit investigation for the purpose of discovering how their property is likely to be affected; on the contrary, they are apprehensive that they shall be unable to include, even the more obvious objections to this measure, in the compass of a memorial.

That your memorialists conceive, that although they are not entitled to consider the resolutions of the two Houses of Parliament, as laying down a law which is to govern your Majesty's discretion on this momentous subject, they may, without the fear of error, rely upon them as containing those principles upon which the future situation of the slave population should be regulated. Those resolutions bespeak, at every step, careful previous enquiry, and examination into the consequences of any measure before it is adopted; they consider the improvement in the moral character of the slave as a necessary preliminary to his participation in the rights and obligations of freemen; and they establish as a condition, that the safety of the public, and the indemnity of individuals, shall be secured and rendered certain before the measure is carried into execution.

That your memorialists submit to your Majesty, that compulsory manumission at this time, and in the present state of civilization of the negroes, whether in freedom or slavery, is directly at variance with these wise and prudent maxims, and with that no less sound opinion, that "the condition of the slave is only to be improved through the medium of his master."

That so far from advancing the time when the slave may be beneficially admitted to a participation in the rights of freemen, it will retard it more than any measure that can be pointed out; that it will demoralize the

slave, impair the industry, and destroy the prosperity of the Colonies, (if it does not endanger their actual safety) while it will be ruinous to the individuals who have embarked their property in Demerara and Berbice on the faith of the existing laws, sanctioned by the solemnity of treaties.

That your memorialists will, in the first place, request the attention of your Majesty to the manner in which this regulation would operate upon the slaves themselves.

That it appears from the most accurate information that can be obtained upon the subject (and which your memorialists presume is in possession of your Majesty's government, but which they are prepared to establish) that the free negroes in the West Indies are so averse to labour in the field, that they cannot be induced to work for hire, or to carry on the cultivation of the country in a regular and effectual manner. That from the fertility of the soil in Demerara and Berbice, subsistence is procured by a very small portion of labour, and having hardly any other wants to supply, no incentive would exist sufficient to overcome their natural dislike to labour, so that they would pass the remainder of their time in indolence and dissipation, and instead of being useful members of the community, they would be at once a burden to the public, and depraved and unhappy in themselves. In the present condition, therefore, of the free negroes in the West Indies, to increase their numbers is neither desirable for the public or themselves, and so far from being a step towards that improvement in the character of the black population, that was considered by the two Houses of Parliament as the great object to be attained, it opposes an obvious impediment to their progress in civilization and refinement. These great ends of all human exertion are only to be attained by the steady exercise of the powers and faculties of the mind, and by habits of regular industry. It is against the course of all experience to suppose, that these exertions will be made by any class of men, without their having in view some object to compensate them; but while the acquisition of bare subsistence is almost the utmost limit of the negro's wishes, it is vain to expect that he will exert himself for more, and the only mode by which he can be roused to these exertions, which are essential to his advancement in civilization, is the creation of new wants, and new desires, for the attainment of which he will consent to labour.

To this object therefore, to his moral, intellectual and religious improvement, your memorialists submit the attention of your Majesty's government ought to be directed. To raise the negro in the scale of human beings; to elevate him in his own opinion; to excite his dormant industry for the acquirement of property, and the benefits that flow from it, ought to be their aim. When the desire of further enjoyments shall have sprung up; when the sense of other wants shall have been created in the negro's mind, and for the sake of their attainment, he shall have been induced to labour for reward; when, if the slave received his freedom, he would labour for himself, and for the public, instead of abandoning himself to indolence and sloth; when, in fact, his real and artificial wants shall have grown upon him to an extent, that can be gratified only by the fruits of unremitting industry; and that such wants have become so deeply rooted, that a disappointment in the indulgence of any of them would operate more painfully than the exertions of labour; then, and not till then, the time will have arrived when the gradual emancipation of the slave population in the West Indies may be safely urged, without injury to the slaves, with safety to the state, and without injustice to the interests of private property.

That your memorialists are as much impressed as any class of your Majesty's subjects can be, with the great advantages that would be derived to them, and to their property, if they could obtain its cultivation by the labour of *Freemen* working for hire; but they beg leave to state their most unqualified opinion, founded upon the *actual condition* of the colonies, that such an end is wholly unattainable in the present condition of the black population in the West Indies. The colonies of Demerara and Berbice do not afford one instance of a slave made free, or of a free-born

negro, ever having worked as a hired labourer in the cultivation of the soil.

While St. Domingo was cultivated by the labour of slaves, it produced nearly as much sugar as all the British West India islands put together: for the last thirty years it has been cultivated by free negroes, and does not regularly raise sufficient for the supply of its own population. This extraordinary defalcation in its produce is occasioned by the aversion of the inhabitants to work, and to remedy the grievance, and restore the sinking cultivation of that country, a law has been recently promulgated, obliging the free population to compulsory labour, which is enforced by military interposition. Your memorialists humbly submit, that a more conclusive instance, or one upon a larger scale, of the impossibility of procuring the cultivation of land in the West Indies by the labour of free negroes, in the present condition of that class of the population, can hardly be conceived.

That your memorialists beg leave to state, that a system of *Task Work* has recently been introduced into the routine of colonial cultivation, with advantage to the master, and great benefit of the slave. By this practice the necessity for constant superintendance has been removed, the slave having a specific task assigned to him, moderate in its amount, and adjusted to the average quantity of daily labour performed in the colony, discharges it with cheerfulness and satisfaction. In process of time, and by degrees, if this system is continued, and extended, his habits may assimilate to those of the voluntary labourer.

That experience has shewn that this incitement to assiduity enables him to get through his day's work at an earlier hour than under the former practice; and after the slave's allotted task is completed, he has the remaining hours of the day at his own disposal, during which he is encouraged by his master in industrious occupation, for his own private advantage.

That this mode of "task work," to be beneficial to the slaves, cannot be commanded or enforced by any law, or by any other authority, than that of the master. It proceeds on his part, both from the humane spirit progressively prevailing in the colonies, and from a feeling of self interest, prompting him to save the trouble and expence of personal superintendance; and he is enabled to carry it into execution solely by his negroes being impressed with the conviction that he can discontinue it at pleasure.

That the law prescribes that the slave shall labour until six o'clock in the evening, for the benefit of his master. The moment that the interests of the two are separated, and the master discovers that the slave's earnings, acquired after his task is finished, are to be applied to the purpose of depriving him of his people's services, task work, as a voluntary arrangement between master and slave, for their reciprocal benefit, must terminate.

That it is not to be expected, under such an altered state of things, that the master will hesitate to avail himself of the full extent of the limits defined by the law for exacting the service of his slaves, and he will accordingly be prompted to keep them at work to the stated period of six in the evening, to prevent the acquirement of means which are to be devoted to his ruin. No counter-regulation can obviate this result, without expressly declaring that the daily labour of the slave shall cease at an earlier hour, than a due regard to his health and strength makes reasonable, and before he shall have performed an ordinary day's work; a violation of the rights of private property, which your memorialists conceive can never be deliberately entertained by any legislature.

That compulsory manumission, thus inevitably tending in its effects to check a system so beneficial to the slave, as that of task work, tending to debar him from the greatest practical improvement in the condition of slavery, at the moment he is rising into the character of a moral agent, under the auspices of his master, is manifestly so incompatible with the well-being of the slave himself as to make any enlargement on the subject absolutely superfluous.

That your memorialists are well aware that it has been urged by those who have supported the policy of compulsory emancipation, that as the price of his emancipation must be earned by the labour of the slave himself, he must before he has attained it have acquired those habits of industry, which will secure his continuance (when in a state of freedom) in courses that have become habitual to him; and so much is this relied on, that, in the dispatch of your Majesty's Secretary of State, it is declared, that the principle of manumission will proceed on presumptive evidence of the slave having acquired habits of industry which may fit him for an independent existence. To your memorialists, however, it is evident that this mode of reasoning, however plausible, is wholly fallacious and unsound.

It cannot be denied, that, in making the exertions which were necessary to procure the price of his emancipation, the negro must have deprived himself of many enjoyments, or gratifications, which the possession of property would afford; one single object—the attainment of his freedom, must have occupied his thoughts, and, instead of acquiring new desires from the possession of property, he must have hoarded up his savings, and controuled his wishes and propensities. In the course, therefore, of this accumulation, no new wants will have been created, no desire for new enjoyments will have sprung up. When he has attained his freedom, his object will be gained, his motive for exertion will be gone, and he will continue the same abject creature that he was—satisfied with the lowest condition in which human beings can exist. In the possession of mere subsistence, and relaxation from labour, he will possess all that he ever knew to constitute enjoyment. His wants will be all satisfied, and he will have no motive for exertion. With the absence of the motive for industrious habits, the habit itself will vanish, the industrious slave will sink into the slothful freeman, and indulging his propensity to indolence, which he has no object to resist; from a useful and meritorious member of society, he will become an idle, and an useless drone.—Why should he endure the labour and fatigue of earning money, when he has nothing to gratify by its possession? If all that constitutes happiness in his eyes is his already, and he has a more than ordinary aversion to labour, from constitutional habits, and the effects of the climate, it is idle to expect that he will expose himself to fatigue, to purchase nothing more than he can enjoy without it, the absence of laborious exertion.

Your memorialists therefore apprehend, that the idea that the establishment of compulsory manumission will create industrious habits, even in the negro that acquires his freedom by his own exertion, is merely visionary. That it can do so in those cases in which the funds for purchase shall be gained by other means, of course, can never be contended.

That your memorialists beg leave to represent, that, although they are entirely satisfied that until a sufficient supply of free labour can be had, compulsory manumission must produce complete and speedy ruin to these colonies. And although they are equally aware that such free labour is wholly unattainable at present, yet voluntary manumission of their slaves is a circumstance of common occurrence among the proprietors of Demerara and Berbice. A sense of gratitude for faithful services, the desire of setting an example to their other slaves, and other inducements that need not be stated, lead the proprietors to this course, where the personal character, and particular circumstances of the slave make it advisable; and it is but reasonable to presume, that voluntary manumission will progressively increase, when the general efforts that are making for the improvement of the moral and religious character of the black population, shall have produced those beneficial effects, which, if steadily and prudently pursued, they cannot fail to introduce. All these advantages, however, which are the more important, because for the most part they are bestowed upon deserving slaves, must fall to the ground, if the system of compulsory manumission is adopted. It is impossible to expect that those who may be deprived, without their consent, of their most useful servants, will voluntarily give freedom to those whom they can retain.

The progress of voluntary manumission must be left entirely to the master, who must be enabled to make his selection from the whole body of his slaves. If he is interfered with, it cannot subsist, and one inevitable effect of the proposed regulation would be, to deprive the negro of character and good conduct, of his great and increasing chance of procuring freedom by the voluntary act of his master.

If, therefore, the condition of the slave himself was the only consideration, the system proposed is liable to the most obvious and solid objections.

That your memorialists will now beg leave to call your Majesty's attention to the manner in which the proposed regulation would affect the interests of the proprietors and mortgagees of property in the colonies, as well as the slaves themselves. The proposition which the Court of Policy was called upon to adopt, was in substance this:—that any slave desirous of purchasing the freedom of himself, or of his family, should be empowered to do so, and that if the owner should be unwilling, or demand a greater sum than the value of the slave, one appraiser should be appointed by the owner, one by the protector of the slaves, and an umpire by the chief judge of the colony, who should value the slave, and on payment of the sum appraised by them into the treasury, the slave should be manumitted.

That your memorialists beg leave to state, that the profitable cultivation, and consequently, the value, of West India estates, depends upon the slave population being active, zealous, and skilful, in the several branches of labour, and above all, upon their good disposition and willingness to work without the application of coercion. This is a state of things that cannot be reasonably expected to exist, if the slaves are discontented, or their minds unsettled; but which can only be produced, by the kind and humane treatment, and steady government of the master, who finds that the business of his estate is facilitated by reasonable indulgencies, and benefits bestowed upon his slaves; who, in their turn, discover that these depend entirely on their own good conduct and assiduity, thus rendering the interests of both parties dependent on each other. The moment that either party ceases to be thus dependent on the other, this happy state of things must have an end. As soon as the master knows that his kindness to the slave is to lead to the loss of an useful and productive labourer, who cannot be replaced, he must, for the protection of his own interest, and to secure the cultivation of his estates, endeavour to retain him in his employment; and, for this purpose, must withhold these acts of kindness, which would enable the slave to leave his service; and the slave thus losing the inducement to cheerful labour, loses his energy, and becomes less useful to his master, at the same time that he becomes less happy in his own condition. Such, of necessity, will be another consequence of any system of compulsory manumission, before a supply of free labour has been provided for the colonies. But the manner in which the system now proposed is to be carried into execution, affords objections on the part of the proprietors of equal magnitude. The value of the slave depending on his capacity and willingness to work; the price that any slave must pay for his emancipation, must vary with his character and powers. The active, zealous, and efficient labourer, must necessarily bear a value far exceeding that which belongs to his feebler, less healthy, and less energetic companion, and he must, consequently pay a larger price to indemnify his master for the loss of his services. But there can be no such distinction in his mind as to the value of emancipation, or his right to be made free, and thus the man who best deserves encouragement, whose services have been most productive to his master, and the public, is kept out of the enjoyment of that boon which is readily bestowed upon another, whose deserts bear no comparison with his own.

To establish such a system, is to bestow a premium upon carelessness and inattention, and to depreciate all those qualities that make a man a useful member of society. The active labourer is condemned to labour still,

because he has been useful hitherto—the sluggard is relieved, because he has been indolent and useless. To establish such a principle, must lead inevitably to discontent and aversion, and to the suppression of all exertion in the individual, and to the concealment and neglect of every useful qualification in others. The obvious interest of the slave, who finds that his good conduct and exertions, instead of procuring for him the great object he has in view, produces positive injury and loss, is to change his course of conduct, and to reduce his value, by becoming a less efficient labourer. Should the master have recourse to coercion, the evil would not be remedied, unless it can be shewn that the service of a discontented and dispirited man, of one who feels himself to be an ill requited servant, can be equivalent to the cheerful and zealous labour of a willing and contented spirit. It is true, the task may be performed, and it will be so, that the slave may have the means of working for his own emancipation; but it will be badly done, and all those qualities which enhanced his value, will be first concealed, and then forgotten, and he will gradually cease to be the meritorious individual that he was. But if the slave is likely to be led to the suppression of his intelligence and dexterity for this purpose, he will no less certainly be induced to abandon his former good conduct. His value to his master, and consequently, the price that he must pay for his emancipation, are increased by his freedom from debauchery and vice; but when he finds that the indulgence in such courses leads to the more speedy acquirement of his liberty, it must require more than human resolution and self-control, not to yield to temptations, so powerful in themselves, and so recommended by their immediate consequences. To your memorialists it appears, that the system now proposed is a direct encouragement to every species of idleness and vice. The example, too, will spread: when the person who used to be looked up to as an example, has become negligent and inert, it cannot be supposed that the others will be different.

But these are not the only sources of dissatisfaction founded in the mind of the slave, on feelings of injustice that will arise from this regulation. The value of the negro to his master does not depend alone upon the personal qualities of the individual. A negro settled on an estate, of which the soil is fertile, the buildings valuable, and the number of slaves barely sufficient for its cultivation, is of far more value to the owner than a slave of equal power, belonging to a plantation differently circumstanced. The value of the former may be twice as great as that of the latter, and to obtain his freedom, he must pay double the sum that it would cost the latter. Can it be supposed that this inequality can ever be made palatable, or even intelligible, to the slave; is he to be taxed (he will inquire) beyond his neighbour, because the circumstances of their masters happen to be different? Is the duration of his servitude to be longer than his companion's, because the soil of the estate on which he works is better, but the supply of negroes settled on it is smaller than that of the plantation to which his companion belongs? And can any thing but exasperation and ill will exist in the bosom of the disappointed but deserving slave, who is doomed to servitude till he has acquired twice the amount that was sufficient to give freedom to his equal. But other and familiar instances of the effects of an ill-regulated system of giving freedom to the slaves could easily be stated.

The price, for example, that the negro is to pay for his emancipation, is to be settled by the opinion the arbitrators may entertain as to his value to his master. Suppose the case (and which in fact has happened in Trinidad, where slaves may, by the law, purchase their freedom) that a slave shall have obtained a sum sufficient, according to his own conceptions, to enable him to buy his liberty; but that the arbitrators shall decide, that is not sufficient, and that he must return to his condition of servitude, until he shall have earned the price at which he has been valued. In what frame of mind must this individual return to his plantation? For years his mind has been engrossed by this single object, and he has persuaded himself that he was upon the point of having his



expectations realized, when all at once he is informed, that he must probably pass as many years to come in slavery, as he has already devoted to the accumulation of the money he has got, before his wishes can be gratified. The prospect must be nearly hopeless, and nothing but gloomy discontent can follow a disappointment so severe.

That, besides a systematic plan to repress dexterity, and all the other characteristics of a useful servant, the slave may even have recourse to bodily disablement, or reduce himself from a healthy, to an apparently unhealthy state, that the price put upon him may be brought down to a level with his means of purchase; and as such practices exist at present, merely from a desire to pass some time in idleness in the sick house, there can be little doubt that there would be a vast increase of such stratagems proportioned to the increased inducements.

That the negro will not be deterred from his plan of self-deterioration by the dread of rigorous treatment from his master, or the authority of the magistrate, because he well knows that at no very distant period he will have the means of procuring his freedom, and this reflection will actuate him until he has ultimately exhausted the patience of the proprietor.

That under the peculiar circumstances of West India cultivation, the master's property is necessarily much exposed, and liable to be stolen by his slaves.

That even at present it is calculated that the quantity stolen annually by the slave, amounts to a considerable per centage on the produce.

That Lord Bathurst, in his despatch of the 25th of February 1826, declares, that great evils would ensue if manumission were obtained by other means than those of individual and habitual industry; and, in alluding to the possibility of a slave's purchase money being improperly obtained, his Lordship observes, "for the sake of the community, that indiscriminate manumissions ought to be prevented; for undoubtedly, if the purchase money were obtained from any fund which may be formed for the liberation of slaves, there would be no test of previous habits of industry, of which there is presumptive evidence, where the money is procured by the honest earnings of the slave."

To obviate this defect his Lordship proposes, that a certificate of good conduct for five years should be in such case required of the protector of slaves, before the manumission should be completed. But the impossibility of the protector of slaves being acquainted with the character of each individual in a population of 70,000 slaves, so as to make his certificate of any value, is a sufficient objection to this proposition. For what reference to previous character can meet the artifices the slave may have recourse to, to depreciate his value. Many would consist in the suppression, and concealment of his skill and qualifications, and of course, defy detection; and as the fact became established among the slaves, that the price to be paid for his emancipation would be in proportion to the value of his services, he would feel that the more he deceives those around him, as to his real capability and value, the more easily would he procure his freedom.

That your memorialists beg leave to represent, that the injury to the proprietor will not be confined to the loss he may sustain from being deprived of the services of those slaves, who may procure their freedom; an injury far more serious would be sustained, from the effects produced upon those who would still remain on the estate, because they were unable to procure their emancipation; discontent and disappointment would subvert the discipline of the plantation, and make the cultivation of the property depend entirely upon coercion and restraint.

That your memorialists request your Majesty's attention to what the consequences of this system must be, when it begins to operate to any extent. No proprietor of estates in the West Indies will ever be disposed to maintain more slaves than the cultivation of his property requires. Suppose their emancipation to have proceeded to any considerable extent, the slaves remaining would be unable to carry on the cultivation of the estate, unless they should be tasked beyond their strength; so that either

the plantation must be neglected, and its owner ruined, or the exertions of the slave must be increased beyond endurance; for to supply their place by voluntary labourers has been shewn to be impossible.

That before, however, the progress of emancipation had reached this point, the price the slave must pay for purchasing his freedom would have been so much increased, as nearly to amount to a prohibition; for although the relative utility, and consequent value of the slaves who may be first emancipated, may be but small, yet, as manumissions multiply, and the number of effective labourers decrease, the importance to the master, and the corresponding value of those who continue on a property so circumstanced, will have become so great as hardly to be made the subject of compensation to the master; for the compensation to be adequate must be little less than the whole value of the estate itself.

That the removal of every slave who obtains his freedom, must increase the value of those who remain behind; if it increases it so much as to put it beyond the reach of those who continue, the object of the measure is defeated, while the slave is disgusted at being deprived of that emancipation which his more fortunate neighbour has procured. If it proceeds, and many slaves obtain emancipation, how can the cultivation of the colony be carried on, where labour is not to be procured for any compensation? compulsory emancipation, therefore, if it is to succeed, will be attended with the most injurious effects at once to the negro, and to the proprietor, unless it is accompanied by the means of procuring free labour from other sources.

That to shew that this view of the question is not unfounded, your memorialists beg permission to refer to that passage in the dispatch above referred to, in which it is stated, that "if in the process of time, it should be unfortunately found that the slaves thus manumitted, altogether abandon their owners, and refuse to work as free persons, the owners not having the means, by reason of the *Abolition Act*, to supply the loss of his slaves, and not being able to engage any free labourers for his sugar plantations, the price, which must then be assigned to the loss of each slave, must have a direct reference to that state in which the plantation will be placed by the progressive reduction of the means of cultivating it."

Your Majesty's government, therefore, feel that it is but an experiment doubtful in its result, and serious in its consequences. The chance of injury to the proprietors is admitted; but it is supposed to be provided for in case it should occur. But your memorialists submit that the remedy proposed in this dispatch will come too late, at all events it can be but partial, and it implies, if it is to be effectual, the absolute abandonment of the whole system. Your memorialists, therefore, submit that it is quite evident that the regulation proposed is altogether unfitted to the present condition of your Majesty's West India colonies.

That your memorialists beg leave to represent, that other effects, most prejudicial to their interests, and most unjust in their consequences, are necessarily attendant on this system of compulsory manumission.

That on most West India plantations, not more than one-third part of the slaves can be reckoned as efficient for field cultivation, considering the old and infirm, the infant and the helpless, all of whom are unserviceable, but whom the proprietor is by law compelled to support.

That the young and able, and those in the prime of life, and under the strongest influence of the passions, to whom all the temptations to idleness present themselves in full force, would lose no time in availing themselves of any opportunity to obtain their freedom.

That on the contrary, the old slaves on a plantation, in whom the ardent passions had subsided, knowing that they would soon come to be exempt from work, and entitled to that maintenance gratuitously from their masters, which, in a state of freedom, they would have to earn for themselves, would make no attempt to procure their own liberation, but would devote their earnings to the ransom of their children.

That this double operation of the young and efficient freeing themselves, or being freed by their aged connexions, and the aged and infirm

remaining to be supported by the proprietor, would at once increase the burdens of a plantation, and diminish its ability to bear them.

That your memorialists are not aware that any limitation is proposed to be put upon the powers of the negro population, to purchase the manumission of themselves, or of their families, and with that impression, they beg leave to represent to your Majesty what the effects would be of any systematic plan for procuring the freedom of female children. If such a course should be adopted, all prospect of continuing the labouring population of the colonies would be at an end, and the means of cultivation would expire with the present generation.

That your memorialist cannot conceal from themselves, that there exists among many persons in this country a strong desire for the extermination of slavery, without regard to its consequences on the property of their fellow subjects. The price of infant females would be comparatively small, and they cannot but entertain the most serious apprehensions, that under the influence of misguided zeal, this plan might be adopted to the most alarming extent, whether the means should be supplied from a fund raised in this country, or by the slaves themselves under the instigation of such persons.

That your memorialists beg leave further to represent, that nothing is so important to the well being of the slaves, or to the interest of the proprietors, as the introduction among the negroes of a higher sense of their moral and religious duties; that, above all things, the discouragement to prostitution of the female slaves, and elevating the ideas of the negroes in regard to the virtuous union of the sexes, is most to be inculcated; but if it was at the option of every slave to procure freedom for money without the acquiescence of their master, it is quite evident, that young females would be purchased for the purpose of prostitution, more especially near the towns, while it would be utterly impossible to detect the various stratagems by which the purposes intended would be concealed. That if this practice once obtained, and was found easy of execution, the female slaves would be taught, by a powerful incentive, to court illicit connection with the whites, in preference to marriage with men of their own class, and thus, besides the encouragement so directly held out to immorality, the children, proceeding from these connexions, would be left destitute in case of the absence or death of the father, and thrown upon the casual charity of the public.

That the check to such illicit connexions, which at present subsists in the dread of bringing into existence an offspring whose lot would be slavery, would be removed, and every barrier to this most general and most destructive immorality be done away with.

That your memorialists have embarked their capital in the colonies of Demerara and Berbice to a very large amount upon lands, buildings, machinery, and slaves, which cannot be removed, or converted to any other purpose, and must stand or fall with the prosperity and welfare of the colonies. They are prepared to prove, by unquestionable evidence, that owing to the dangers which are felt to impend over the colonies from the proceedings in this country, which have led to the serious diminution of the influence and controul of the masters over their slaves, property has been already decreased in value to a very considerable extent; and that the deterioration, to which they refer, has not arisen from mercantile distress is manifest, as there has not been a corresponding fall in the prices of produce. If the measures proposed are carried into effect, the feeling of insecurity on the part of the proprietors must be greatly increased, and it will become impossible to effect sales of property, or transfers of mortgages, on terms at all commensurate with the former value of the property, which must deeply affect the pecuniary interests of those who have made investments and advances in these colonies in implicit confidence that their property depended on the same law, and was as firmly secured to them as it had been previously in England.

That your memorialists, or their predecessors, having been induced to embark their capital in these colonies, upon the faith of British Acts of

Parliament, and decisions, in which slaves have been recognized as the absolute property of their owners, cannot but feel that their rights were guaranteed to them with all the solemnities of which the British Constitution was susceptible. And that it is neither just, or legal, to deprive them of the most important part of their property—of that, indeed, which alone gives value and importance to the rest, without the most complete and ample compensation given to them *before hand*—without being subject to the smallest risk and hazard. But it cannot be denied by the most sanguine, and is expressly admitted in the dispatch of your Majesty's Secretary of State, that the extent to which the claim for indemnity may go, cannot be foreseen, or provided for at present. That when money has been lent on mortgage, in these colonies, it has been on the assurance, that every slave upon the property was available to the lender as a security, and could not be removed without his sanction and concurrence. If they are now to be permitted to separate themselves from the estate, the condition upon which he advanced his capital is broken, and the security made precarious. That your memorialists have always understood that when land is made the subject of a mortgage in this country, the creditor has the security, not only of the land itself, but of the buildings, the timber, the improvements, in short, of every thing that grows, or forms a part of the estate. That no one can deprive him of the smallest article of his security, without his consent, be its value ever so insignificant—that it forms an indivisible security. If in England property cannot be interfered with, and dilapidated—if the timber on the estate is continued the inviolable security to the creditor in England—upon what principle of law, or equity, it may be asked, is the slave in Demerara to be removed from the estate?

When the legislature in this country sanctions interference with private property, for great public purposes (and it never does but for such purposes) adequate compensation is secured by every safeguard that human ingenuity can devise. An impartial jury, subject to challenge on the slightest suspicion of bias, is assisted by a judge, independent of the crown, and whose character solely rests upon the uprightness of his conduct; witnesses are examined, and testimony of every description that can assist in arriving at a fair measure of compensation, is admitted, counsel are employed to exert their learning and ingenuity, in bringing under the consideration of the jury whatever is entitled to weight. With all these pledges of fair compensation, legislative authority to touch private property is granted only after satisfactory proof that the result will be paramount public good. If such caution and guards are requisite in this country, where the nature and value of property is well understood, and where pecuniary considerations alone are in question, it will be admitted, that the caution and guards ought only to be bounded by the limits of human wisdom, where, to rights and property are added, the higher considerations of life and moral improvement.

Your memorialists, therefore, conclude that compulsory manumission of the slaves, which is thus destructive of the rights both of the proprietor and his creditor, is directly at variance with that fair and equitable consideration of the interests of private property, which by the resolutions of both Houses of Parliament, was made a *condition precedent* to the emancipation of the slaves, and is in direct violation of those statutes, upon the faith of which the parties embarked their capital.

That knowing the paternal goodness of your Majesty, your memorialists have relied on the broad and indefeasible justice of their case, without wishing to occupy too much of your Majesty's royal attention, in setting forth their claims as landed proprietors in colonies taken possession of by your Majesty's arms, under particular conditions and stipulations.

That your memorialists will also abstain from offering any observations on the *details* of compulsory manumission, and the manner in which the system is proposed to work. But they beg leave to assure your Majesty, that they have as weighty objections to state against the mode in which

it is proposed to execute this measure, as they have presumed to state to the measure itself.

That your memorialists having said so much with respect to the slaves themselves, and their own individual interest, request permission shortly to advert to the manner in which the system would affect the safety of the colonies, and the interests of Great Britain.

That supposing, for the sake of argument, the experiment to succeed to the fullest extent that its most sanguine promoters can desire, and that the slave population shall obtain the means of making compensation to their masters, and obtain their freedom to any considerable extent, in what manner is the cultivation of the colonies to be carried on?

Free labour, your memorialists undertake to prove, is not to be procured for any consideration, nor could be so, if every slave was free. The number of slaves at present is not greater than is required to cultivate the ground, but when that number is diminished by the operation of compulsory manumission, the consequences must be that the colonies will, to a great degree, cease to be cultivated and productive. If colonies are of importance to the mother country, it is from the commodities they produce adding to its trade, navigation, and commerce, and from the consumption of its manufactures by the population employed in raising those productions; but if the labourers required to cultivate the land shall be removed, it is obvious that their utility must cease, and they will remain a burthen and expence, instead of a benefit to the mother country.

That it will not be denied, that the tendency of the measure proposed, and the object it professes, is to emancipate all the negro population. And if the answer to this view of the question is, that it misconceives the mode in which the plan will work, and that free labour will be produced before the slave population is so diminished—your memorialists are ready to join issue on that fact, and can assert, without the chance of contradiction, that no individual, whose experience can entitle his opinion to the smallest attention, will be found to maintain that proposition. But if its operation is to be thus postponed, is it not plain the introduction of this measure will operate to raise delusive hopes in the minds of the negro population, which cannot be fulfilled, and the non-performance of which, must be attended with the most disastrous consequences.

That your memorialists presume to think, that the greatest misfortune which could befall the colonies, would be that the slaves should be impressed with an idea that their masters were averse to the improvement of their condition, or be taught to look up to any other authority than that which they have been accustomed to obey.

That since the recent agitation of this subject of emancipation, great excitement has prevailed among the slaves. Every one acquainted with the character of that race is well aware of their extreme susceptibility. To hold out expectations, therefore, to them, of obtaining their freedom, even as a matter of probability, and to inspire hopes which cannot be realized in any stated period, appears to be peculiarly unwise, unstatesmanlike, and dangerous; that the slaves themselves will form the sanguine expectations will hardly be denied, and if those expectations should be frustrated, either by the sums required being beyond their reach, or from the system itself being incapable of being executed, it is the firm belief of your memorialists, that the negro population would believe that they had been imposed on by an unworthy fallacy, or that their just expectations had been defeated by their masters from motives of self interest, and that the discontent which now prevails, would grow into rebellion, with all the horrors and atrocities that must accompany such an insurrection.

That if this view of the question shall be found to be correct, your memorialists most humbly submit that the measure proposed is no less incompatible with the welfare of the state, than with the well-being of the slaves, and the interests of private property.

That your memorialists, therefore, cannot but feel that this measure of compulsory manumission, so far from being in accordance with the reso-

lutions expressed by the two Houses of Parliament, is at variance with them in every part, and must necessarily defeat the objects which they were intended to advance. But before they conclude this lengthened representation, they beg once more to express, in the most solemn language, their sincere and anxious wish to improve the condition of their slaves at present, by every means within their power, and to concur in their gradual emancipation, as soon as it can be effected with justice, and with safety. They had flattered themselves that the sincerity of this declaration had been proved, by their concurrence with the Court of Policy in the adoption of every measure but the present, which had been submitted to its consideration by your Majesty's Government.

That of all that has been proposed, they have alone objected to the measure of compulsory manumission; and to this are opposed, because they have always thought, and had supposed that your Majesty's government had concurred with them, that the time had not yet come when freedom could with benefit or safety be granted to the negroes; but that the progressive amelioration of their condition, the diffusion of education and moral instruction, the better appreciation of the blessings of a pure religion, and a gradual revolution in manners and opinions, should be allowed to exercise their salutary influence, until slavery was insensibly softened into freedom. That it appeared to them that compulsory manumission proceeds in express contradiction to this principle. It teaches the slave that the sooner he demands his freedom, the easier it will be to him to procure it. It discourages the idea of delaying till the morals be improved by instruction, or the manners softened by civilization, and urges him to rush forward by the most expeditious but most pernicious course, by teaching him that those only who delay, incur the danger of failing in their object.

That any measure thus working on the predominant passions of men, awaking in them feelings of distrust and envy, prompting each to take advantage of his fellow, and forestalling universally, the fruits of civilization, must be utterly incompatible with the well-being of the slave, and consequently at variance with the resolution of both Houses of Parliament.

That your memorialists do not presume to intrude their opinion upon the wisdom of your Majesty's Councils, but having naturally bestowed the greatest attention upon a subject so deeply affecting their property, they may be permitted to state, that it has always occurred to them that if the object be to preserve the colonies to your Majesty's Crown, and at the same time to establish a state of *civilized black society*, the only means by which that can be accomplished is to afford the negroes a motive for regular and steady industry; that this stimulus can only be given by imbuing the negroes with a desire for the conveniences, and refinements of civilized life; and convincing them that they cannot, in a state of freedom, satisfy their wants without exertion; but that, like the labouring classes in Europe, they must work to procure them. That upon these grounds the object of the government should be to raise the slave in the scale of civilized beings, to increase his own self-esteem by gradual means, to create new wants, for the gratification of which he will consent to labour; to enlarge his sense of moral and religious duties, and to call forth the energies of his character for the purpose of improving his condition.

That if those preliminary but essential and indispensable steps were taken, the violent expedient of compulsory manumission would be superseded, and the humane and intelligent among your Majesty's subjects, would have the gratification of perceiving, that each succeeding year led the slaves nearer to that state of civilization, which would fit them for a participation in civil rights and privileges.

That if a long period of time must still elapse before the general enfranchisement can be accomplished, it must not be forgotten for how many ages slavery has formed a part of our colonial system; that it pervades and influences every relation of social life in the West Indies; that the very subsistence of many of your Majesty's subjects at present entirely

depends upon it; that the slaves themselves are unfitted to receive the character of freemen; that hitherto no legislator has ventured to reform it, and that to proceed rashly, may not only be attended with incalculable mischief, but may defeat the end itself; and that it is by cautious and well considered legislation alone, that such a system can be reformed.

That on all these grounds, every consideration which ought to sway the councils of your Majesty, policy, justice, regard to the sacred rights of individuals, rise in appeal against the proposition, for issuing an order giving freedom to the slaves, without the concurrence of their masters.

That your memorialists have observed, with the utmost alarm, the statement in the dispatch of your Majesty's Secretary of State, that from the final accomplishment of this measure, the country will not be diverted. But your memorialists conceive, that however loudly some enthusiastic individuals, imperfectly informed upon the subject, may contend for immediate emancipation, the moderate and well informed part of the community are aware of the difficulties that attend it, and feel that a long period must elapse before the rights and privileges of the free citizen can be extended to the slave. That were a full investigation into their personal condition set a foot, it would be demonstrated that they enjoy more comfort and happiness than any black society have ever done, and that then the spirit of hostility to the West India proprietors, now entertained by many humane individuals, from ignorance of the facts, would vanish. No inconsiderable change has already taken place in the public opinion upon this subject, and when it shall be fully known how completely the question of emancipation depends upon that of free labour, and the consequences of granting freedom to the negroes in their present condition shall be fully understood in all its bearings, your memorialists are persuaded, that the opinion of the country will be as strongly expressed against this measure, as it is asserted by that dispatch to be now declared in its favour.

That your memorialists are aware they possess no power, and still less have they any inclination, to resist your Majesty's determination; but conscious of their loyalty to your Majesty's person and government, they throw themselves with unbounded confidence upon your justice for protection; they have already suffered greatly in their property, and their injuries are increasing every day, and they are confident that your Majesty will agree that they are entitled to the same protection for their property in the colonies, which is so amply secured to every individual in Great Britain, and therefore they feel satisfied that your Majesty will not sanction this system with your royal approbation.

*Prayer*—Your memorialists therefore humbly pray that your Majesty will be graciously pleased to permit them to be heard before your Majesty in Council, and to produce witnesses in support of the premises hereinbefore set forth; and that your Majesty will be further graciously pleased to direct that no order in council may issue allowing the slaves in Demerara to purchase their freedom, without the concurrence of their masters; and to direct that an order recently passed by the newly constituted council in Berbice, for the purpose of enabling slaves so to do in the last mentioned colony, may be rescinded; or that your Majesty would be pleased to give such direction or order for the relief of your memorialists in the premises, as to your Majesty in Council shall seem just.

And your memorialists, as in duty bound, will ever pray, &c.

(Signed) J. BLAIR.  
WM. KING.  
JOHN INNES.  
CHARLES M'GAREL.  
ANDREW COLVILLE.  
PH. M. LUCAS.

} The Committee appointed at a Meeting  
of Proprietors and Mortgagees of  
Estates in the Colonies of Demerara  
and Berbice, held in London, the  
13th day of November 1826.

## No. 5.

*Extract of a Despatch from the Lieut. Governor of Berbice to Viscount Goderich, dated 21st July 1827.*

“ I HAVE the honour to transmit to your Lordship a letter addressed to me on the 1st of the present month, by Mr. David Power, His Majesty’s Protector of Slaves in Berbice, accompanied by the Fiscal’s Report on the result of complaints made by slaves, which were referred to him by the Protector for judicial investigation. Also a correct copy of Protector’s Complaint Book, from the 1st April to the 30th June last, together with correct extracts from the Records of his office of all that has taken place relative to the manumission of slaves; marriages of slaves; the number and amount of deposits made by slaves in the Savings Bank; list of slaves in legal progress of manumission; and list of slaves to whom licences for marriage have been granted.”

(Signed)

H. BEARD.

SIR,

*Protector’s Office, Berbice 1st July 1827.*

I HAVE the honour to forward to you a correct copy of my Complaint Book from 1st April till the 30th June 1827, accompanied by correct extracts from my office, of all that has taken place relative to the manumission and marriages of slaves, and of the number and amount of the deposits made in the Savings Bank under my superintendance.

My office has now assumed so quiet and progressive a character, that it is with great pleasure I have to state to your Excellency, that there is not one branch of it on which it is necessary for me to trouble you with any comment. I cannot, however, help observing, that notwithstanding a return made to His Majesty’s Government at home, that the usage of this Colony was decidedly averse to the separation of slave families by private slaves, yet two cases of that nature have occurred within the last quarter.

As your Excellency originated the inquiry of the circumstances which attended the sale of Lieutenant Colonel Nixon’s slaves, I have only to add that as soon as it appeared from that examination, that the woman Peggy was diseased and wholly incapable of any work, I immediately put an end to the proposed manumission, unless Lieutenant Colonel Nixon was prepared to provide some reasonable fund for her future support; that proposition, however, he refused to comply with.

The negro Nicholson, lately the property of Mr. F. White, also stated to me that he had been sold without his wife and child, who became the property of a resident in the remotest part of the Canje district.

Annexed is also the report of his Honour the Fiscal as to the prosecutions instituted by me under the slave ameliorating ordinance.

I have, &c.

(Signed)

DAVID POWER, Protector of Slaves.

*His Excellency Lieut. Governor Beard,*

&c.

&c.

&c.

*Report of the Fiscal on the result of Complaints of Slaves made to His Majesty’s Protector of Slaves, and referred to him for judicial investigation, from 6th January to 25th June, 1827.*

2d January, 1827.—The complaint of the negress, Nancy Scott, against J. E. Earl, for forcibly entering her house on the evening of the 26th December, and for causing a disturbance and riot, during which part of her property was destroyed



and stolen, was inquired into before the Honourable Commissaries of the Court of Criminal Justice. On investigation it appeared, that Mr. Earl had caused a riot and disturbance in complainant's house, during which part of her property was destroyed and lost. He was indicted before the Court of Criminal Justice for breach of peace. In consequence of these proceedings J. E. Earl was imprisoned. After two days close confinement, he presented to His Excellency the Governor a petition, praying to be received in submission, which was acceded to, and he was released.

*24th January.*—The complaint of the negress Present, against R. Collier, and his housekeeper, Eliza Inglis, for ill-treatment, was inquired into before the Honourable Commissaries of the Court of Criminal Justice. The accused were prosecuted before the Court of Criminal Justice. After suffering imprisonment for nine days, they were released, on presenting a petition of submission to His Excellency the Governor.

*2d February.*—The complaint of the negro slave Brandy, against his master, J. H. Rawlins, for infringement of the slave ameliorating code of 25th September last, was inquired into. The action was brought against the said J. H. Rawlins, for the recovery of the fines thus incurred by the breach of the law, and the Court of Civil Justice awarded against him the three several fines prescribed by the 12th and 13th articles of the said code. Execution has been since levied, and part of his property surrendered to pay the said penalties and costs incurred.

*20th March.*—The complaint of the negress Kate, against her mistress, Mary Richards, for taking ten joes out of her trunk during her absence from town, was inquired into by the Fiscal. On investigation the complainant could not prove the money having been taken out of her trunk, nor that she at any time did possess that sum of money. The Fiscal having no grounds to support against the free woman, Mary Richards, dismissed the complaint.

*9th April.*—The complaint of Davie, belonging to plantation Herstelling, against the manager, R. Kennedy, of that estate, for giving him a stripe with a horsewhip, was inquired into. The manager did not deny the charge. At the recommendation of His Majesty's Protector of Slaves, the penalty against R. Kennedy was compromised.

*24th April.*—The complaint of the negro Klaas, against W. Janzen, his proprietor, for not paying him for labour performed by him on Sundays, and not supplying him with clothing, was inquired into. It appeared, by confession of the proprietor, that he had employed this slave for two Sundays on a promise of payment, which was not made, arising from the difficulty of procuring small money. The Fiscal insisted on the slave being forthwith paid, which was done; and it having been made to appear that Mr. Janzen's slaves (with the exception of the man Klaas, lately purchased by him,) had been furnished with clothing, the Fiscal directed that he also should be supplied with necessary clothing without delay.

*14th May.*—On the complaint of the negress Kate, belonging to Mary Richards, stating that urine had been thrown on her by her mistress, the said Mary Richards was heard. She peremptorily denied the charge in presence of said slave. The negress Betsy Green, whom Kate represented to have been present when her mistress threw urine on her, was also examined. Betsy denied any knowledge of Kate having been used in the manner stated, or of having made use of certain expressions imputed to her, but stated that she had been informed by Kate, that her mistress, Mary Richards, had thrown some urine on her a few mornings ago. There being no evidence to support the charge, the complaint was dismissed.

*15th June.*—The complaint of the negroes Dunn and Watt, belonging to

plantation Smithson's Place, against their manager, A. M'Donald, for inflicting severe punishment on them, was inquired into before the Honourable Commissaries of the Court of Criminal Justice. From the evidence of several negroes, and the overseer of the estate, it did not appear that the slaves had been punished beyond the limit of the law, and that the punishment was inflicted on them for disobeying the manager's order to go up the creek to cut fire-wood. There being no evidence to convict A. M'Donald of severity, the complaint was dismissed.

*18th June.*—The complaint of the boy Johnson, belonging to Mary Katz, and employed by P. J. P. Sherburne, for being confined for some days in a chain and weight attached to his ancle, and in which he was confined night and day, is under investigation of the Honourable Commissaries of the Court of Criminal Justice, and will be prosecuted before the Criminal Court at its ensuing session in July next.

*25th June.*—The complaint against Mary Hannah, free coloured woman, for giving a pass to the mulatto boy Henry Cummins, belonging to Commissary Fraser, whereby the said boy was induced to abscond, and was taken up in the neighbouring colony, Demerara, is under investigation.

(Signed) M. S. BENNETT, Fiscal of the Colony.

*Berbice, 30th June 1827.*

*Complaint No. 1.—Protector's Office, Berbice, 4th of April 1827.*

Complaint of the negro Swift, belonging to plantation Herstelling, the property of the heirs of Paul Benfield, deceased:—

I am a sawyer, carpenter, fireman, and field negro. Mr. Kennedy, the manager, punishes me severely. When I was sawing yesterday, he got behind me with a cartwhip, and flogged me himself, only because we are accustomed to saw our own way, and upon his plan we cannot do it (it makes no difference whatsoever in the sawing, only the holding of the same). I would have gone to Mr. Mittelholzer to complain, but the man Christmas, instead of getting satisfaction was flogged and put in the stocks. Davy, Quaco, Tom, and Daniel, are my witnesses.

Mr. Kennedy was summoned, as also the four witnesses.

*Complaint No. 2.—5th April 1827.*

Complaint of the negro Davy, belonging to plantation Welgelegen, worked on plantation Herstelling, the properties of the heirs of Paul Benfield, deceased:—

It is now about four weeks that I have been working at Herstelling, and been employed sawing wood. Mr. M'Kenzie, the carpenter, finds fault with the way I hold the saw. He says if I do not hold it otherwise he will punish me. I told him it does not matter how I hold the saw, so I am doing the work required of me. Mr. M'Kenzie before yesterday called Mr. Kennedy to get me punished, when he himself came with a whip (now produced), and flogged me himself with the same. At night I said nothing, but went home. Yesterday I went to work, but was sawing my usual way, when Mr. M'Kenzie commenced beating and kicked me with his foot; he pushed me against the saw.

*9th April 1827.*—Mr. Kennedy having attended, according to summons, as also the witnesses on behalf of the complainant Swift, requested that they might first be examined when he would make his reply to the foregoing two complaints.

The negroes Quaco, Tom, and Wallace, stated unanimously that the negro

Swift had not been beaten or flogged by Mr. Kennedy, and if he had made any such complaint, that it could be nothing but an infamous falsehood. In the mean time they could not help saying that the complaint of Davy was perfectly correct. That he received two or three lashes from Mr. Kennedy with the whip, to which Wallace in particular was an eye-witness.

Mr. Kennedy, the manager, in reply to the above complaint, begged leave to observe to the Protector of Slaves, that the negro Swift was one of the most suspicious characters on plantation Herstelling, and that his complaint was totally false; that he had only reprimanded him for his carelessness in performing his work, but had not the least intention of flogging or even touching said complainant. As a proof of his being a notorious bad character on the estate; he exhibited his Journal, and the following was recorded under date May 1824:—

“The negro Swift being extremely impudent, and attempting to cut his throat, the Berger Officer was called, who laid the whole before the Fiscal, who came to the estate and investigated the matter. His sentence was, to be wrought in a chain and block for three months, and to be confined in the stocks every night for the space of one month; and was flogged by His Honour the Fiscal.”

He further requested that said negro Swift might be punished for having stated such a falsehood, leaving his work for said purpose, and coming down such a distance from town to lodge the complaint.

That he was sorry to state that the complaint of Davy was so far correct, that being irritated by the obstinate behaviour of the complainant, he took the whip and gave him while at work two or three lashes with the same, but hoped as he acted on the irritation of the moment, and without any design, the fine might be mitigated or lessened, so far as the favourable consideration of the Protector would permit.

*Result.*—The Protector having considered the complaint of Swift, as also the evidences collected at his own request, was of opinion that the said Swift had told a gross falsehood against the manager; and that it appeared from the extract of the Plantation Journal, that said negro bore a bad and mischievous character, condemned the said complainant to receive twenty-five lashes in the market place by the public executioner; admonishing him to behave better in future towards his superiors.

He then addressed the manager Mr. Kennedy about Davy's case, stating that it was not in his power to conceal an offence so fully proved against him, but that his official capacity demanded that he should refer the same to His Honor the Fiscal for the recovery of such fine or fines as are affixed by the new slave code in such a case, assuring him at the same time, that he would also lay before His Honour, the candid manner in which Mr. Kennedy came forward and acknowledged his offence.

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*Complaint No. 3.—6th April 1827.*

Complaint of the negroes Scipio, Robert, Koeja, and Ulysses, belonging to Plantation Rosehall, the property of William Alves.

Scipio states:—On Tuesday the manager, Mr. Williams, made me carry canes the whole day, without giving me the two hours intermission. At night he put me at the mill, where I worked from twelve o'clock (midnight) till next morning. I worked the whole of that day, and he said as I had not carried canes enough the day before, I should be, for punishment, at the mill again that night. I refused, and was therefore confined in the stocks during the night; and yesterday morning received twenty-nine lashes. I afterwards went in the field, and finished my day's work.

Robert states exactly the same as Scipio.

Koeja also corroborated former statement, only that he did not receive twenty-nine lashes, on account of the whip having broken when in the act of flogging him.

Ulysses corroborated the whole of the above statements. They were all flogged by Jacob the driver.

9th April 1827.—Mr. Williams, the manager, having attended, according to summons, stated:—

That the people of plantation Rosehall have a task of three rows of canes to cut, which if they finish they can go home, which is the reason of their not getting the two hours intermission.

On Wednesday Scipio with four others were employed carrying canes to the mill, but were so indolent that I found it necessary to reprimand and admonish them, but without effect: they were in consequence ordered the next day to be put to the same work by way of punishment, but this they positively refused. I reminded them that the same work was performed on other estates by four hands, but they still refused; in consequence, the next day one of them feigned sickness, but the other four were punished; three of them received twenty-five lashes, and the other twelve.

On the day of the complaint, instead of the regular quantum of three hogs-heads of sugar having been made, there was only *one*. There has been for some time past no instance of punishment for work on the estate.

The driver Jacob was then examined as to the number of lashes he inflicted on them; he stated he did not reckon the exact number, but that the negro Koeja did not receive as many as the others.

Mr. Williams then stated, that it was a branch of the overseer's duty to be present at the infliction of all punishments on the estate, and that he would no doubt be ready to state the number, and verify the same by solemn affidavit.

The Protector then directed Mr. Williams to send in to his office the next day a certificate from said overseer, stating the exact number of lashes the negroes respectively received.

10th April 1827.—The following certificate was sent in to the Protector's office:

“ *Berbice 10th April 1827.*

“ This is to certify that I was present, and took account of the number of stripes inflicted on the following negroes, *viz.* Scipio 25 stripes, Robert 25 do. Ulysses 25 do. Cudjoe 12 do.”

*Plantation Rosehall.*

(Signed) WM. GUNN, Overseer.

*Result.*—The Protector, taking in consideration the statement of Mr. Williams, the manager, as also the certificate of Wm. Gunn, the overseer, is of opinion that the complainants have made a frivolous and ungrounded complaint, firstly, by stating that they received 29 lashes, where the overseer certifies that three of them received 25, and the other only 12 stripes; so that the number prescribed by law had not been infringed. He admonished them severely for disobedience of orders, and ordered the manager to confine them on next Easter Sunday two hours in the stocks, and on Easter Monday to perform their work as on other days.

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*Complaint No. 4.—9th April 1827.*

Betsy, belonging to Captain La Rose, states:—John William, belonging to Mr. Bine, was intoxicated, and met me on the road at eleven o'clock. He asked me for whom I was pregnant, I told him it was not his business, he began to beat me, and kicked me under the belly.

Harriet, belonging to the free black woman Santje, states:—I was going to my work at 1 o'clock, when I saw John William beating Betsy. I went up to them and parted them. I told John William not to beat the girl.

John William states, the girl Betsy was my wife. When I asked her for whom she was pregnant, she told me to kiss her a——e. In consequence I gave her three slaps, but did not kick her.

*Result.*—The Protector, knowing John William to be a bad character, and the impropriety of his striking the girl Betsy, ordered that he should be confined in the dark room during the Easter holidays.

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*Complaint No. 5.—9th April 1827.*

Ben, belonging to Mr. Charles Rich, but hired to the Town Commissary:—  
This morning Mr. Warren gave me orders to catch all kind of cattle straying on the roads in town. I caught a calf belonging to Dr. Beresford. Mr. Thorn, his clerk, ran out to me and beat me, saying that I had no business to catch the calf. The people on the road were laughing at me. Mr. Kewley passed by, and asked whose calf it was, I said Dr. Beresford's.

20th April.—Mr. Thorn, having been summoned, appeared, and on an acknowledgment of his ignorance of the situation held by the negro, and having confessed he was wrong, Mr. Warrant, the Town Commissary, at the recommendation of the Protector, declared himself satisfied, having been assured that the negro should always be protected in his situation against any legal interference. The negro Ben also expressed himself satisfied with Mr. Warren's acknowledgment.

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*Complaint No. 6.—20th April 1827.*

Zondag states:—I get my allowance from the Fort, one pound of bread a day. Mr. John Blank engaged it from me, to pay me for the same, namely, five stivers a day. He began before Christmas taking the same, so that he will now owe me eleven guilders, besides trifling articles I took from time to time in payment.

*Result.*—Mr. John Blank was written to about the above claim Zondag held against him, and recommended that he would settle without delay.

Zondag called the day after, and stated that John Blank had settled with him to his satisfaction, thanking the Protector for his interference.

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*Complaint No. 7.—20th April 1827.*

Anthony, belonging to plantation Eliza and Mary, the property of Messrs. Nathaniel Winter and Co. states:—Yesterday after we turned out I was put to mix mortar for the masons. A girl gave me a pipe to hold. The manager seeing me with the pipe took it and broke it, and ordered me to be put in the stocks till next morning, when I was flogged. The name of the girl is Susannah; Damon was standing by when I was flogged. There was neither tobacco nor fire in the pipe.

Mr. Ross, the Attorney, a few days after, called on the Protector, and requested that, in order to save expenses, the parties should not be summoned down to town, it being a distance of fifty miles. The Protector referred the Complaint therefore to the Magistrate in that district for investigation, reserving the decision thereon to himself. It was proved most satisfactorily, that the complainant had violated a positive order, in smoking within a prescribed part of the estate adjacent to the buildings, and as accidents from fire were too common, the Protector ordered the negro to receive 35 lashes in the presence of the gang.

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*Complaint No. 8.—24th April 1827.*

Chapon, belonging to plantation Lochabar, the property of Messrs. D. C. and I. Cameron, states:—Mr. Cameron sent allowance of clothes on the Estate,

which the manager was distributing. I went for my share, he drove me away. I some time after went again, and he gave me a slap, and put me in the stocks during the holidays. When the holidays were over he gave me twenty-five lashes. From that time till last night, he put me in the sick-house. I got away and come to complain.

25th April.—G. P. Turnbull, the manager of plantation Lochabar, having been summoned, attended, and stated:—on Sunday before last I was delivering a few articles of clothing from the plantation store. The negro Chapon came and demanded a pair of trowsers to which he had no right, because he received his allowance before. He came quite close to me, and I pushed him away. He went a few paces, and demanded in an insolent tone whether he should go. I told him certainly. He said something about my frequently punishing him since I was on the estate, but that I should remember for refusing him a pair of trowsers. He again proceeded a few paces, when he turned round, shook his fist at me, and again desired me to remember it. I had him confined in the stocks, where he remained during the holidays, after which I gave him twenty-five lashes. I would have flogged him the next day, but it would have given much dissatisfaction to the whole gang to flog on a holiday.

Harry, a carpenter, says, Mr. Turnbull was giving out clothes to the better negroes on the estate, and corroborates what the manager said about Chapon's insolence.

The Protector then addressed Mr. G. P. Turnbull, the manager, and observed, that he could not approve of his having punished the negro as he did, as it might be considered as being two punishments for one offence; but as he had stated that it was on account of the holidays that the negro was not immediately punished, the Protector requested that he would, if possible, bring forth some evidence to support the facts. Mr. Turnbull said, that as the overseer had been present, he would request of him to state what he had seen. As *per* letter annexed:

“SIR,

28th April 1827.

“I WAS present on Sunday the 22d instant, when the negro Chapon came up to the manager, who was standing at the plantation store door, and in an insulting and insolent manner demanded a pair of trowsers. The manager desired him to go away, that he had no trowsers for him. He went a little distance, when he turned round, and haughtily said, ‘must I go;’ and repeated the same several times; being answered in the affirmative, he shook his fist at the manager, and said he had been punished too much on the plantation, but that he, the manager, should remember this. He then proceeded through the yard, in which were a number of the estate's gang, turning at intervals towards the manager, desiring him to remember making use of insulting and offensive gestures and language. The manager caused him to be laid hold of, and placed in confinement.

I have, &c.

(Signed)

WILLIAM NASH.”

“To D. Power, Esq.”

*Result.*—The case of the manager was dismissed, and the complainant cautioned against a repetition of the offence.

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*Complaint No. 9.—24th April 1827.*

Nicholas, belonging to plantation Highbury, the property of Messrs. Davidsons, Barkly, and Co. states:—I went to Mr. Ross, the manager, to say that I was sick. He sent me in the hospital. Dr. Byass came on the estate and said I was not sick. Mr. Ross ordered me to the field. I said I was not able. I was therefore put in the stocks from 6 to 11 o'clock. He said I should go to the field at 1 o'clock. I said I was not able. He threatened to confine me again. I therefore asked for a pass to come and complain.

*Result.*—The Protector referred the above complaint to the local Magistrate, admonishing the negro for coming such a distance to complain, when there was a Magistrate residing the next estate from where he came.

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*Complaint No. 10.—24th April 1827.*

Klaas, belonging to plantation Goedland, the property of W. Jansen, states :—From the time my master bought me, I have always tried to please him as much as possible. About two months ago master came in the bush where we were working, and asked us to haul out some wood on our Sunday. He promised us a guilder a day each, which we never got. We never get any allowance of clothes.

The Protector having referred to the complaint of the negro Joe, belonging to the same proprietor, found the complaint to be of the same nature and time, to which Mr. Jansen at that time had made his reply to his (the Protector's) satisfaction. He therefore dismissed the complaint, but as to the getting no regular allowance of clothing, the Protector referred that part of the complaint to his Honour the Fiscal for investigation, as it did not belong to his Province.

Complaint of Joe, dated 23d January 1827.

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*Complaint No. 11.—26th April 1827.*

Lieutenant Colonel J. L. Nixon, states :—This morning it was reported to me that a man, the property of J. A. Edwards, had been detected in the act of milking one of my cows, and that the same fellow had been harboured all last night, in the bed of Samuel Christmas, my slave. I called Samuel Christmas, and asked how he dared to harbour such a person, after I had given him such particular instructions the evening before not to allow strange negroes to be in my yard, as I had frequently observed several bad characters associating with him. I observed at the same time, that as he was so horrid a character himself, that there was no keeping any thing between him and his associates that came in their way. Samuel Christmas admitted that he had found a man in his bed, whom he afterwards found to be Robert. On a question put to Robert by Colonel Nixon, he admitted to have been flogged under the gallows.

Samuel Christmas, stated :—that he found Robert in his bed, and ordered him out, but he refused to go.

Klaas, the Cook, says :—that he is confident that it was Robert who milked the cow, that the calabash which contained the milk, belonged to Robert, that he, Robert, blames Samuel, but that is only to clear himself.

Nelson, states :—I have a wife from plantation Vryneid, who came to sleep with me last night ; this morning at gun fire I told her to go home. When she went out she called me, and said some one was milking master's cow. I got up and saw Robert run away, having left a calabash behind him, where the milk was in. Samuel Christmas and Robert are particular friends.

Johanna, belonging to plantation Vryneid, the wife of Nelson, states :—that having slept the night before with her man, when she came out in the morning soon, to go home, she saw Robert in the act of milking the cow, as soon as he perceived her, he put down the milk, and got away from the cow : when passing Johanna, he had her a good morning ; positively says that she saw Robert milking the cow, which made her call Nelson.

Robert was then called and asked what he had to say for himself? He replied, the night before last, I met Samuel on the road, who asked me why I did not call to see him. I said I was working at the fort, but as soon as I would be at leisure I would call and see him. Last night I went to pay him a visit, he offered me boiled plantains to eat. Afterwards he was going to fetch home Colonel Nixon, and asked me if I would ride up with him ; I said, no ; he then said that while I was acquainted in the place I was welcome to his bed.

So I remained to sleep. In the morning I saw Sam get up with a calabash and a bottle. I did not milk the cow.

*Result.*—The Protector having heard the evidences, is of opinion that the negro Robert is guilty of the charge, and that the negro Samuel Christmas is equally as bad as Robert, for having harboured him during the night, against the positive instructions he received from his master, and knowing that Robert was a degraded character. They were therefore sentenced to receive thirty-five lashes each by the public executioner.

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*Complaint No. 12.—30th April 1827.*

Secundo, attached to plantation Dankbaarheid, belonging to Messrs. Krieger and Prass, states:—Friday past we were put to weed grass, three men to two beds; my two comrades commenced one bed and I the other. About 7 o'clock the manager, Mr. L. Hintzen, came to the field, and as I was working, the handle of my hoe broke. Mr. Hintzen got vexed, and said I would not finish my task as the handle had broke. I finished my task complete: but still at night I was confined in the stocks, and next morning I was flogged. We are much ill-treated on the estate. Last week a woman named Anna was put in the stocks, hands and feet, from 11 o'clock in the forenoon, till 8 at night; she was entirely lame when released. We begged the manager to allow her to go to the negro-houses that night, in order that we might assist her with the needful, but he refused it, and confined her in hospital. Louis is her man on the estate. La Rose is a witness on my behalf.

The manager L. Hintzen, Complainant, Anna Louis, and La Rose, were summoned to attend on the 3d instant.

*May 3d 1827.*—The complaint of the negro Secundo regarding the woman Anna having been read to her, she was ordered to explain the case circumstantially.

Anna states:—On Friday before last I got a splinter in my foot, which swelled up and hindered me much in walking. It was cut open. Next day the overseer gave me a dose of physic, which I took, and was locked up in the hospital. At eleven o'clock I was thirsty. When the overseer was passing the hospital, I asked him for some water to drink, which he refused to give me. The sick nurse at one o'clock came, and gave me something to eat, but nothing to drink. I said it was very hard for me to be locked up in the hospital without getting a drink of water. The overseer said I had been saucy, and would put me in the dark house; I said, I would not go. He then kicked me, and called two boys to put me in the stocks, hands and feet. I remained there till eight at night.

Louis, the man of Anna, says, that he found her in the stocks when he came from his work, and that she was not relieved till eight o'clock. When the above happened the manager was not on the estate.

J. W. Obermuller, the overseer, having also attended, stated as follows:—

On Friday the doctor ordered that Anna should keep her feet in warm water, because she had a splinter in it; she refused to do it. The doctor ordered that her foot should be rubbed with camphor, which she also refused, so I put her in the hospital. Saturday morning I gave her a dose of salts, and locked the hospital again. At eleven o'clock I came home from the field; she asked me for water; I said there was nobody at present, but that she should get it as soon as the sick nurse came home. At one o'clock the sick nurse brought her victuals. I told her to give her some water to drink. She made such a terrible noise that I was obliged to tell her to be quiet. She asked me what for, and said I was a boy, not fit to mind fowls, much less negroes. I told her that if she would not be quiet I should take other steps. She then abused me shamefully. I ordered the sick nurse to put her in the black-hole. She would not go; so I called another negro to assist in bringing her there. When she got in the black-hole she cursed me more than before; so I ordered the carpenter to repair the stocks which was broke, and I put her afterwards in, hands and feet, from half past one till half past five o'clock, in the gallery of the hospital.

The Protector said, he could not give any decision on the subject, but would



refer the complaint to Mr. G. M'Andrew, the civil magistrate of that district, for investigation on the spot.

And as to the original complaint of Secundo against the manager, Mr. Hintzen, he replied, that Secundo had not finished half of his task, which to this day can be seen on the estate; therefore he was put in the hospital at night, and received 12 lashes next morning. It was not only for the work, but more for the unsatisfactory looks, grumbling, and stubborn conduct of the complainant.

The overseer corroborated the manager's statement; and, as for the negro, La Roze, who was summoned as an evidence in support of Secundo's complaint, he declared to know nothing of the case.

He was therefore ordered to be taken on the estate, to be confined that night in the stocks, and next day, being Sunday, to be confined in the public stocks for three hours.

The complaint against the overseer having been referred to G. M'Andrew, as above stated, was duly investigated on the estate by him; but as the Protector could not, from the report of said magistrate, find sufficient proof to convict him of the alleged offence, he thought proper to address him in the following manner, under date 24 May, 1827:

SIR,

ALTHOUGH I feel, from a perusal of the report of the civil magistrate, that there is not legal evidence sufficient to induce me to commence a prosecution, yet I must not conceal from you that there is a strong presumption of the female slave, Anna, being severely treated. She had, on your own admission, taken medicine that morning. She was confined by your orders in the hospital room. When, therefore, under such circumstances, she called for water, that want ought to have been immediately supplied. Common humanity, independent of your duty to the proprietor, whose property she is, should have dictated to you such a duty. As you are a young man, I beg to impress upon you the necessity of guarding against such a near approach to a violation of the law.

I have, &c.

(Signed)

D. POWER, His Majesty's Protector of Slaves.

*Complaint No. 13.—1st May 1827.*

Complaint of the negroes, Ambrosius, Quami, Amsterdam, Isaac, Cuffey, Nelson, Jan Louis, Hendrik, Frans, Bayman, Boy, Cadet, Frank, and Fortuin, all belonging to L. F. Gallez's wood-cutting establishment.

Mr. Gallez came up in Canje last week, and was not satisfied with the work we had done during his absence, and ordered that we should get no rum for three months. We did not get our Easter holidays yet. When our weekly allowance was shared out, the day before yesterday, we asked the manager when we should get them; he said he would ask Mr. Gallez, who said we were beneath his notice. We never get our two hours intermission, and are obliged to work from six in the morning till six in the evening. Mr. Gallez has destroyed one of our corials.

The complainants, on account of the distance they came from, were sent back to their work, and promised that their complaint would be looked into.

*Letter of G. Schwartz, Mr. Gallez's town Agent.*

SIR,

*Berbice, 2d May 1827.*

I AM sorry to find that some of Mr. Gallez's negroes have found their way to your office with complaints against him, namely, that they have not had their Easter Holidays, as prescribed by law.

I beg leave to acquaint you, that Mr. Gallez only postponed their holidays on account of having continually from five to six punts, and in each punt five negroes, transporting timber to the saw mill establishment, in consequence of which, he would not allow them their holidays until all his people were together.

Previous to Mr. Gallez's leaving town, he requested me to send by the first punt two puncheons of rum, and two barrels of pork, saying, that as soon as he reached home, he would give them their holidays, and that there are plenty salt fish, pipes and tobacco on the estate.

The above rum and pork, as well as many articles for himself, were sent by me under the charge of Mr. Buttine, overseer of Fredrik's Lust.

I have, &c.

(Signed)

G. SCHWARTZ.

*D. Power, Esq. His Majesty's Protector of Slaves.*

Mr. W. Reehorst being just in town the day the negroes lodged the complaint, he was sent for to see if he could give any explanation on the subject, which however he denied, saying that he was a manager over the cocoa fields, but that he knew nothing about the wood-cutters.

*Letter to Mr. R. Hart, Clerk employed in the Protector's Office, and Interpreter in the Dutch Creole tongue.*

SIR,

*Protector's Office, Berbice, May 10th 1827.*

AS the public service requires that I should remain in town, I have to desire that you will have the goodness to proceed to Mr. Gallez's wood-cutting establishment in Canje, authorising you to institute an inquiry, by a written detailed evidence, into all complaints preferred by the slaves of that establishment, to explain to them in the Dutch Creole the various privileges which the law has given to them, at the same time inculcating on their minds the necessity of industrious, sober, and peaceable habits, and above all, of treating their owner and others in authority over them with every degree of respect. As to their property in corials, which they themselves build, you must impress upon them that the materials shall be acquired honestly, and if they should be found using them for pleasure on the water, their owner is at liberty to take them from them, as a security against their endangering their own lives and his property.

I am, &c.

(Signed)

D. POWER,

His Majesty's Protector of Slaves.

*To Mr. R. Hart, Berbice.*

*Report of R. Hart on the above Letter.*

SIR,

*New Amsterdam, Berbice, 18th May 1827.*

IN conformity with your letter of the 10th inst. to me, I have the honour to lay before you a statement of my proceedings to Mr. Gallez's wood-cutting establishment in Canje, where I only arrived, on account of the bad weather, on Monday last, the 14th Inst. On my arrival there, the negroes were enjoying their past Easter holidays, which had been so long postponed on account of some of the punts that carry wood from the said establishment to the new Fort being detained, so that the whole gang could not have been assembled before.

The next morning, being Tuesday, I requested that the gang should be called before me, which was accordingly done. I then addressed the complainants of the 1st of May, and stated to them that I was very glad to find them amusing themselves the day before as they did, more so as part of their complaint had been the delaying of the said holidays, and that therefore, they were satisfied as to that part of the complaint. As to their being obliged to sleep on the bank, and not being allowed to come to their homes at night, I asked the rest of the gang present, whether this was a founded complaint; to which they replied that they had their huts at their respective working places, but that they, the complainants, wished to come to their established residence at night, which would nearly be impossible, as they were working a great distance from their residence. I then told the complainants in particular that

they should have been satisfied, as well as the other negroes, to lodge wherever they were working; that I had visited the day before, some of those huts which I found in very good order; but if they had wished to make any alteration they might have requested their master to grant them time to do so. Mr. Gallez then said that if they had asked him he would not have refused it, and therefore gave them that whole day for themselves, to do whatever might tend for their convenience. As to their being worked from six in the morning till six at night, was strenuously denied by the overseers and drivers, who stated that they had their regular two hours intermission. I therefore recommended, in order to prevent a misunderstanding on that point, that the drivers should blow a shell at their respective working places at eleven o'clock for breakfast, and at one o'clock to recommence their work. I told them as they were entitled by law thereto, I could not think that their master would be so unkind as to deprive them therefrom; upon which the greatest part of the negroes corroborated what the overseers and drivers had said. And lastly, as to "their not being allowed to keep corials, I impressed upon their minds that they were at full liberty to build corials in their own time, that the materials should be honestly acquired, and then, only for the purpose of selling them; that if they should be found using them for their own pleasure on the water, that their owner had a right to take them away as a security against their endangering their own lives and his property."

I then addressed the whole gang present, and asked whether they had any further complaint to lay to the charge of their superiors. They said they had no complaint, but merely requested to observe that it was customary with them, to get one Saturday every other week, for the purpose of working their provision grounds, independent of their Sundays; that this was not quite sufficient to keep up the said fields, and therefore requested their master to give them some further indulgence for that purpose. This I recommended to Mr. Gallez, on account of his own provision fields not being in bearing as yet. He stated that he had no objection to grant every Saturday for that purpose, until his own fields might be in bearing, as it is hoped they will be in a short time. I then explained to them the various privileges which the law had granted to them, at the same time inculcating on their minds the necessity of industrious, sober, and peaceable habits; and above all, of treating their owners and others in authority over them, with every degree of respect. That as they had occasioned their master great displeasure, by lodging a complaint which was partly an impossibility, and for the rest false, I recommended to them that they should behave better, and not prefer all kinds of frivolous complaints against their master merely to absent themselves for some days from work, which would only bring them in discredit, whereas otherwise, they will be always protected by the law.

You will conceive that all of the above was explained to them in the Dutch Creole tongue, and, to my great satisfaction, they returned many thanks for the interference on their behalf, expressed that they were fully satisfied, and promised to obey their superiors in future, as they had always done before.

Hoping to have deserved your approbation, and acted to your wish,

I have, &c.

To D. Power, Esq.  
His Majesty's Protector of Slaves.

(Signed) R. HART.

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*Complaint No. 14.—14th May 1827.*

Kate, belonging to Mary Richards, states:—My mistress, on Friday last, threw a chamber-pot with urine on me, and on Saturday also ordered a slave woman, named Betsy Green, to do the same; she, Betsy Green, saying to me at the same time, I had no business to carry my mistress to the Fiscal about the money which I stated here some time ago she had taken from me.

The Protector referred this complaint to His Honour the Fiscal for prosecution.

*Complaint No. 15.—16th May 1827.*

Quashie, belonging to plantation New Vigilantie, states:—That the negroes are in the habit of cutting wood to bring to town to sell. I had cut about twelve guilder's worth of coffee wood, and had it ready to bring to town; but my master, Mr. H. C. Mittelholzer took it away, saying I had no right to the coffee wood. I, in consequence, went into the bush and cut as much more wood, which was also taken away by Mr. Mettelholzer, who said he would not allow the wood to lay on the estate's ground. It is to be understood that the wood was all cut on Sundays.

*The following Letter was written to Mr. H. C. Mittelkolzer.*

SIR,

I BEG to call your attention to a complaint made by the negro Quashie, relative to a quantity of wood cut by him on Sundays, when by law his labour is made available for his own advantage. As this is a point on which my instructions from the Right Honourable Earl Bathurst are peremptory, it is my duty to require, that if this statement be true the complainant be paid for the wood so cut. There is no greater injunction from Government at home, than to encourage, by every possible means, the industry of the negroes; and I need not add, that the truest encouragement is the certainty of enjoying the proceeds of their labour.

I have, &c.

(Signed) D. POWER, His Majesty's Protector of Slaves.

Upon which Mr. Mittelholzer requested the local magistrate of his district to call on the estate to investigate the matter, whose report he enclosed. It appearing therefrom to the Protector that the negro Quashie had not only been guilty of telling a falsehood, but of having actually stolen the wood in question from his master: ordered that said negro should be confined during the next ensuing holidays; and that if he should be found again guilty of any crime whatsoever, he should be sent down to town, where he should be punished in the tread mill.

*Complaint No. 16.—24th May 1827.*

Mary, belonging to plantation Rotterdam, states:—Tuesday morning I had been picking coffee, and at one o'clock I was going again. The driver said I did not turn out quick enough; I replied that I had left my jacket at home, but that I would lose no time in fetching it. He cursed me, and I told him that I would go to the manager to complain, who, instead of hearing what I had to say, listened to the driver, and I was put in the house stocks, hands and feet, for five hours; namely from one till six. When I was relieved I had fainted. Yesterday morning he ordered me to work. I said I did not feel well, so I staid at home. This morning I wanted to go to work, the manager stopped me. Dr. Beresford came on the estate, and asked if I was sick. I said, no; the manager had stopped me from going to work. Manager then cursed me, and gave me a pass to go to Complain.

The manager, Mr. Lentz, was summoned to attend on the 28th instant, with the negroes, Just, Cuffey, Acteon, and the complainant.

28th May 1827.—Mr. Lentz having appeared, stated, that the woman Mary is always in the habit of going late to the field; and that she had often been reprimanded on that account; that the day of which she complains, it was about two o'clock before she went to the field. The driver and overseer asked her on the road what was the reason of her coming so late to work. She then abused them, and said, that as the manager said nothing about it, they had no right to do so; and cursed them shamefully. She has often been quarrelling on the estate with the overseer and driver, which has often been overlooked, as they know she has a bad temper.

Her former owner sold her to this estate on account of her insolence. She was the day in question confined by my orders from 1 o'clock till 5, which I

prove by my punishment record book, and to which I will have to swear. The woman was taken out as soon as I saw her no further able to bear it. She did not faint in the stocks, it was after being released; she soon recovered on application of some vinegar, which the sick nurse will say. I therefore beg that she may be punished for telling a falsehood, and also for repeated bad conduct on the estate.

The Protector then questioned the evidences on her behalf, whether she fainted in the stocks. They said they did not know; but gave her a very bad character, and said that she was very troublesome on the estate.

*Result.*—The Protector having heard the parties in this case, and it being acknowledged by them that the woman Mary, bore a bad character, he reprimanded her severely against using any insolence against the manager, or others put in authority over her, and said that if it was repeated she would be sent on the tread mill.

The manager was, however, cautioned how he inflicted a punishment of the like nature in future; that although he had not acted against the Law, yet, he might have acted with more compassion where the crime was so trifling, and that he was bound to see that negroes were not indisposed during the period of their being confined in the stocks.

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*Complaint No. 17.—25th May 1827.*

Klaas, belonging to Colonel Nixon, Receiver General of the Colony, complains that his master, who is breaking up his establishment here, and about to depart for Europe, on leave of absence, had that morning told him, for the first time, that he had sold him to Mr. Munro, of Foulis, a Sugar planter. To that Klaas objects, as he is the only remaining son of an aged mother, and thinks it hard to be separated from her. Admits that Colonel Nixon bought him with his own consent, separate from his mother, who is still a slave in town. But he would have never consented did he think that he should have been sent from town, to a sugar estate at such a distance. He is ready to work for his master at the new fort (as he is a cooper as well as a cook) but he will never willingly go from his aged mother, until he has, if he lives as long, buried her. The Protector told him that he feared he could not afford him redress, as whatever the usage of the Colony might be, the existing Law prevented the separation of families by judicial sales only. He, however, wrote to Colonel Nixon a private note, stating the nature of the complaint, the usage of the Colony not to separate near connexions, and suggesting the expediency of giving the negro the chance of being purchased by a resident in the town at vendue. To that communication Colonel Nixon sent the following answer:

SIR,

26th May.

I HAD the pleasure yesterday to receive your letter respecting a complaint made by my cook Klaas, for my having sold him to leave town. I purchased the man at public vendue, and conceive that I have an undoubted right to dispose of him by private sale, which I have done, and Mr. Munro has become the purchaser. The real fact of the matter is, that the man wishes to reside in town where he can have access to rum. Was I to keep him I should send him to the country to take charge of my cattle farm, and I really cannot afford to keep him in town during my absence from the Colony; and I should lose considerably, were I to put him up by auction for sale. As to his story about his affection for his mother, it is all humbug, for during a recent illness, under which Klaas laboured, I could not get his mother to attend him, even for hire, and I was obliged to employ a stranger. Besides which, his mother is not, nor never was in my service. I am sure Mr. Munro will have no objection to allow him to find out an owner provided he will pay him cash for his purchase.

I abominate slavery, and I wish to God I could afford to emancipate the man, though he is an undeserving fellow, but I cannot.

I am, &c.

(Signed)

J. LYONS NIXON.

*Complaint No. 18.—25th May 1827.*

The negress Hanna, belonging to plantation Canefield, states:—Yesterday we were cutting canes; when the bell was rung at 11 o'clock we were detained by the driver in the field about an hour before we went home to breakfast. When bell was rung at 1 o'clock my breakfast was just ready. I took it with me to work. Driver told me I could sit down and take it before I commenced at work. The overseer found me eating, and said I should be working. He put handcuffs on me till 2 o'clock, and at night I was put in the dark room.

The overseer, Mr. Cameron, in reply to the above complaint, denies even to have punished her. That it was about 3 o'clock when he found her sitting in the field, but put no handcuffs on her, and positively states that it is a falsehood the girl has told. He requested that the driver with two other negroes present might be asked.

The driver states not to have seen her in handcuffs. That the overseer said nothing to her the day she mentions. That he (the driver) gave her leave to sit down and take her victuals, but denies her having been punished by the overseer.

The Protector reprimanded Hanna severely for telling such a gross falsehood, where her own witness condemned her. She was therefore condemned to be confined in the dark room Saturday evening after work, and to remain there during the holidays.

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*Complaint No. 19.—28th May 1827.*

Jenny, belonging to plantation Lochabar, states:—Last holidays I was stopping with the woman Stina, belonging to Miss Nancy Crawford. There was also another girl in the house. Some time after I went home, Stina sent a messenger to me, saying, that this girl had lost some wearing apparel, and that I had stolen them, which I denied. Sunday last I came to town to hear what Stina had stated, and told her that I had not taken the articles for which I was accused. She insisted I had, and ordered me out of the house. On refusing to go she was pushing me out, when her mother took me by the hand and pulled me away. Stina then threw a chamber-pot with urine at me, which cut my face in the manner it is. She struck me several times, which I did not return.

Stina, states:—Last Christmas holidays Trim's daughter was stopping with me. Jenny came and borrowed a frock from me to go to a dance. I lent her a frock. I had a pair of stays in my house which Jenny took away unknown to me. In consequence of which I accused her of stealing the clothes which were missing by Trim's daughter.

Last Sunday Jenny came to my house. I was in the kitchen, and went from there in my mother's bedroom. Jenny followed me there, and abused me shamefully. She was put out of the bedroom, but soon after broke the door open, and came in again, laid hold of me and beat me. I then took the chamber pot, which got broke in the scuffle, some of the pieces cut Jenny in the face.

*Result.*—The Protector on investigation having found that the whole of their dispute had arisen from jealousy, the one having taken away the husband of the other, condemned both to be confined in the dark room of the barracks during the ensuing holidays.

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*Complaint No. 20.—31st May 1827.*

The negro La Rose, belonging to plantation Nieuw, Vigilantie:—It is customary that when we receive our weekly allowance on Sundays, that the names of the watchmen for the night, are mentioned. Last Saturday, watchmen were appointed, but not myself. I asked the driver whether I was to be a

watchman that night. He said, no, there have been others appointed. I therefore went to plantation Mara to see my wife (without a pass as customary). When on Monday morning Mr. Mettelholzer saw me, he said, I had neglected my duty, as he had appointed me a watchman afterwards. I said I had asked the driver, who said there were others appointed. He said if I had a pass to go away. I said no. I was therefore confined in the dark room Monday night, and flogged Tuesday morning. I have the same woman for a wife some years, and have a child by her, that walks.

*Result.*—The Protector observed to La Rose, that he had no right to quit the estate without a pass, that if he had asked his master, and met with an opposition, he might have come to complain. He therefore sent him back to the estate with a letter to Mr. Mettelholzer, requesting that no pass may be refused the negroes on Sundays, for the purpose of going to their reputed wives, which is a benefit they are entitled to by the new Law.

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*Complaint No. 21.—15th June 1827.*

Henery Cummings, belonging to Mrs. Fraser, states:—Yesterday mistress called for a glass of water, which I gave her. After that my master called for water. I did not hear my name mentioned. There is a white servant who generally brings up water to him to wash. He came down as I was taking up a glass of water to him. He took a horsewhip to beat me. Took the glass of water from me, and placed it on the table, and made out at me with the whip, which I fended off. He then threw me down and put his foot on my belly. When I was trying to get up, he gave me a blow on the head. He held me down, and was squeezing my neck on the ground. He then sat down on the sofa, held me with one hand, and called for a rope to tie me and send me to the barracks. A rope was brought, and he was going to tie me, but I prevented him from so doing. He gave me another cut with the horsewhip over the jaw.

Commissary Fraser, states;—Yesterday, when I came home from my office, as I was passing through the hall, I passed Henery, and told him to bring up water. I went up stairs. After being there sometime, I found that no water was coming. I called out, why he did not bring the water. I then ran down and asked him, why he did not bring the water up. He bent his brows, and looked very sulky in my face, saying he did not hear me. I said you must be telling a lie. I went and took the horsewhip to him to hit him. As I was in the act of so doing, he laid hold of it. I told him to let go. He would not. I found that he had such hold of it that I could not get it out of his hands. I then gave him a twist, and laid him down on the floor to get the whip. I could not effect it. In the struggle, he knocked his head on the floor, which gave him a rising on the brow. I felt determined, from the resistance he made, to have him committed to the barracks. I called for a rope to have him tied and sent him there. This I could neither effect, from the resistance he made. I then told him to remain where he was, until I should write a note. As my back was turned to him, he disappeared.

Miss Maria Broadhead, being examined, corroborated Mr. Fraser's statement as to the water and the struggle which took place. She herself persuaded Henery to let go his hold, which he would not do. Mr. Fraser was going to send him to the barracks, but when he turned his back to write the note Henery escaped.

*Result.*—The Protector reprimanded Henery for offering personal resistance, and not desisting from struggling with his master, when repeatedly advised by Miss Broadhead, who witnessed the transaction.

At the same time he begged to observe to Commissary Fraser, that if he had inflicted any blow without waiting for the due interval prescribed by law, it would have been his duty to call upon the Fiscal to prosecute him for the penalty. He therefore dismissed the complaint.

*Complaint No. 22.*

Investigation taken on plantation Golden Grove, on account of an official communication received from H. Downie, Esq. the civil magistrate of that district, in the following manner :—

SIR,

*Plantation Waterloo, 13th June 1827.*

I HAVE the honour to report, for your information, that I this day attended on plantation Golden Grove to investigate two complaints preferred from that estate ; and I deem it my duty to state to you officially, that the negroes on that estate appear to be in a state of anarchy and disorder that is highly discreditable to all who have the charge of them.

One coloured family on the estate appear to have the whole controul over the rest of the gang ; and as one of the sisters of that family is kept by the manager, and the other by the overseer, no redress is given when any complaint is made against them.

I have, &amp;c.

(Signed)

H. DOWNIE,

C. M. 1st Dist. West. Coast.

*To D. Power, Esq. H. M. Protector of Slaves.*

The Protector sent a copy of the above letter to W. Scott, Esq. one of the attornies, jointly with W. Katz, Esq. of said estate, for their information, to which he received the following answer :

SIR,

*New Amsterdam, Berbice, 15th June 1827.*

I YESTERDAY had the honour to receive your letter, communicating Mr. Downie's official report respecting the plantation Golden Grove. That estate has been for a considerable time past under the charge of Mr. Katz and myself, and no complaint has ever been made to either of us by the negroes. When we last visited the estate you did us the favour to accompany us, and I confidently appeal to you, whether there was any appearance of discontent or disorder amongst the negroes at that time. Mr. Downie's charges, however, are of a very serious nature, and certainly require minute investigation. Mr. Katz and myself have therefore to solicit the favour of you to accompany us to the estate at your earliest convenience, to examine into the abuses stated by Mr. Downie to exist, in order that, if proved, the manager and overseer may be both discharged from the estate.

I have, &amp;c.

(Signed)

W, SCOTT.

*To D. Power, Esq. H. M. Protector of Slaves.*

The Protector having proceeded to plantation Golden Grove, accompanied by Mr. R. Hart, the following investigation was taken on the 19th June 1827, in the presence of W. Scott, Esq. one of the estate's attornies, and J. S. Usher, Esq. the civil magistrate of the adjoining district, in consequence of Mr. Downie's absence on private business.

The negro Quassie having been called, he was desired to state circumstantially the reasons of his going to complain to Mr. H. Downie, the civil magistrate ; when he proceeded thus :—

One morning Mr. Ross told me I should go to the water-side to line ground for draining. I was taken away from there, and ordered to go with the other people to plantation Ross, to make up the roads. We were two days employed there. On my return I was again ordered to the water-side to work with the boy King, who was to hold the line stick. I commenced working in the morning, and lined three drains before Mr. Hiles, the overseer, came to me, and asked me what I was doing. I told him I was working. He said, " Give me the line stick," and told King to go with him to the other side. When Mr. Hiles took the line he ordered me to follow with the pins to measure the breadth. When he was lining he called the driver, Peter, who was just bringing a tally, and said " Look at that fellow : he has been making jibs in the field " (an irregular line, instead of a straight one). When I heard him tell the driver so, I said " No, it is not me who spoiled it, as you, Mr.



Hiles, was with me when the pins were put." The driver went away, and the overseer cursed me, saying, "You d—d stupid brute, I would not give a bit for you." I then said, "Mr. Hiles, don't trouble me at my work." He then called the driver again, and ordered him to place another man at my work, and give me a shovel. The driver sent no man, so that I continued following Mr. Hiles with the pins till nine o'clock, it being about eight when Mr. Hiles came to the field. After he went away, I told the boy King that we should continue working during breakfast-time, in order that we might leave off at the same time with the rest of the gang, who had task-work. I forgot to mention that when Mr. Hiles came to me in the morning, he asked why I had taken King, and not Quassie, to work with me. I said, as I found King to be the smartest of the two. Mr. Hiles replied, that I had taken King as I thought Quassie would soon line ground better than myself, and that I should then be put to the shovel. I said I could do any work, and that I did not care for lining ground, as I got no extra allowance for it. I then, as stated, worked through eleven o'clock. At three o'clock Mr. Hiles came from No. 27 (the next estate) to the field where he had been since one o'clock. When he came to the ground, he passed the other people, and came up to me; he asked me how many drains I lined since he left me. I said, I did not reckon the number, but had been lining all the time since he left me in the morning. When Mr. Ross first came on the estate I was in the habit of having a number of line sticks, but he taught me to do it with three or four, which I found answered the purpose. Mr. Hiles asked me where the sticks were he had ordered me to cut in the morning. I said, as I had continued working, I had not cut them as yet. I said, what was the use of cutting them to lie down; if he had brought a boy to line, I would go and cut sticks for him. He then told me, "Set off and cut them, you d—d rascal." I said, Mr. Hiles, do not trouble me at my work to cut sticks for no use. These were my last words. I was of intention to go and cut the sticks, and was just putting the last in my drain, when he gave me a blow on the side of the head, so that I fell in the trench. I got up, said nothing, and did not even look at him. I went on the dam. On my coming to complain to Mr. Ross, Mr. Hiles followed me. I said to boy King, you have seen that I did not trouble Mr. Hiles, and he has knocked me down. Mr. Hiles said, when we were coming along, that Mr. Ross had told him before, that I was a d—d rascal. When we came to the road near the house, he saw Mr. Ross going out. When he saw us, he stopped. I asked him, whether he allowed Mr. Hiles to beat me at my work. I did not half finish my story, when Mr. Hiles told me to hold my tongue. He then told Mr. Ross, "I can't get this fellow to do any thing, he spoils the field." After I heard Mr. Hiles say so, I wanted to continue my story, to which he would not listen. I said, you will hear Mr. Hiles's story, and not mine; and I was ordered to the stocks. I said, very well, I will go to the stocks. My feet were covered with mud, and I asked Mr. Hiles to allow me to wash my feet before confining me. He said, no. He then took his pocket handkerchief, put it round my neck, and drew it so tight, that I was obliged to get my hands between lest I should be choked. I did nothing whatever to oppose it, as the boy King knows; he was present. When I was trying to loose the handkerchief from my neck, Mr. Ross was just coming, and said, hallo, what is the matter. I said, look how Mr. Hiles tied me, because I wished to wash my feet. He replied, well, the stocks can't eat you, go. I made no resistance, and was brought in that situation to the stock-house. He put me in at three o'clock on the Saturday and was there until the Tuesday after Whitsuntide, during which time the people were dancing. On the Sunday, whilst I was in the stocks, Mr. Ross came, and asked me, "Quassie, what was the matter between you and Mr. Hiles?" I told him the whole story, as I am telling you (the Protector). On the Tuesday, Mr. Ross came to take me out of the stocks. He said, "Quassie, it is in consequence of your being saucy to Mr. Hiles; the same way you used to be saucy to me, that you have been confined." I replied, "Mr. Ross, do you allow Mr. Hiles to beat me at my work?" He said, "yes, I allow him." When I was released, Mr. Ross ordered me to my work. I said, "No; that as I was such a bad negro, in Mr. Ross's opinion, on the estate, I would thank him to give me a pass to ascertain it." Mr. Ross said, "I told you to go to work, but as you wish for a pass, I will give it to you."

Before his giving it to me, he asked where I was going. I said, I would not tell, but wanted the pass. My intention was to come to Mr. Scott, but as my pass was directed to Mr. Downie, I went there. I told Mr. Downie my complaint, who gave me the same pass back, and said I should return to my work, that he would come on the estate in two or three days. Last Wednesday Mr. Downie came, and took down my story, as it is now taken down. He asked me why I did not cut the sticks when ordered by Mr. Hiles. I said I would have done so, if he had brought a boy to line with. I told him that I was struck on the ground by Mr. Hiles.

The examination being thus far conducted, Mr. Hiles requested to be allowed to put a question to Quassie.

“Do you mean to say, that when I came down to the field on the Saturday, that I was drunk, and falling down?”

A.—“Yes, I mean to say so.”

The boy King, states:—I have listened to what Quassie has stated. I was present, it is perfectly true.

On a question, whether he had seen Mr. Hiles knock Quassie, he said, “yes; he hit him, and threw him down in the trench. When Quassie got up, he picked up his hat, and said not a word. I came with Mr. Hiles and Quassie to the house: when Quassie addressed Mr. Ross, Mr. Hiles cut off his words (interrupted him), and said, that he was spoiling the field. He was ordered in the stocks. Quassie asked to wash his feet. Mr. Hiles said, if he did allow him, he would run away. Mr. Hiles then took out his handkerchief, and twisted it round Quassie’s neck, that he could not blow. When I was going to call the two men, I looked round, and found Mr. Hiles coming with Quassie, with the handkerchief tied round his neck.”

Mr. Hiles then put the question, whether he was drunk and falling down when he came to the field?

A.—“I can’t say whether you were drunk, but you were nearly falling down.”

When Mr. Downie came here on the estate, he did not ask me clean (fully), he only put a few questions. I told him in answer to one, that I saw Mr. Hiles strike Quassie.

On a question put by Mr. Ross, whether, when Mr. Hiles told him the story about Quassie, when they came from the field, if he did not say at the time, that Mr. Hiles’s statement was true?

A.—“What regards Quassie’s refusing to cut sticks, I did say it was true.”

Q.—When I asked you, whether Mr. Hiles pushed or knocked Quassie in the trench, did you not say he pushed him?

A.—“I said he struck him a blow on the jaw.”

Mr. Hiles then produced the following certificate from Mrs. O’Connor, of No. 27, the place he had been to previous to his going in the field:

“I certify that Mr. S. Hiles came here on Saturday the 2d June, between one and two o’clock in the afternoon, and remained here about a half an hour. He took nothing whatever to drink whilst here. He appeared perfectly sober, and I never saw him otherwise. Quassie, belonging to Golden Grove, came here between twelve and two o’clock in the afternoon, and stated to me that he was lining ground, and I gave him a large wine glass full of strong proof rum on his going away.

(Signed) “MARY O’CONNOR.”

Quassie was then examined by the Protector:

“Do you know Mrs. O’Connor?”

A.—“Yes, I do.”

“Did you go to that lady on the Saturday this business took place, 2d June?”

A.—No; it was the third day after I had been there that the business with Mr. Hiles took place.”

The Protector then expressed much dissatisfaction with regard to the certificate, to which, however, Mr. Hiles replied, that the lady had said before, that she could not with exactitude remember the day she gave Quassie the rum; and begged that this part might be overlooked, as it was not done with any evil intention.

*Examination of Mr. S. Hiles.*

On the morning of Saturday the 2d, I was ordered by Mr. Ross to go in front and line some drains. Quassie was getting on draining very slow, and there were not sufficient lined to give the people a task. On my way down I observed, that the drains dug on a former day were angular, on account of the bad lining. I called Quassie, and told him he had spoiled the field, that he had made jib beds. I asked him, if he called himself a liner, and that he could not run a straight line through a bed; that I would not give two bits for him. I therefore reprimanded him. He said, if they were crooked they had a right to be so, as he got nothing extra for lining, and got no double allowance. I commenced lining, and he stood up talking. I called him to attend to his work. He took no notice, but kept on talking. I then called the driver, and asked if he had seen Quassie's work; that he had spoiled the field. Quassie would persist that I spoiled it, and not himself. That I had measured off the side lines, and he had followed my pins. I told him that the side lines were correct; and if they had not been, the jibs would have come as well in the side line as in the middle of the field. That the sticks I had put in the side lines were regular. He paid no attention whatsoever to what I said to him. I ordered the driver to send a man from the shovel, and put Quassie in his place. I could not get him to do any thing. He afterwards went on a little better, and he was not replaced. I left the field about 10 o'clock, and ordered him to cut more line sticks, which were close at hand, as the ones he had were not such as I approved of. My object was to expedite the work, that the boy would not have to turn round so frequently to take them from me; we might thus gain time. After one I went from this. On my way down I went to No. 27, where I remained for half an hour. I took nothing to drink whatsoever while I was there. I left there about 2 o'clock. I went to Quassie, and asked for the line sticks I had ordered him to cut. He said he had cut none. I asked him why. He said, if I wanted line sticks there they were (pointing to the ones in the drain): this he said in a very insolent manner. I told him to go and cut the line sticks I had ordered him. He said he did not call me; he did not want line sticks. I said I wanted them myself. I told him to go and cut them directly. He said I don't go cut any I tell you. I then said to him, I'll make you do it. I took him by the shoulders and pushed him in the trench, to go across and cut the sticks. He jumped out of the trench at once, and said, "I thank you, that's what I wanted, I'll now go to the manager," and caused the boy King, to follow him as a witness. The remainder of the gang were within call, about sixty rods from where this took place. We came to Mr. Ross, whom we met on the public road. I told him that I could not get Quassie to do anything. That he had made jib beds in the field. That he had often before been insolent, and that I have been induced to leave the field in consequence; that when I had done so, I generally had found the work spoiled. I believe previous to that, I had ordered him to cut sticks, which he had refused to do. I asked the boy King, in the presence of Mr. Ross, if I had not ordered Quassie to cut sticks, which he had refused. The boy said, yes. Quassie then said I had struck him. Mr. Ross questioned the boy. He said I had pushed him in the trench. Mr. Ross ordered me to put him in the stocks, and turned round to go away. Quassie said, "I'll be d—d if I go in the stocks so high day time;" he turned to go down to the side line, I called him. He gave no answer. I then took him by the arm, and hauled him round; he attempted to get from me. It was with a great deal of difficulty I held him. In the struggle I took my handkerchief from my pocket and put it round his neck. The handkerchief was loose; he got his hands underneath and endeavoured to force it off. I then sent the boy to call two men. In the mean time Mr. Ross came up, and asked what was the matter. I said, Quassie refused to go in the stocks, and that I had put my handkerchief round his neck to secure him. After he found himself secured, he asked to wash his feet. I told him he would get away. Mr. Ross then said, Quassie, what's the matter, are you afraid of the stocks? it wont kill you; and asked him, why wont you go the stocks? He said, because Mr. Ross would not hear my story. If he had heard it he would give me right. Mr. Ross said, it was no place in the public road to hear sto-

ries, but would hear what he had to say when he came home. I then brought him to the stocks, where he remained confined until Tuesday morning.

*Examination of Mr. Thomas Ross.*

About 3 o'clock on Saturday the 2d June, I saw Mr. Hiles, Quassie, and boy King, coming up in a great hurry. As they were approaching, I asked what's the matter? Mr. Hiles addressed me, and said he could not get Quassie to do any thing; he would not obey a word he told him; he was very insolent to him. When Mr. Hiles came for breakfast in the morning, he had told Quassie to cut some line sticks. This he did not do. He ordered him to go and do it then. He said he would not; and as they were close to the trench he pushed him in, to go and cut the sticks across. On my questioning the boy King, he confirmed what Mr. Hiles had said. I asked Quassie why he would not cut the sticks. He said there was no use for any, he had sticks enough. I told him he had no right to question what they were for. That he should obey Mr. Hiles's order. That Mr. Hiles was accountable to me for the work when he was there; and that for his insolence and disobedience of order she should go to the stocks. Quassie then wished to enter into a long complaint as to Mr. Hiles's conduct. I told him it was not the place to take complaints, and I went off.

I went a short distance, and happened to look behind; I saw him and Mr. Hiles in a scuffle. When I came up, I said, hallo! what's the matter? Mr. Hiles said he would not go in the stocks, that he wished to get away from him. I asked Quassie why he would not go to the stocks, it could not kill him. He said I was sending him to the stocks to please Mr. Hiles; that if I had heard all he had to say against Mr. Hiles, I would give him right. I said that had nothing to do with the present business. He was to be confined for insolence and disobedience of orders; if he had any complaint to make against Mr. Hiles, I would hear him another time, and recommended him to go to the stocks. I told Mr. Hiles to use no violence to him. He then went to the stocks, and remained there till after the holidays. When I went to release him, I reasoned with him, and told him it was for insolence and disobedience of orders, that he had been kept there, and as an additional punishment his name would be recorded in the black book. He told me he would not go to work, but wanted a pass to go complain. I told him he could have one, and asked him where he wished to go. He said "Never mind; give me the pass Massa." I gave him one to Mr. Downie the Magistrate. He returned with the same pass, endorsed on the back, that he should return to his work, and that the Civil Magistrate would come on the estate in two or three days.

He went to his work; and when the Civil Magistrate came on Wednesday the 13th the complaint was heard. I stated as I have now done. He told Quassie that if he had not already been punished by Mr. Ross, he would have ordered him a severe flogging.

During the time Quassie was confined, he got his regular allowance of plantains, and fish, and rum. The other negroes had a free intercourse with him.

On a question put by the Protector whether Quassie had ever absconded? Mr. Ross answered; he once broke out from the hospital and went to complain.

*Result.*—The Protector observed, that as the Civil Magistrate had already decided on the Complaint, he should not disturb it. However, he felt it his duty to admonish Mr. Hiles not to act on the irritation of the moment, and in checking insolence on the part of the negroes under his charge, to shew himself a good example. He might have sent for the drivers to take the man to the stocks, without throwing a handkerchief round the throat. Quassie was also told, that his duty was not to argue on the nature of the work, but to do it.

*Complaint No. 23.*

Investigation taken on plantation Golden Grove, on a complaint of the woman Dido in pursuance of the same communication from the Civil Magistrate, Mr. H. Downie, as in the preceding case of Quassie.

Dido states :—I begged Mr. Ross, the manager, for a pass, to go to town to complain to the attorneys. There are at present no plantains on the estate, and the bunches we get for our allowance are so small that on Saturdays we generally have nothing left to eat of the week's allowance. Three weeks ago, we got our allowance on the Monday evening when we came from the field, and had been without plantains from the preceding Saturday. When I came from work I told my child Emmy to take my allowance when shared out, as I wished to go aback and get some corn and eat it in the mean time. When I returned, the allowance had been shared out. I found Emmy crying. I asked her what's the matter. She said that John had been calling her bad names. I told her get out, don't trouble me with your nonsense. She replied, "Mama, me no tell lies; if you won't believe me you may ask driver Peter." John wanted to beat her, but the driver had prevented him. When the children were going to pick the cotton from the Babricot, John told her again that she might go and tell her mother that she was not his mistress. They had called John's brother to help them picking up the cotton. John asked what they had done so for, if they thought it was a negro like themselves. He said Emmy's mother was purchased to work on the estate, and that his mother was not; that with whatever little work they did they had to be satisfied. Having heard John say so myself, I went home; but I could not let this pass, so as my name had been made use of. I went to John's mother's house, and asked for him. She said he was not in, but was still in the logie. I told the mother, that although John might be a free person on the estate, or only doing light work, that I would not allow him to trouble me, as I was obliged to work. Emmy was in the logie. The boy Hendrik came and spoke to her. John immediately said, don't talk with that girl Emmy, she is Mr. Hiles's wife. Emmy turned round, said, No; I am not Mr. Hiles's wife; you know very well who is Mr. Hiles's wife. Mr. Hiles had made an application to John's mother, to let him have her daughter Betsy as his wife; but she had already promised Mr. John Nicolson, who, after she had been three or four days with him, returned her. As Mr. Hiles was thus disappointed in getting Betsy, he asked me to let him have my child Emmy. I said it was not time yet. He said he did not want her as his wife, but would take care of her provisionally. He was always following me for Emmy, but I said I would not give her to him; but if he might be on the estate when Emmy should be a little older he might have her. This was about four months ago. I went and consulted my shipmates about it; they said I might allow Mr. Hiles to take care of her, and if she was grown he would have the preference of her. I then allowed Mr. Hiles to mind her, and promised him to keep her for him if he should remain on the estate; if he was removed from the estate I could not help it. One day at one o'clock Mr. Hiles came in the negro yard to turn us out to work. He met Emmy sitting down in dirty clothes. He told her to come to him for some clothes to go clean in future. I took her myself to Mr. Hiles, and he gave her some stripe. He gave her with his own good will, not to say that he had any connexions with Emmy. Mr. Hiles told me afterwards, that as Emmy would be some time yet before she would be grown, he would not wait any longer, and was going to ask John's mother for Betsy. He took Betsy, and I thought no more about it until the business in the logie took place. When I was coming from John's mother's house, I, when passing through the negro yard, said that they (John's family) were doing so daily, because their skin was lighter than mine. I was much hurted and I cursed. Betsy followed me and said I was hurted because she had Mr. Hiles, and she cursed me, called me bitch, and other bad language. I then turned round, went up to her, and hit her a slap. I said that John had no business to curse me or any of my children. Betsy's mother then came, and they both attacked me. Richmond separated us. John is a very troublesome young man. He goes in the negroe's houses and beats them, as happened with Diamond, Bristol, and Quassie. I

was then determined to ascertain whether, if a little dispute existed between two people, if the families had any business to interfere with it. If this was the case I would be satisfied, and otherwise I hoped that the attornies would come to explain it on the estate. My hand being hurted in the scuffle, I went in the hospital; the doctor came and tied it. Next morning I begged Mr. Ross for a pass to town, he would not give it me immediately, but asked where I was going. I said nothing, thinking it was best to keep it to myself, as Mr. Ross knew very well what happened. He gave me a pass addressed to Mr. Downie. I told him that as I did not intend to complain about work I thought it was better to complain to the attorney, as it was a matter between us. However, he would not give it to me.

On a question put to Mr. Ross by the Protector, whether he knew any thing about the transaction between Mr. Hiles and Emmy, he answered, No, not a word. Mr. Ross nor Mr. Hiles knew any thing of the scuffle having taken place.

On a question put by the Protector, Mr. Ross said that the girl Betsy went away from the estate for three days with Mr. Nicolson, who took her in the chaise one evening; he, Mr. Ross, had a party, It created a misunderstanding between him and Mr. Nicolson a considerable time.

Examination of John, a coloured slave, who states:—Last Monday week I was ordered by Mr. Fork, the estate's carpenter, to grind a chisel. I went in the logie, and called the boys King and Quassie to turn the stone, they both refused to go; there was no other carpenter with Mr. Fork but myself. I went back and told Mr. Fork that the boys refused to go. He said I should tell Mr. Ross. I went again and called the same boys. I did not wait for them but went towards the dam. When I had been standing up, waiting for them some time, I went back to the logie. As I went in Emmy was sitting at the door. I asked her where the boys were; she made no answer. Another boy, Good-luck, came into the logie, and I threatened to take him to Mr. Ross if he did not tell me where these two boys were. He went and looked up stairs. He did not find them. I went out and looked under the logie, where they were laying: when on returning in the logie Emmy laughed at me. I told her she was an impudent little bitch. One of the boys said he was watching the plantains. I said, let Emmy do this, and told them to come to the grindstone. After grinding my chisel I came back to the logie. I found Hendrik, Emmy, and another girl named Louisa. I told Hendrik not to play with Emmy, as Mr. Hiles was minding her for his wife, and would be vexed if he saw him playing with her. Emmy said she would tell her mother. I said, I cared not for her mother. I came to hear that Emmy was intended for Mr. Hiles's wife, that the mother was in the habit of bringing her in a blanket to Mr. Hiles, and when she was quarrelling about it I heard it. As to what she says, that I said my mother was not bought for the estate, I strenuously deny. King asked me where Edward was, why I did not take him to turn the stone?

In answer to a question put by the Protector to Mr. Ross, he said that Dido refused to give an explanation of the complaint when she asked for a pass. As I expected the attornies of the estate daily, I tried to persuade her to stop. She would not have told me her complaint if it had not been for Mr. M'Innes speaking with her.

On a question to Dido, whether she was in the habit of bringing Emmy in a blanket to Mr. Hiles, she said, I only brought Emmy once to Mr. Hiles, but not in a blanket.

In explanation how it happened, that the estate was at times short of plantains, Mr. Ross says, they got their plantains on Monday afternoon. The plantains were ready for them. It happened that the cart was not home as quick as usual, as the watchman had not brought the plantains on the dam (they are taken from No. 16.). I was coming from town on the Saturday, and found the cattle that draw the cart tied up on the public road. I dismounted my horse, and let the cattle loose to graze; they walked home here, so that the boys were obliged to come for them on Sunday.

In answer to, in cases of emergency how they then got their food? Mr. Ross states, that, though it might occur from accident that they did not get their allowance on the precise day, they have the control over fields aback, where there are plenty of ground provisions, and to which they could have recourse

when such an occurrence (a thing very rare) took place. He also felt it his duty to state, that Mr. Hiles always bore the character of being a sober man, and that he was not intoxicated, as stated by Quassie.

Certificates were subsequently sent from the managers of the estates with which a contract had been entered into to supply the people on Golden Grove with plantains. That description of food was stated to be of the very best kind, and such as were given to the negroes on the adjoining estates. Certificates from two gentlemen were forwarded by Mr. Hiles, which stated that they had known him for many years, and that he was a very sober man. One of them observed, that he was present when Mr. Hiles confined Quassie in the stocks, and that he exhibited no appearance of insobriety.

*Decision.*—The Protector observed, that it was with great surprise, he had received the letter from the Civil Magistrate, asserting that the people of that estate were in a state of anarchy and confusion, particularly as that was his, (the Protector's) third visit there, not however officially. He had never received a single complaint from a negro belonging to it before; and he well recollected, that when he visited it the last time, in company with the two attorneys, Mr. Scott and Mr. Katz, they particularly questioned the gang on their treatment, when no complaint was made. He however could not conceal from the manager and overseer, that there was very reprehensible irregularity, arising, first from the very licentious habits and propositions of the latter, especially in an endeavour prematurely to debauch the mind of such a child as Emmy, through the instrumentality of her parent; and Mr. Ross was culpable to a degree in not knowing that such proceedings took place amongst any of the people, for whose well-being he was responsible. It was true, that such licentiousness as that of Mr. Hiles, did not fall within the penalties of law, but he should speak to the attorneys. These gentlemen anticipated his application, as both manager and overseer had previously received notice of dismissal.

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*Complaint No. 24.—17th June 1827.*

Sunday.—Information being communicated to the Protector by the Rev. Mr. John Ray, that, after morning service, a negro boy belonging to Miss Kitty Beresford, but hired to Mr. Sherburne, the barrack master, had gone to his house for advice, and that he there appeared with a chain locked round one foot, to which a weight was attached, the Protector immediately sent to have him brought before him, when the following examination took place. My name is Johnson. I belong to Miss Kitty Beresford, but am hired out to Mr. Sherburne, the barrack master. I do not know my age (he appears to be between eleven and twelve years). I have had this chain on me more than a week. It is not taken off at night. It hurts my leg. I was flogged this morning by Mr. Sherburne with a leather whip, after I had returned from the market. The chain was on me whilst he flogged me.

The Protector immediately sent the boy to the Fiscal as he found him. His Honour stated that it was the second case for these many years past of a negro being worked in chains at the caprice of an individual. He should immediately institute a prosecution against Mr. Sherburne.

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*Complaint No. 25.*

Dunn and Watt, belonging to plantation Smithson's Place, state:—Last night the manager Mr. Alexander M'Donald called us and told us we were to go in the bush this morning. Dunn told the manager he had nobody to take care of his house and stock, and begged that another man may be sent in his stead. Watt complained of having a sore foot, and also begged that another person may be sent in his stead. For the above request were put in the dark room last night, and flogged this morning. They exhibited their persons, which appear dreadfully lacerated.

The Protector, conceiving that said negroes were flogged by order of said

manager A. M'Donald, without reason and with great cruelty, referred this complaint to His Honour the Fiscal for prosecution.

*Complaint No. 26.—22 June 1827.*

Betsy Ann, belonging to Elizabeth S. Bannister, states:—I have served my mistress for the last twenty years as a huckster, and have not had occasion to complain before. My mistress about two years ago sent me to Demerara with twenty joes to buy goods; she told me when I was going, that if my sister, (who is free, and living in Demerara) would buy me for the good of myself, she would sell me. My sister agreed to do so. I went to England with my mistress. After we returned she told me she intended to give me over to my young master, but instead of which she gave my son John, and told me she was still willing to sell me to my sister. I understood a letter was written to my sister on the subject. After an answer was received I was told by my mistress that my sister was to give 2000f. for myself, and 1000f. for my son Archibald. After it concluded as I thought, that my sister was to purchase me, my mistress told me one day that it would cause a great deal of displeasure if my sister did not come forward to purchase me; for if she did not, she would put me to work in the field which she accordingly did. I was put in the field on plantation Lewis Manor, the property of my mistress. I was never in the field before. I told her I could not work in the field. She insisted on my doing so. I wrought in the field a week, and finding I could not do it, I now come to crave the assistance of His Majesty's Protector of Slaves.

Miss E. S. Bannister, being summoned, appeared and states:—I have owned the woman Betsy Ann 20 years, and have never had any fault to find with her until her sister offered to buy her. I told Betsy Ann if her sister would give me a servant as good as herself I would sell her. Her sister had not the means of doing so, and she, Betsy Ann, absconded from me for nearly two years. She came back to me in very bad health, as much so that I was obliged to send her to Barbadoes at a very great expense, for the recovery of her health. After she returned from Barbadoes she conducted herself very well for some time. I took her to England, when her behaviour there was again so bad that I twice threatened to turn her out of the house. I brought her back to this Colony, and on my arrival here told her again, that if her sister was willing to buy her I would sell her; and in order that she might see her sister herself, I sent her to Demerara. On her return she told me that it was the intention of her sister to write me on the subject, but I never heard any thing from her satisfactory. About this time I told Betsy Ann that in consequence of her being so very impertinent, and that her sister was not coming forward, I would put her up at vendue. She then told me, if I sold her to any other person excepting her sister, it would be the grave for one and the gallows for the other. In consequence of her very rude reply, I had her put in the field, where she remained about a month, when my son begged for her, and she was released. On the 17th Sept. 1826, I again wrote to her sister, stating my price for herself and her son, namely 1800f. for her, and 600f. for her son. This letter was given to Betsy Ann to forward to her sister. Betsy Ann told me at this time, that if her sister or her niece did not buy her for the good of herself, she would rather remain my property. She very lately absconded from me with a trunk of goods, and was away better than three months. When she returned I took away the goods, and had her about me as a domestic, but on account of her being so irritable a disposition, I was obliged to send her to the estate (which is a cotton one), with a letter to the manager, requesting him to employ her as a domestic; but should he not be induced to change his present domestic, to work her about the logie.

I beg to add, that during the period I owned this woman, I have never flogged a slave, which she can confirm, (Betsy Ann confirmed this assertion) and since these new regulations I have withdrawn the goods from all my hucksters, and sent them to the above cotton estate.

The Protector impressed on the complainant the injustice of her accusation against so kind a mistress, and a woman much respected in the Colony. She



had been pardoned for transgressions which had frequently subjected other slaves to the severest punishment. She could not deny any part of the statement of her mistress. He (the Protector), could not comply therefore with the wish; in fact he possessed no power to say to an owner, "Such a slave must be sold merely because he or she desires it." The truth was, she had a most ungovernable temper, and did not wish to quit her comrades in town.

Miss Bannister said, that she had no objection to make an offer of selling her and her son to her niece in Demerara, as was originally promised. If that offer was not received, then they should be sold at public vendue here. On this arrangement the complainant was ordered to attend her mistress, and obey her lawful orders.

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*Complaint No. 27.—22d June 1827.*

Jerry, belonging to Frederika Fishback of plantation Plegtanter, states:—some time ago I went up the river to pull Mr. Jungcurt and my mistress. We went as far as the back habitations. The rain was falling very much, and the sloop was leaky. One of the trunks got wet. My mistress took a stick and beat me with it. Mr. Jungcurt took the stick from her and threw it away. When we returned my mistress said nothing belonging to me should be in the boat. She took my jacket with six guilders in the pocket, and a cassada strainer, and threw it overboard. When we got home she would not allow me to keep fowls, nor give me any ground for my convenience. My wife was also beat by her the other day; she complained to the civil magistrate, but got no redress. Jacob saw my mistress beat me.

Frederika Fishback, having been summoned, attended and stated:—We had gone up the river, and stopped tide at the back habitation. I told Jerry to bring up the trunks, as the boat was leaky. He brought up one, and left the other in the boat. Next morning I found the trunk under water in the boat. I got vexed, and took a switch which broke when I beat him with it. Mr. Jungcurt took it from me and threw it away. I never beat his wife; she went and complained to the magistrate, but it was proven to be false.

*Result.*—The Protector being persuaded that this ignorant free coloured woman acted on the spur of the moment, and in complete ignorance of the new law, recommended a compromise, at the same time assuring her that a second violation of the law, particularly because the negro complained, would be followed up by a prosecution. It was however necessary, in the first instance, that the complainant should consent to the arrangement. After some conversation between the woman and Jerry, it was agreed on that he should receive that same day as a compensation, a pair of trowsers, a jacket, a hat, and a shirt, with which he declared to be fully satisfied. The Protector then dismissed the complaint.

(Signed)

D. POWER, Protector of Slaves.

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*List of Slaves manumitted from the 1st of April 1827, to the  
30th June 1827.*

Date of Application.	Date of Manumission.	Name of Slaves.	No.	Name of late Owner.	If by purchase, amount paid.	Remarks.
April 4,	..	Anna	1	J. J. Vulpius	..	Deed of gift by Owner.
—	..	Abraham	1	Annetje Vulpius	..	—
—	..	Johanna Elizabeth	1	Widow Adami	..	Purchased for manumission by J. P. Alt.
—	..	Jocriba and five children	6	C. Ples	2200	—
—	..	Henry Leman	1	Susannah George	..	Purchased for manumission by F. Leman.
—	..	Isabella	1	Winkel, Dept.	..	Purchased by exchange for manum, by the free woman Santje, in 1811.
April 12	..	Frederick	1	R. C. Downu	..	Deed of gift.
—	..	Martha B. Croft	1	W. Croft	..	—
—	..	Manes Williams	1	I. Vanden Brock	..	—

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Number manumitted from 1st November 1826, to the 31st March 1827. } 58

72 Total number manumitted.

*Protector's Office, Berbice, 30 June 1827.*

*Return of the Negroes belonging and attached to the Plantations Ithaca and Frederick's Lust, the property of L. F. Gallez, Esq. married by the Rev. J. Vos, Minister of the Lutheran Church in the Colony Berbice.*

*Plantation Ithaca.*

The following persons married the 27th of April 1827. Present R. Hart, L. F. Gallez, and E. Holboorn, Esquires.

Balthazar	and Hecate.
Vrydan	— Jannetje.
Prins	— Venus.
Midas	— Cornelia.
Abram	— Galathea.
Noach	— Hanna.
Hercules	— Philis.
Telemachus	— Cornelia.
George	— Eva.
Frederick	— Leentje.
Bernardus	— Sarah.
Gordon	— Brunetta.
Michael	— Anna.
Crispin	— Martha.
Class	— Dorinda.

*Plantation Frederick's Lust.*

The following persons married the 4th of June 1827. Present L. F. Gallez, R. Hart, and H. D. Obermuller, Esquires.

Majalla	and Philida.
David	— Frederika.
Coridon	— Elizabeth.

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Samuel	and Maria.
Fokking	— Eddy.
Gerrit	— Lucy.
Sondag	— Diana.
Van Dam	— Antje.
Corobanna	— Maria.
Charles	— Alida.
Gideon	— Santje.
Gardner	— Juno.

*Quod attestor.*

(Signed) J. VOS, Minister of the Lutheran Church.

*Berbice, 13th June 1827.*

*Savings Bank Deposits, from the 1st April to the 30th June 1827.*

Date of Deposit.	Name of Slaves.	Name of Proprietors.	Amount Deposited.	To whom bequeathed in case of death.
April 23	Daniel	Winkel Dept.	f. 797	To his children, Sarah, Maria, Lucretia, and Emanuel, and further issue.
May 8	Louis Marinus	—	264	To his wife Cornelia, and four children, Metje, M'Kenzie, Joshua, Jeremiah, and all further issue.
— 22	Zacharias	—	9	To his child Thomas Zacharias.
— 30	Louis Marinus	—	110	As above.
June 2	Maria	—	18	To her grandchildren, Christian and Madelain.
— 25	Zacharias	—	12	As above.
—	François	—	36	To his two children, named Holland and Willimientje.
			1246	

Amount deposited from 1st November, 1826, to }  
31st March 1827. } 600

f. 1846 Total Amount deposited from  
1st Nov. 1826, to this date.

*Protector's Office, Berbice, 30th June 1827.*

(COPY.)

*Receiver General's Office, Berbice, 10th May, 1827.*

Received of David Power, Esq. His Majesty's Protector of Slaves, the sum of one thousand six hundred and sixty-one guilders, being amount deposited in his office for the purpose of being lodged in the Savings' Bank of this Colony, from 1st November, 1826, to date.

(Signed) J. LYONS NIXON, Receiver General.

This amount was deposited in the Receiver General's Office by me,  
(Signed) HENRY COX.

*Berbice, 30th June, 1827.*

Received from David Power, Esq. His Majesty's Protector of Slaves, the sum of one hundred and eighty-five guilders, being amount of cash deposited in his office from 22d May last to date, for the purpose of lodging in the Savings' Bank.

(Signed) W. BRINE, Deputy Receiver General.

This amount was deposited in the Receiver General's Office by me,  
(Signed) HENRY COX.

*List of Slaves in legal progress of Manumission*

Date of Application.	Name of Slaves.	No.	Name of late Owner.	If by purchase amount paid.	Remarks.
May 5	Susannah Reed	1			Never was registered.
—	Vesta and 1 child	2	Mrs. Buse, (deceased)	..	Deed of gift by Owner.
—	Maria	1	Plantation Cruysburg	..	Purchased for manumission by M. Lankhurst.
—	Cecilia Trotman, and 5 children	6	Phoebe Harris	f.1000	This sum the mother paid for herself, the children born since the date of purchase.
—	Robert and Polly	2	Harriet Parkinson	1000	Purchased by their mother, who is since dead.
14	William Grant	1	Col. Sheldrake, R. A.	..	Deed of gift by Owner.
—	Anna	1	Widow Spaugenberg	..	—
—	James Devonish	1	John Tapin	176	Purchased by mother.
—	Samba, and 1 child	2	—	—	Statu Libera.
—	John Brandes	1	Winkel Department	..	Purchased for manumission by C. L. Brandes.
—	Susannah and 2 children	3	J. B. Van Nieuwenhoven	..	Deed of Gift by Owner.
—	E. Wilkason, and 1 child,	2	Ann Pemberton	..	—
—	Franky Hazle	1	D. Barry	..	—
—	Johanna	1	Plantation Cruysburg	..	Purchased for manumission by H. Huskus.
21	Prudentia	1	G. Van Zadeloff	..	Deed of Gift by Owner.
—	Adam Rolle	1	Never was registered	..	—
—	Betje	1	A. Reeseaman	600	—
—	Johanna and 1 child	2	—	600	This sum Johanna paid for herself. Child born after.
29	Mary	1	Jos. Hall, (deceased)	..	Deed of Gift by his Will.
—	Kitty	1	Mrs. F. Beresford	..	—
—	Louisa, and 4 children	5	Jas. Mac Indoe, (deceased)	..	Deed of Gift of Owner by his Will.
—	Grace Campbell, and 3 children	4	James Campbell	..	Deed of Gift.
June 7	Fanny Toppin	1	Thomas Toppin	1200	—
—	Judith Toppin	1	—	..	Deed of Gift.
—	Robert and George	2	Joseph Thompson	..	—
13	Charlotte, and 3 children	4	D. O. Cameron	1000	This sum paid by Charlotte for herself, the children born after.
—	Johanna and Sarah	2	Elizabeth A. Watkins	..	Deed of Gift.
—	Aaron, his wife Camilitje, and 7 children	9	Mrs. H. C. Calmer, (deceased)	..	Deed of Gift of Owner by her Will.
—	Bibby, and 2 children	3	A. W. Van Omeron	..	Deed of Gift.

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*Protector's Office, 30th June 1827.*

*List of Slaves to whom license has been granted for Marriage, from 1st April to 30th June 1827.*

Date of License.	Name of Slaves.		Name of Proprietor.	Number of Couples.
	Men.	Women.		
April 22	April	Ariaantje	S. F. Gallez.	
—	Paddie	Soese	—	
—	La Rose	Elizabeth	—	
—	Coffy	Sophia	—	
—	Quamin	Nancy	—	
—	Abram	Afrika	—	
—	Friso	Deoba	—	
—	Hendrik	Amelia	—	
—	Amsterdam	Henrietta	—	
—	Nassau	Carolientje	—	
—	Baggus	Hendrika	—	
—	Ambrosius	Fanny	—	
—	Hendrik	Jacoba	—	
—	Carel	Roosje	—	Carried over, 14

Date of License.	Name of Slaves.		Name of Proprietor.	Number of Couples.
	Men.	Women.		
—	Benjamin	Annatje	—	Brought over 14
—	Christiaan	Mamie	—	
—	Jan Lewis	Diana	—	
—	Wajarie	Marie	—	
—	Cadet	Pompadoer	—	
—	Frans	Marjette	—	
—	Christian	Deborah	—	
—	Frans	Madalon	—	
—	Adam	Sophie	—	
—	Philander	Consientje	—	
—	Carel	Silphia	—	
—	Avontuur	Rosina	—	
—	Abel	Philis	—	
—	Figaro	Acoeba	—	
—	Boy	Present	—	
—	Neils	Henrietta	—	
—	Baron	Eva	—	
—	Philip	Biggy	—	
—	Adrian	Crissie	—	
—	Fortuin	Claartje	—	
—	Presto	Wilmina	—	
June 2	Majalla	Philida	—	
—	David	Frederika	—	
—	Coridon	Elizabeth	—	
—	Samuel	Maria	—	
—	Fokking	Eddy	—	
—	Gerrit	Lucy	—	
—	Sondag	Diana	—	
—	Von Dam	Antje	—	
—	Corobana	Maria	—	
—	Charles	Alida	—	
—	Gideon	Santje	—	
—	Gardner	Juno	—	
				33
				47
				22
				69

Number of couples to whom License is granted from 1st November 1826, to 31st March 1827, - - - - - } 22

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*Protector's Office, Berbice 30th June 1827.*

SIR,

*King's House, Berbice 29th May 1827.*

IT has been represented to me that two slaves named Klaas and Hendrick, the property of J. L. Nixon, Esq. Receiver General of the Colony, have lately been sold by him, the one by private sale, and the other by public vendue, under circumstances of peculiar hardship and oppression.

It is stated that Klaas has, without his knowledge, been separated from an aged mother, residing in town, and sold to a sugar planter on the other side of Berbice river, a distance from town of at least twenty-five miles; and that Hendrick, the domestic servant of Colonel Nixon, and who at one time accompanied his master to the United States of America, where he might have claimed his freedom, but who chose to return with his master to this Colony, has been separated from his family in town, and individually (and to him unexpectedly) sold to a person on the other side of the Berbice river, and some distance in the country.

These proceedings are so much at variance with what I have always considered to be the usage of the Colony, and must be so prejudicial to its interests, that I deem it necessary to call your immediate attention to them, if they have not already (as I am induced to hope that they have) attracted your notice.

You will, therefore, without loss of time, inquire into this case, and make a detailed report in writing to me of the circumstances of it, and inform me what is the Law and usage of the Colony in respect thereof.

I am, &c

(Signed)

H. BEARD, Lieut. Governor.

*His Honour M. S. Bennett, Fiscal.*

SIR,

*Fiscal's Office, Berbice, 1st June 1827.*

I HAVE the honour to acknowledge receipt of your Excellency's letter of the 29th May, directing me to inquire into the case of two negroes belonging to Colonel Nixon, Receiver General of this Colony, who were sold under circumstances of peculiar hardship and oppression, and to make a detailed report thereof in writing to your Excellency. In reply I take leave to state that I trust it will appear to your Excellency, from the accompanying examinations which I have taken, I have omitted no necessary point of inquiry to derive the information required by your Excellency; from said examinations, it appears that the slave Hendrick was sold at public vendue on the 25th May, and separated from his aged mother (whom Colonel Nixon is now manumitting) and family, without their consent or knowledge; a circumstance which, although not prohibited by any specific Ordinance, is, *nevertheless, contrary to the usage and custom of the Colony.*

The negro slave Klaas appears to have been sold many years before Colonel Nixon became his owner, also separate from his mother. In this instance, however, it will appear to your Excellency, that it took place with consent and at request of parties. I have not as yet been able to ascertain, if the statement of the negress Fietje, that she had paid six joes towards the purchase of herself, is correct, or not. I will lose no time in applying to Mr. de Goeje for information on this subject, and will report the result to your Excellency.

I trust herewith to have complied with the respected commands of your Excellency; and request to be favoured with your Excellency's further orders herein. I beg the examinations may be returned to me after perusal.

I have, &amp;c.

(Signed)

M. S. BENNETT, Fiscal of the Colony.

*His Excellency H. Beard, Esq.**Fiscal's Office, Berbice, 31st May 1826.*

Examination of the negress Fietje, an elderly woman, mother of Klaas, Jacobus, and Peter:

My two youngest sons are dead. Jacobus went to England with Mr. Chapman, where he died. Mr. Downer bought Peter, and freed him. He got a fit at the water-side, and was drowned. Klaas and Bill were given by my mistress, Mrs. Busie, to her grandson Sanders Krieger; but as he went to Holland, and did not return to this colony, Mr. Krieger purchased Klaas and Bill. After Klaas had belonged for some years to Mr. Krieger, he sold him to Colonel Nixon. Mr. De la Court, executor to Mrs. Busie, said that whoever purchased Klaas, my eldest son, was to purchase me also, the two other sons being provided for. Peter, my son, wanted to get Mr. Downer to purchase me, and he would repay him, but Miss Mietje Chambon, who was half-sister to Klaas and Jacobus, said it was better she should take me, and Peter would repay her. After Peter's death I found six joes in his desk, which were intended for Miss Mietje, and I paid them to her, and her husband, Mr. Hartien, gave me a receipt for the same. This receipt Peter's wife, Abaniba, belonging to Mr. Brankener, kept. Her house caught fire, and every thing in it was burnt to ashes, some time after Mr. Hartien's death. Mr. Nicolay put me up at vendue, and Mr. Broer, the carpenter, bought me, and I still remain with him.

Question.—When you knew you had paid for yourself, and found you were going to be sold at vendue, why did you not come to the Fiscal to complain?

Answer.—I never had been before the Governor or the Fiscal before, and that was the cause of my not coming.

The above examination taken 31st May 1827.

*Examination of the Negro Klaas.*

I was informed by my owner, Colonel Nixon, that I was to be sold at vendue, as he was going to England; but I was purchased by Mr. William Munro, of plantation Foulis, near Mary Creek, and where he intended to take me. To

this I objected, as I would be removed a very considerable distance from my aged mother, and I am the only child she has remaining. Mr. Munro said I must go. However, I persisted in refusing to do so, and he has consented that I should be sold at vendue, to try and find an owner in town, which I hope I shall be able to do.

Klaas was called upon to state how he came to be separated from his mother after the death of Mrs. Busie, and his mother's statement was read to him; to which he replied, Mr. De la Court consented that my mother should be sold at a low price, to enable my brother Peter, who was then free, but remaining in the service of Mr. Downer who is gone home, to purchase her. For the reasons stated by my mother, Miss Mietje Chambon paid the sum required by Mr. De la Court, but I do not know the amount. My mother did get from Peter's savings six joes, which she paid to Miss Mietje, for which she got a receipt from her husband, Mr. Hartien, but it was destroyed when Peter's house was burnt. Mr. De Goeje, however, knows the receipt did exist. My mother is an old woman, and infirm, and that is my reason for objecting to be sold at so great a distance from her. Colonel Nixon has since told me he is to stop three weeks longer in the Colony, and that I am to wait on him. After that I am to be sold. I was sent with some things to the vendue office this morning, and I have heard I was to be sold to-day, but if it is true or not I do not know.

Colonel Nixon was called upon to state his reason for disposing of the negroes Klaas and Hendrick separate from their families. He states, "I purchased the negro Klaas at public vendue. He was sold by Mr. Krieger, and I did not know he had a mother. The evening previous to my vendue Mr. Munro, the proprietor of plantation Foulis, understanding that Klaas was a good cooper, and knowing I had purchased him as a single negro, offered to purchase him to be employed as cooper, and he gave me f.1600 cash for the negro. The day of the vendue I told Klaas I had sold him to Mr. Munro. He said nothing to me, but I understood from Dr. Munro that Klaas objected to go to his estate, or to go out of town. Mr. Munro left him with me until I quit the Colony, and being unwilling to purchase a slave contrary to the slave's inclination, he told me, if any person would give a small advance, or, I think I may take upon myself to say, the same amount he gave, he would willingly part with him. Having purchased this slave as a single negro, I considered myself authorised to dispose of him. Klaas never hinted of his having requested any person to purchase him, or I would have given that person the preference. He objected as much when I purchased him as he has done now. Perhaps it is necessary to remark, that this man, Klaas, whilst in my service, was very sick. I hired a nurse to attend him. I sent to his mother, to say how ill he was, and wished her to come and stay with him, but she did not come. Her excuse was, she belonged to another owner. Klaas is much addicted to drinking, and I think that is one of his chief reasons for wishing to remain in town. With respect to the slave Hendrick, I purchased him, with his family, at the vendue of the effects of the late Governor Bentinck; the family consisted of the mother Peggy, Betsy, her children Jacob and Francis, and the boy Hendrick. I have advertised Peggy to be emancipated. I take home with me the boy Jacob, whom I mean to free. I have put Francis to school during my absence, and have given Betsy liberty to work for herself during my absence; with an intention, if she behaves well, to free her if I do not return, and in the event of my return, to keep her in the service of Mrs. Nixon, as her confidential servant. It had been my intention to free Hendrick, but his conduct has been so violent and brutal to his family, and insolent to myself and family, that I revoked that intention, and sent him to Mr. Munro's estate to be worked for some time, attending horses, and in the field. His conduct there was so mutinous, that Mr. Munro, at the request of his manager and overseers, returned him to me, fearful he would contaminate the gang. I then gave him a paper, authorizing him to find an owner, which he had for about a month, but no one would purchase him. I then sold him at vendue on the 20th instant. He was purchased by Mr. M'Dougald, manager of plantation Cotton Tree, for f.1,100; he objected to belong to him, and I understand he is now transferred to Mr. Ross, manager of Golden Grove, where I hear he is contented. Hendrick is 19 years of age, as appears by his registration.

I never knew Klaas had a mother until he was taken sick, and I must do him the justice to say that he has conducted himself to my satisfaction, with the exception of being addicted to strong drink, in which he indulges to that degree, as to be incapable of doing any thing.

(Signed)

J. LYONS NIXON.

*Examination of the mulatto woman Peggy, an old infirm woman, unable to walk otherwise than on crutches.*

Colonel Nixon bought me and my family at the vendue of Governor Bentinck, and we have been living in his service ever since. He is going to free me. He called me up stairs about three weeks ago, and asked me if I should like to go and see my two daughters in Demerara, who were made free by my old master, Mr. Droughteven. I said "Yes." Massa said very well, I will get you a paper, and you will be a free woman, and then you can go, and I will pay your passage. I said, "God bless you, Sir;" but I did not think the Colonel was going to send me away, and to divide my family by selling Hendrick, and taking away Jacob. He ought to have told me he intended selling Hendrick. I live in the yard, and never knew he was to be sold till Hendrick told me he heard his name was in the paper, to sell. I said no, child, the Colonel bought us in a family, and he cannot sell you without the rest. Asked if the Colonel had not given Hendrick a pass to look for an owner, says no, Sir; massa and he had a quarrel, and Hendrick got a paper to go and hire himself; but this has been a very long time ago. It was before Mrs. Thistlethwaite went home. It is my intention to go to my daughters in Demerara for some time. The one is lawfully married. They are both in good circumstances, but I cannot abandon the poor slaves here; consequently I cannot eat and drink there, but must remember those here, and come and look on them also. One of my thighs is withered up. I must be maintained, I cannot do the least thing to earn my livelihood. Betsy told me this morning, massa told her to look for some one to hire her whilst he was in England. Her child Francis is to remain at school, where she has been about five months. Hendrick was purchased by the manager of Cotton Tree. He objected to go there. After the vendue was over, Mr. Ross, manager of Golden Grove, sent for him, and said, I am sorry to see you so dissatisfied. If you will consent to belong to me, I will purchase you, and if the Colonel will sell Betsy and your old mother, I will purchase them also. Hendrick not being able to help himself, and finding Mr. Ross was inclined to befriend him, consented to go with him; and I cannot help myself, although I do not wish or like to be separated from my child.

*Examination of the woman Betsy, daughter to the invalid woman Peggy.*

My master, Colonel Nixon, is going home, and is to take my son Jacob with him. He told me he would leave me to work out, and maintain myself and child Francis, who is at school at Miss McIntosh's. I am to pay six guilders a month for the schooling. He pays the schooling now for Jacob and Francis. My mother wished to go and see her daughters, who are free persons living in Demerara. Massa said there is a new law that slaves could not go there. He would make my mother free, and then she could go. Should my mother return to this Colony to live with me during my master's absence, I do not know I could maintain her and keep my children at school.

Hendrick was advertised in the newspaper for sale, with Klaas, Nelson, and Smith. The morning of the vendue Klaas went up and asked what was going to be done with him. Massa told him he was sold to Mr. Munro of Foulis. He refused to go unless his mother went also. Hendrick was not told he was going to be sold, only his name was put in the newspaper. By that means only he became acquainted that he was to be sold. None of the negroes were



put up for sale but Hendrick, and he was sold at public vendue. I could say nothing against it, fearing the Colonel might say that he was doing good to me and my children. We felt dissatisfied, as he was the only one sold at vendue. The Colonel said he sold Hendrick because he was very insolent, and had taken up all the bad habits and customs of Sam, whom the Colonel sent back to Barbadoes. Witness admits that Hendrick was occasionally extremely rude in his behaviour and answers to master and mistress.

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*Friday Morning, 1st June 1827.*

Mrs. Hantzen, the person alluded to in the examination of the negress Fietje, and the man Klaas, having been desired to attend at the Fiscal's office, appeared this morning, and being required to state how the afore-mentioned negress Fietje came into her possession, and to give an account of the amount paid by the said negress towards purchase of herself, she, the appearer, replied, "Mrs. Busie left me a legacy of four thousand guilders. The woman Fietje was at that time living with a negro man named Deve Jan (John the Deaf), who was manumitted by desire of Mrs. Busie. When the effects of Mrs. Busie were to be sold at vendue, Fietje was desirous of being purchased by her husband Deve Jan, who was a cooper, and in the habit of making a good deal of money. Mr. De la Court and Van der Brock limited her price at f.600. At the day of sale Deve Jan could not effect the purchase. He had some of the old Dutch Berbice bills, which he took to Dr. Broer, to see if he had means sufficient to purchase her, but he had not. Fietje went to Maria Lucia, who was Deve Jan's sister, to beg her to lend her money, but she stated that she had exhausted her funds in repairing her buildings on her lot in town. She then came to me, and wished me to purchase her. This I declined, saying, 'You have three sons, all grown up people. Two of them are to be sold, and if I had the means I have not the inclination to purchase them.' Fietje replied, 'My sons and I never have agreed. You have been always living in the same house with me. We know one another, and I shall be much better taken care of by you than by any one else. My sons are grown up, and do not require me more.' I then consented to purchase her. She told Mr. De la Court of the arrangement. He sent for me, and deducted the f.600, the amount of her purchase-money, from the amount left me by Mrs. Busie. The balance my husband received. After I bought her she went to Mrs. Busie's yard to get her goods, and she remained there upwards of a year, continually sending to tell me she was sick. I went myself, and finding how much she imposed upon me, I said she must go home instantly with me. She however begged I would allow her to hire herself, and I agreed. After some considerable time I received two joes for hire, which were paid me by Abaniba, (Peter's wife,) and I am ready to make oath this is the only money I ever received from her, and that was not on account of purchase money, but hire. Her son Peter wanted to purchase her; to this I gladly consented. He spoke to Mr. Downer, and I believe Mr. Downer was inclined to assist him. He (Peter) died very suddenly; and after his death Mr. Downer declined the purchase. Maria Lucia, and Dr. Broer, are both aware of all the circumstances I have related to you. After the death of my husband, when the slaves were to be sold, Fietje, who was then residing with me, insisted on being sold also. I told Mr. Nicolay, who was my husband's executor; and he, having ascertained it was her wish, sold her also at vendue. She was purchased by Fritz Broer. I bought this woman for the sole purpose of serving her, and I sold her at her own desire.

Thus examined before me on the 31 May, and 1 June 1827.

(Signed)

M. S. BENNETT,  
Fiscal of the Colony.

## BERBICE.

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SIR,

*Fiscal's Office, Berbice, 7th June 1827.*

I HAVE the honour to report for your Excellency's information, that I examined P. de Goeje yesterday, on the subject of the negro Klaas, made to me on the 1st instant, namely, that Mr. de Goeje had seen a receipt given to his mother by Mrs. Hantzen, admitting six joes to have been paid her by said negress, in part of her purchase money. To this inquiry Mr. de Goeje has stated in writing, that to the best of his knowledge and belief, she, Fietje, never did shew him any receipt or other paper whatever.

I have, &amp;c.

M. S. BENNETT, Fiscal.

(Signed)

His Excellency Lieut. Governor Beard,  
&c. &c. &c.

*Berbice, 3d June 1827.*

PERMISSION is hereby given to the slave Klaas to look for a purchaser within the town of New Amsterdam until the 15th instant; any person who will give sixteen hundred guilders cash to his owner for him, a bill of sale will be made out accordingly, and if any purchaser, who the same Klaas may fix on, cannot conveniently pay down cash, he or she may have the same Klaas, on getting the vendue master to guarantee the payment of the above sixteen hundred guilders by four equal instalments of four hundred guilders each, payable in three, six, nine, and twelve months, with interest, and *all* vendue expences.

(Signed)

J. LYONS NIXON,  
for WILLIAM MUNRO, Esq.

To all concerned.

A true Copy of the original Document exhibited to me by his Honour the Fiscal, and remaining in his possession.

JOHN SHANKS, Acting Secretary.

*Return of a Slave sold by the undersigned on 19th June 1827, to  
William Munro, Esq.*

Name.	Sex.	Age.	Colour.	Employment.	Place of Birth.	Conspicuous natural Marks.	Remarks tending further to identify.
Klaas	male	42	yellowish	ostler	Berbice		hairy on the breast.

One slave.

(Signed)

J. LYONS NIXON.

Deposited in the Slave Registry Office, Berbice, on the 23d June 1827.

(Signed)

R. SAMUEL, Registrar.

SIR,

*King's House, Berbice, 7th June, 1827.*

I AM directed by his Excellency, the Lieutenant Governor, to transmit to you an extract from an official communication which has been made to his Excellency, in a letter of the 5th instant, by his Majesty's Protector of Slaves, for any explanation you may wish to give in respect of this communication.

I have, &amp;c.

C. BIRD, Assistant Governor's Secretary.

(Signed)

To F. White, Esq.  
Deputy Colonial Secretary, Berbice.

SIR,

*Secretary's Office, Berbice, 7th June 1827.*

IN acknowledging the receipt of your letter of (this day), with its enclosure, relative to a late sale of my negroes, I beg you will return my sincere thanks to the Lieutenant Governor for the opportunity afforded me by his Excellency, to explain what, on the face of it, certainly appears to require some elucidation.

In my arrangements to enable me to return home, I was desirous to break up my establishment to the satisfaction of all my domestics; and accordingly gave each of them a pass as they required it to select their future masters or mistresses.

The negro Nicolson applied separately, and I gave him a pass

The negress Corah, in like manner applied, and I gave her a pass.

The former was successful and obtained a place in town.

The latter failed, and I was therefore, very reluctantly, about to place her at vendue on the 31st ult. when Mr. Gallez made me an offer at long credit, and which although very moderate, I accepted rather than publicly expose the woman for sale.

The negress Corah, and her child Wallace, I purchased in 1821. The negro Nicolson in 1824. The Child Lubin was born of Corah in July last.

During my possession of Corah she had the reputation of cohabiting with various slaves, as well belonging to myself as others. Which of these is entitled to claim her as his wife, I cannot determine; certainly no such claim was preferred to me at the time of sale nor since; but to make the case still clearer, I have enquired of the negro Nicolson whether he be desirous to accompany Corah, and in his own language he replied, "No, Massa, true me ben have her, but Massa no ben buy her along with me, and me no want for sell along with her too."

Now if the ordinance constrains persons thus situated to be united in sale, I must submit; but it appears to me that the object of bettering their conditions will not be thus effected.

I had no intention, nor do I wish to act contrary to the ordinance, or any established mode of sale on equitable principles, I merely want my hard earned wages of twenty years as a public servant in this climate made transmissible; and I am willing to submit to any means by which this may be accomplished.

Trusting that the explanation I have afforded may prove satisfactory, and obviate any unfavourable impression that might otherwise have been received,

I have, &c.

(Signed)

F. WHITE.

No. 6.

MY LORD,

*Berbice, 17th September 1827.*

I HAVE the honour to transmit to your Lordship, a copy of the report of Mr. Charles Bird, the Deputy Protector of Slaves, (in the absence of Mr. Power) detailing his proceedings from the 1st July, to the 30th August last, together with all the documents to which the report refers.

I have, &c.

(Signed)

H. BEARD.

*The Right Hon. Lord Viscount Goderich,*

&c.

&c.

&c.

SIR, *Deputy Protector's Office, Berbice, 1st September, 1827.*

IN obedience to the 38th clause of the Slave Ordinance, enacted on the 25th September, 1826, I have the honour to lay before your Excellency a brief account of the manner in which the duties appertaining to the office of Protector of Slaves have been performed since the 1st July last, being the date of my appointment as Deputy, until the 31st August inclusive.

In prefacing this report, I beg leave to attract your Excellency's attention to an opinion which had gone abroad, that the Protector, by virtue of his authority as a civil magistrate throughout the colony, is bound to listen to and redress the complaints of free persons against their slaves; this notion might assume some air of plausibility, where the occasion was one of emergency, but unless such happened to be the case I had determined to put it down at once, and accordingly you will find in the record book of complaints, Mr. Alexander Currie referred to the Fiscal on a charge preferred by him against his domestic slave named Chance. Numerous instances have since occurred of a like nature, and which have invariably been disposed of in the same manner, for I think your Excellency will deem me right in entertaining the idea that to decide in a summary mode, when the complaint is made by the master, and where such decision might direct punishment for the slave, could not fail soon to excite universal distrust amongst the slaves towards the Protector, and make them shy in seeking his advice, or unfolding to him their grievances; in fact, they would view him merely in the light of a secondary Fiscal. This feeling, if it once became general, would much more than counterbalance any benefit to be conferred on the slave population by his wielding the powers of a civil magistrate with lenity and discretion. Again, the complaint of a master when preferred before the Fiscal is attended by a very considerable expence, and it is worth consideration, whether self interest will not in such case, prompt the owner to further the present object of substituting for the lash, or corporal pains, a punishment which has its origin in a feeling of shame for being disgraced.

The most remarkable amongst the *complaints of slaves* during the two months embraced by my report, are Nos. 15 and 21. The first of these was an appeal by two negroes named Nelson and Boss against the decision of a civil magistrate in the first district on the West Sea Coast. Instead of taking cognizance of this matter myself, I referred it to his Honour the Fiscal, and appeared before him at the investigation as Advocate for the slaves. My reason for so doing is detailed at length in the complaint book, and will I trust, when the result is kept in view, be considered judicious.

No 21 is a complaint preferred by six male slaves against their manager Mr. Roderick Nicolson. Five of them were reduced to a complete state of nudity, and flogged within view of females belonging to the same estate; whether this indecent exposure be an offence punishable by the existing law, I am not prepared to say, but in the hope that it will prove so, I have sent the case to the proper law officer for the Crown, and it is now in the due course of prosecution. The sixth slave, "Esau," evidently underwent an illegal punishment; in fact, the mode in which he was suspended by his hands and feet, could have been little short of absolute torture. However, circumstances not disclosed at the preparatory examinations may appear at the day of trial, I therefore abstain from further observations, and respectfully refer your Excellency to my minute of the complaint itself.

Considerable inconvenience has been experienced from the want of some judicial court for the recovery of trivial debts at a small expence; the absence of such a tribunal is severely felt by the slaves, and the inefficacy of the Protector's attempts to recover their outstanding claims for the sale of pigs, poultry, &c. becomes each day more perplexing. Few slaves, if any, are prepared to encounter the present heavy expence attending a suit before the Court of Civil Justice; consequently the Protector's efforts are limited chiefly to threats, which I regret to state, are now almost disregarded.

The *Criminal Actions* instituted at the instance of the Deputy Protector are three, and directed against the following persons, *viz.* F. H. de Quay, the slave John William, and Mr. Roderick Nicolson.

The number of *Manumissions* obtained since the 1st July amount to 61, those in progress to 27. Of these, the boy Charles, purchased for freedom by

his mother Lena, requires to be particularly noticed as having been effected under the compulsory clauses of the new ordinance. The appointment of appraisers before your Excellency on the 23d of last month, took place without a dissentient voice, and the price fixed by them of 500 guilders as the value of a child but six months of age, will, I suppose, be an award peculiarly acceptable to the inhabitants of the Colony. It also forms a striking proof, if any were wanting, that the operation of the new Law is not likely to depreciate the value of slaves. No more than seven months ago a child one year and a half old was appraised, under similar circumstances, and valued at 200 guilders. Now we have one aged only six months, not a whit more healthy, or born under more favourable auspices, declared to be worth 500.

The sums deposited in the *Savings Bank* are 11 f. and 13 f. by two slaves attached to the Winkel Department.

*Marriages*, legally solemnized, *none*.

No 1. Copy of the Deputy Protector's Complaint Book from 1st July to 31st August, inclusive.

No. 2. Fiscal's report on the result of those cases referred to him for prosecution.

No. 3. List of manumissions effected from 31st July to 1st August 1827.

No. 4. List of slaves in legal progress of manumission on 31st August 1827.

No. 5. List of deposits made by slaves in the *Savings Bank* since the 1st July last.

I have, &c.  
(Signed)

CHARLES BIRD,  
Deputy Protector of Slaves.

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*Complaint No. 1.—Protector's Office, Berbice, 5th July 1827.*

Complaint of the negro Klaas, attached to plantation Karel and Willem's Hoop, situate up the river Berbice.

Klaas states that in consequence of alleged mismanagement of a punt entrusted to his charge for the purpose of fetching shingles, he was, during last Whitsun holidays, placed in the stocks and afterwards flogged. That, on returning to his house which he had left locked, he found the same had been broken open by Mr. De Quay, and a little packall, containing 250 guilders, four joes, and seven guilders taken therefrom, as also provisions, and other articles that were in the house.—Quami (a negro) went with Mr. De Quay. He was ordered to break open a trunk which contained the packall, with an axe, but refused to do it.

On complainant being asked how he came in possession of so much money, and who had ever seen it? He replied I received it in payment for yams, plantains, cassava, and pigs. And the doctor (Aner), when he was ordered to search in the negro houses for two handkerchiefs, lost at a dance by some Indians, saw it.—I asked Mr. De Quay to return me my things, he said he would not; he wished I was dead. I asked for a pass to complain, which he refused to give me. I then came down to Mr. Barnstedt, who said I should go back up the river, and he would give me a pair of trowsers and a cap.—I said no, I wished for a pass to go to the Fiscal. He also refused it, and made two drivers put me in the hospital, where I was kept every night for about three weeks. I hid one evening under the coffee trees, and at night made off to town.

Quami examined, states Klaas had been with a punt in a creek to fetch shingles, the punt got upon a stump, and the shingles were lost. Klaas being afraid of Mr. De Quay, ran away for two or three days; he then came back, and we were ordered to lay hold of him; he set off again, and went to Mr. Mittelholzer to complain, who, in company with Mr. Hicks, brought him back and he was then flogged.

Whilst he, Klaas, was away, Mr. De Quay forced the door of his house open, and wished to open a trunk which was there, to see if it contained any rum. The trunk was locked, and to convince Mr. De Quay, I took it up and shook it sufficiently to ascertain there were no bottles in it. We saw plenty of goods

in the house, cassava strainers, fowls, a hammock and ropes quite new — We took nothing from the house, but left the door open. I wanted to shut it when we had come out, but Mr. De Quay said I was to leave it open. After Klaas was flogged he found every thing that was in his house gone. He was ordered to the field but refused, and said he wanted his goods.

On being questioned whether Klaas ever mentioned the loss of any money out of his house, when the door was so broken and left open, Quami states, that Klaas declared he did not care so much for his goods, but that the money was his principal loss.

Quami was, at the time of this transaction, head carpenter upon plantation Karel and Willem's Hoop; he is now hired out to the Royal Engineer Department.

*Result.*—The above complaint was referred to his Honour the Fiscal, for an immediate institution of criminal proceedings against the offender, F. H. De Quay, and all others concerned in the above-mentioned robbery.

*Complaint No. 2.—9th July 1827.*

The slave William, attached to the Winkel Department, complains that a sow belonging to him escaped from the pen on Saturday last. A negro employed by the Town Commissary killed it, and took away the head (this by colonial regulation he is entitled to, as a reward for killing stray hogs), but left the rest of the animal upon the dam for the owner to come and take away. At eleven o'clock the slaves Amsterdam, Michael, Gedult, Cook, and Zamore, proceeded to the spot, cut up the pig, and divided it amongst them. On sending for these negroes, they instantly acknowledged the fact to be as William had stated, and regretted that they had meddled with his property.

*Result.*—This not appearing to have been considered by the offenders as a theft, and the publicity of the act, with their readiness to acknowledge it, strongly indicating such to have been the impression, a suitable admonition was given, and time allowed them to find compensation for William's loss. William afterwards called to say that he had received compensation.

*Complaint No. 3.—9th July 1827.*

Donderdag, belonging to Mr. J. Cottam, states:—I am sick and not able to work; my legs hurt me. Last week Mr. Cottam said I should go to work; I said I was not able to do so. I am punished every morning on account thereof. He gave me some clothing, and when he is displeased with me he takes it from me, and gives it to other persons. I was bled by Dr. Theurer. Says the negro Abercrombie witnessed his ill-treatment.

*10th July.*—Abercrombie, belonging to Miss Julia Smith:—I have not seen Donderdag the whole of last week, except on Saturday, when my master was obliged to order me to scrub his skin in the morning, as he never touches water; he is a bad boy, and tells too many lies.

Miss J. Smith, the mistress of Donderdag, says the Fiscal ordered him to be flogged about three weeks ago. Since that time he has not been punished. He has been sick for about two weeks, during which time he has not done any work; he staid at home. Does not know what to do with him, he is so very idle.

Mr. J. Cottam being told that the boy's complaint appeared to be without foundation, and that he could now take him back, seemed unwilling to do so, unless he was punished for making an idle complaint. The Deputy Protector said this could not be sanctioned; the boy had not yet recovered from the effects of his former flogging, and it was very evident that manual chastisement produced little or no effect; he should therefore try serious admonition. Donderdag was sent for, the consequences of his idle habits pointed out to him, and he was strongly urged to behave better in future.

*Complaint No. 4.—10th July 1827.*

Telemachus, belonging to plantation Gibraltar, states:—That having a long time ago sold a hog to John Taylor for a sum of ten dollars, he has not yet been able to receive the amount, although he made repeated applications; and therefore requested the Deputy Protector to interfere on his behalf.

A letter was written to John Taylor, requesting an immediate settlement of the above claim.

12th July.—John Taylor called, and requested the Deputy Protector to grant him a short indulgence, which would enable him to procure the money.

*Complaint No. 5.—11th July 1827.*

Delia, belonging to Miss Susannah George, *alias* Rahder, says:—Her daughter Rebecca went to see a quarterly ball given last night by the white people; that whilst there the slave John William threw her down stairs, and then trampled upon her; that people were obliged to carry her home. Dr. Beresford came and bled her. That said Rebecca has since continued in an alarming state, and cannot speak.

The Deputy Protector instantly sent off information of the circumstance to the Fiscal, and went to see the condition Rebecca was in. On arriving at the house, he found her lying on a bed unable either to speak or move. After waiting there some time, a servant, who had been sent to call the doctor, came back, and said he was not yet up. The Deputy Protector went home for a horse to go in search of the Fiscal, and to procure a doctor. Found the Fiscal on the dam, and detailed to him the occurrence. The Fiscal said that, on receiving the Deputy Protector's note, dienaars were sent to apprehend John William. The schout had gone to see Rebecca, and found her in a very bad state. The Fiscal and Deputy Protector then proceeded to Dr. Beresford's house. After agreeing to meet the Deputy Protector at the Governor's, he (the Fiscal) went in to request the doctor would immediately go to see Rebecca. The Deputy Protector reported what had happened to the Lieutenant Governor, who directed the Fiscal to procure Commissaries of the Criminal Court for an immediate investigation of this matter, and to use every exertion in causing John William to be apprehended.

*Complaint No. 6.—10th July 1827.*

Peggy, belonging to Mrs. Beresford:—I was sent by Miss Isabella to Miss Kitty Beresford in the second empolder last evening. When I was coming back on the front dam, I saw two white men coming, and thinking they were dienaars, I went and stood up in Mr. Gallez's yard, close to the railing. Some people came behind me to hold me; I ran, endeavouring to get away from them, when Mrs. Fisher's boy (Quami,) laid hold of me on the road close to Mr. Nieuwerkerk's, and brought me back to the yard, where I was shamefully beaten by Mrs. Gallez and her negroes; they said I had been up stairs with Mr. Gallez, and that I was in the habit of sleeping with him every night, which, however, I deny. Peter Barnett and Rebecca Rahder were present. Mrs. Gallez bit me in the head and hand; she got my hands tied, and in that way they set out with me to the barracks. When we came opposite Miss Cox's house, a boy ran and told the negroes in Dr. Beresford's yard what was going on. Immediately my mother, Dean, and John, came and found Mrs. Gallez beating me. My mother attempted to release me, but was struck by Mrs. Gallez. Mr. Mann was standing by, and said that was not the way for a lady to behave. Dean then took me from Mrs. Gallez, but was bit in the arm severely by Mrs. Gallez in doing so.

Betsy, mother of Peggy, says:—John came a little after Mrs. Beresford had gone to bed, to tell me that Mrs. Gallez was killing Peggy upon the dam.

When I went I found Mrs. Gallez had Peggy tied with a rope. I asked Mrs. Gallez what was the matter; she hit me a slap. I tried to take away Peggy when she hit me again. I raised my hand to return the blow, but Mr. Mann who was standing by pulled me back, and said I must not hit her, but go to complain, and I should receive satisfaction. Mr. Mann and the negro then released Peggy. In so doing Dean was bit by Mrs. Gallez in his arm.

*July 11th.*—Peter Burnett having attended, stated:—I was not in Mrs. Gallez's yard the night Peggy speaks of. I only heard a noise passing my house, upon which I came out and saw a mob of people passing. I saw Peggy with Mrs. Gallez behind her. I went back into my house to eat supper.

Mrs. Gallez, free coloured woman, states:—I am staying with my mother in the out buildings. The night before last I was lying down on the bed with my child, who wetted the sheet, so that I went to the house to fetch a dry one. As I went up stairs I found Mr. Gallez (my husband) lying with a girl (who I did not then know) on a mattress on the floor. As she saw me she got up and hid behind a musquito net. I locked the door inside to prevent her getting out. I then caught her, she bit and scratched my hands; I of course in return beat her. Mr. Gallez held my hands, and opened the door to let the girl out. When she was running down stairs the girls now present saw her; I followed her and before she could get out of the yard I caught her. I then took a rope and tied her with the intention to take her to the barracks. There was no negro in the yard, so I was obliged to do it myself. When I was coming along with her many people joined, but none of them were from our yard. When I came oposite Captain La Rose's, her mother came to take her away from me. I said she should not attempt to take her away by force, as she was not aware where I had found her; her master's negroes then came. A large negro, whose name I do not know, pushed me on one side and loosed the rope from the girl. The girl Caroline struck me. I did not beat Peggy's mother, I only pushed her away when she wanted to release her daughter. A boy named Davy was beating my little creoles, who were following me, with a leathern strap. John was also helping him. I went in to Dr. Beresford's house; I saw a lady there; I told her I had found her girl with my husband, and her negroes took away the girl from me, and the mother had beat me when I attempted to take her to the barracks. The lady said, "why is this woman coming to annoy me." I said that whether I was a mulatto or white woman, that as I was married I had the same right. I then came away.

The slave boy John:—My master (Mr. Gallez) on Sunday night said, I should look for a girl for him. I could not find one that night; but on Monday I got Peggy, and brought her to my master, who ordered me to open a bottle of wine, he gave her a glass of it, and then I went away. A little after I heard a noise. I ran in the house, and heard my mistress slap Peggy up stairs. Peggy ran down out of the house. I saw nothing more, as I did not follow them.

The slave girl Amba, belonging to L. F. Gallez, states:—We creoles were playing close to the house. I saw my mistress go up stairs, and heard a noise immediately after. We saw the girl Peggy run down out of the house, and mistress after her, who caught her before she could get out of the yard. Mistress then tied her, and was going to take her to the barracks. When we got oposite Captain La Rose's her mother and brother came. The girl Caroline gave mistress a blow. A man pushed mistress on one side, loosed the rope, and we were licked with a leathern strap by Davy and John.

Marianna, Quasshy, Henrietta, and Rosa, all corroborated what Amba said, positively asserting that they were standing in the door at the bottom of the steps, when Peggy came running down, and Mrs. Gallez after her.

*Result, 12th July 1827.*—The Deputy Protector sent for Peggy, and in language that she could clearly understand, said, You have, in the course of your complaint, stated what is most untrue. It now appears that you *have* violated the marriage bed of Mrs. Gallez, which act produced the treatment you met with. That Mrs. Gallez acted intemperately is also established; but had she, in the irritation produced by finding you and her husband in the situation described, attempted to destroy the lives of both, she would have been in some measure justified.



I condemn you to seven days solitary confinement, to be fed during that period upon plantains and water, and let me hope this punishment will pave the way to a change in your character, which at present is extremely bad.

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*Complaint No. 7.—16th July 1827.*

John, a slave, the property of Mr. Jacob Staal, says :—Mr. Staal bought him a short time ago at vendue, and took him up the river. Says he does not like the place where Mr. Staal lives, and begs to be allowed to look for an owner in town.

The Deputy Protector told John he could not compel Mr. Staal to part with his slaves, unless he felt disposed to do so. He also asked John, if Mr. Staal had ill-treated him, which rendered him desirous of looking for a new master. John said, no; he had not any acquaintance in the river, therefore he wished to live in town, where he knew some of the people.

A letter was written to Mr. Staal communicating John's desire, and expressing a hope that it would meet with his concurrence.

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*Complaint No. 8.—17th July 1827.*

Mr. Alexander Currie complains, that his slave-boy "Chance" absconded without cause nearly a week ago, and was apprehended yesterday. As this has been a fault of very frequent recurrence, requests the Deputy Protector will, in his capacity of a civil magistrate, direct Chance to be severely flogged, in order, if possible, to deter him from similar conduct in future.

The Deputy Protector refused to comply with this request, and desired Mr. Currie to prefer his complaint before the Fiscal.

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*Complaint No. 9.—19th July 1827.*

The Deputy Protector received from the Assistant Protector (D. Fraser) of the Second District, on the East and Corantyne Coast, the following copy of an investigation into a complaint preferred by Quashiba, of plantation Allness, against the manager.

This being the first instance brought under the Protector's notice where Mr. Grimmond had improperly administered correction, and it appearing to have been more an error in judgment than wanton exercise of power, instructions were transmitted to the Assistant Protector to reprimand Mr. Grimmond, and caution him to be more circumspect in future; also to state, that the circumstance would be made known to his employer, Mr. Kewley, who is one of the attornies for plantation Allness.

Quashiba complained of having been put in the public stocks, by order of Mr. Grimmond, for about two hours; and stated that she had (as customary with other women on the estate having young children), been in the habit of getting milk every morning; that the milk being refused to her about a fortnight ago, she did not go for any afterwards. That on Sunday last (15th), Mr. Grimmond being then from home, a message was sent to her by the little girl in attendance on Betsy (Mr. James Grimmond's housekeeper, not attached to the estate), from her brother Adam (a domestic in Mr. Grimmond's house), saying, Adam called her; he had something good to give her.

That on her (Quashiba) going to the manager's house, she found it was but to be questioned regarding the milk. That after some conversation having passed betwixt herself, Adam, and Betsy, and on her going away Betsy followed her, and, overtaking, commenced fighting.

That on the following day (Monday, 16th), at eleven o'clock A.M. the driver called her to go to the manager's house; and on going there she was ordered into the public stocks.

Betsy stated in her defence, that Quashiba has been frequently cursing her, and threatened to beat her.

Adam said, his sister Quashiba has been frequently cursing Betsy for refusing the milk, and that he sent for his sister, to face each other about it. On asking him who commenced first to fight, said he went into the house; he did not know.

Betsy and Fanny, two domestic women attached to the estate, stated that Quashiba had, previous to this day (15th, the day on which the fight took place) been on her way to curse or beat the woman Betsy (Grimmond's housekeeper, who is not attached to the estate), for refusing the milk, but that they prevented her.

Robert stated, that he separated the two women, and that Betsy was the person who first made the attack.

Mr. Grimmond stated, that Quashiba had no business to come into his yard to make any disturbance in his absence; that he would not allow such; and that Quashiba had been insolent to him.

Quashiba to this latter charge replied, that she said she had no black missy, and she would not take any trouble for a black missy.

Mr. Prentice stated, that when or about the time Quashiba was put in the stocks she was rather insolent, and had rather too much to say at the manager's house.

From evidence heard on both sides, I stated to Mr. Grimmond, that (except in case the woman had been insolent) I did not see any just ground or cause for the woman Quashiba being put in the stocks, or punished at all; that I considered his own girl Betsy altogether to blame; that Quashiba had gone to his yard, not of her own accord, but called there by his own servant; that his girl Betsy had no business to lay hands on Quashiba, or even to interfere in case of any dispute, but to refer to him, as manager.

(Signed) D. FRASER.

*Complaint No. 10.—21 July 1827.*

Simon, belonging to plantation Adelphi, the property of Isaac Farley, states:—Last Monday his work consisted in weeding canes; that when finished it was looked at both by overseer and driver, who approved of it; but when the manager, Mr. Dowdie, came, he declared the work to be badly done, and ordered complainant to be flogged. Says Mr. Dowdie acts with great partiality; that some of the slaves, who deserve it, are never punished, whilst others are flogged for nothing.

Referred to the Local Magistrate of that district for investigation and report.

John Alves, civil magistrate, reported, that he had investigated this complaint, which appeared wholly destitute of foundation. He went upon the estate, and questioned the slaves with regard to the alleged partiality of Mr. Dowdie. They declared it was not true, and described Simon as a very ill-disposed man. Simon could not produce any witnesses in his behalf, who did not contradict every particular of his complaint.

*Complaint No. 11.—23 July 1827.*

Archer, belonging to plantation Goldstone Hall, says:—About three years ago his house was accidentally burnt. The manager gave him leave to go in the bush to cut wood enough to make another. This wood, being of a soft description, soon decayed, and about two months since the house fell down. Archer then asked Dick to give him and his four children a shelter, which Dick consented to. Yesterday, the manager ordered people to go into the bush to cut fire wood for the engine; Archer obtained permission to go along with them, for the purpose of obtaining materials to build another house, but in the evening, when his owner (Mr. W. Fraser) heard of it, he directed said Archer to stay at home.

Archer complains that it is extremely hard he should have no house and no opportunity to procure materials to make one.

A letter was written to Mr. W. Fraser, requesting his attendance at this office.

24th *July*.—Mr. Fraser, having attended, says the house Archer had fell down last week. I was not aware of the circumstance until Sunday afternoon, when I forbid him to go into the bush, because he has four children on the estate, which I conceived could not be better looked after than by himself. The negro Archer is both lazy and indolent. The house he had was never repaired from the time of its being built; he did not live there for months before it fell down. He cohabits with a woman named Hagar, who is now pregnant. With this woman he is continually found at the time he ought to be performing his work. However, a new set of negro houses are now to be built for the whole gang. These will be finished in a month, or at the utmost six weeks; when Archer shall be provided with one. Archer is now living in a comfortable house belonging to the slave Dick.

This complaint remains in suspense, until a sufficient time is elapsed for the erection of negro houses, when the Deputy Protector will proceed to the estate, and see that Archer has a proper dwelling of his own.

*Complaint No. 12.—25 July 1827.*

Slave Montrose, belonging to Mr. J. N. Lentz, but at present hired to J. B. Walraven, who resides in Canje, says:—He came to town yesterday afternoon with Mr. Walraven, in a corial. When they arrived he and another man were sent in search of some slaves, who had been directed to purchase plantains, these slaves (notwithstanding a long search) could not be found, and when Montrose returned Mr. Walraven declared he should be well flogged, after his return to Canje; says he is afraid to go back.

Montrose was directed to return immediately to Mr. Walraven, and tell him where he had been, also that the Deputy Protector of Slaves did not consider the circumstance of his failing to find the slaves in question as deserving of any punishment whatever, unless said Montrose had omitted to use his best endeavours to do so.

27th *July*.—Upon inquiry this day it does not appear that Montrose was punished.

*Complaint No. 13.—27th July 1827.*

John, belonging to Caroline Buttiger, says:—Frederick M'Congoo, a free black lad, gave me a jacket and pair of trowsers to make for him. I finished the jacket, which he got. To-day he sent a boy for the trowsers before they were finished, but, as he said he must have them, they were sent by the boy. For this and previous work he owed me nine bits, out of which I received six. About twelve o'clock I was at Mr. Da Costa's yard, and saw Frederick there, he asked me for thread; I told him he must first pay me the three bits which were still owing. Upon this he beat me. I returned some of his blows, when Mr. Da Costa came out with a whip and told the people to catch me and put me in the stocks. I then ran away, and come to complain. Quami is my witness.

Quami says:—John came into our yard, and Frederick M'Congoo asked him for thread. He said he must first pay him his money. On this Frederick hit him a slap, they then began to fight. Master came down stairs and told John to go away or he would put him in the stocks.

Frederick M'Congoo says:—I was underneath the house, John came, I asked him for my thread, he said I must pay him first. I told him to send my trowsers and I would. He called me a d—d rascal, and I hit him, he hit me back. My master then came down stairs and told John to go away. He took hold of John, John begged pardon, and he was released.

Mr. A. Da Costa:—I was asleep on a sofa, when some people, who were making a noise, awoke me. I went down stairs and found M'Congoo and the boy John quarrelling. I told John to go away, he refused, and I took hold of him to put him in the stocks; he then begged pardon, and I let him go.

*Result*:—John and M'Congoo, being mere youths, were severely reprimanded for resorting to blows as a mode of settling their dispute, and John's complaint was dismissed.

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*Complaint No. 14.—29th July 1827.*

Complaint of the negroes Jan Bart and Olio, belonging to plantation Belle Vue.

Jan Bart states:—I was coming to town for money. I met a negro man on the dam close to Providence, he was beating somebody. I said, oh let the man alone. He asked where I came out. I said from Belle Vue. He then said he should lick me too; which he did; he bruised my mouth and beat me very much. An old man met me called Olio; he had things on his head which he had bought in town. These the negro man took away, threw them in the trench, and beat Olio.

Olio, belonging to plantation Belle Vue:—I had been in town and was returning home. Close to Providence I met a black man. He stopped me and asked for my pass. I took off my hat and shewed it to him. He tore it up and threw it away. He then beat me. A mulatto man, who is overseer at Providence, came and held the negro, and he was put in the stocks at Providence.

Both these men bore evident marks of hard blows. Jan Bart complained of his breast, and was asked to remain at the Deputy Protector's house until he could be sent home in some conveyance by water. He said he would rather walk home.

*Monday, July 30th.*—James Stubbs, overseer at Providence, says:—Yesterday, about twelve o'clock, I heard that some negroes were fighting on the dam. I went out on the bridge, and saw two belonging to Overwinning come along the dam. They passed me, and parted soon after. One of them met a little girl on the dam and gave her a slap. I sent a slave after him. He ran until he reached a bridge between plantations Overwinning and Providence. He there met a man; I saw him stop him. The man took off his hat; immediately after a scuffle ensued. The negro I first mentioned took a basket off the other man's head, threw it in the trench and commenced beating him. The man ran up the dam crying for assistance, the negro following him all the time; he at last threw him in the trench. The boy who was with me ran and attempted to hold him; and shortly afterwards I got up, took him into custody, and placed him in the stocks. About one o'clock, or a little after, Mr. Davies the manager of Overwinning came to Providence, and I delivered the negro to him.

January, belonging to Overwinning, was asked what he had to say, after the preceding had been read to him.

I was watchman the night before. The next morning the manager gave me a glass of rum. As soon as allowance was served he gave me another. As I had eaten nothing that morning my head turned, and I did not know what I did.

James Stubbs being questioned whether January seemed drunk when the assault was committed, says, the man was evidently tipsy at the time he apprehended him and put him in the stocks.

*Result.*—January never having been confined in the public jail, it was resolved if possible to avoid bringing him in contact with its inmates: he was therefore sent back to Overwinning. The ensuing morning the Deputy Protector went there, and directed him to be placed in solitary confinement for fourteen days, and to be fed during that time upon prepared plantains and water. The manager was also cautioned against giving this man more than the ordinary dram of spirits in future.

*Complaint No. 15.—30th July 1827.*

Complaint of the negroes Nelson and Boss, belonging to plantation No. 19, West Coast, the property of Mr. Blair.

These slaves complained of having been improperly flogged by order of the manager Baillie Chisholm, thereupon they proceeded to the civil magistrate of the district, H. Downie. The civil magistrate investigated the complaint, which he declared to be unfounded, and sentenced them to one month's imprisonment in addition to their former punishment.

The Deputy Protector, before taking down the particulars of this complaint, made the slaves comprehend, after a long explanation, the connexion which subsists between the Protector and the Civil Magistrates in their capacities of Assistant Protectors;—that it is the duty of a civil magistrate, upon awarding punishment in any case brought before him, to report the whole of the particulars to the Fiscal. And therefore their appeal lay rather to the Fiscal, or the President of the courts of justice.

After some consideration, Nelson and Boss thought it advisable to go to the Fiscal, provided the Deputy Protector would be present also, and assist them. To this the Deputy Protector agreed, and promised them every aid, provided it turned out they had justice on their side. A note was written to the Fiscal, requesting him to hear this matter at nine o'clock the following morning.

*31st July.*—The Deputy Protector attended at the Fiscal's, and after the examinations were over he stated, that he thought the conduct of Nelson and Boss could scarcely be blamed. From what Mr. Chisholm had himself said, it was fairly to be inferred that labour had been performed by the slaves on plantation No. 19. in extra hours, without their receiving the pecuniary recompense prescribed by law; whether this was a fashion, introduced by the slaves themselves, or those under whose authority they are placed, it is alike injudicious; and, as the present instance proves likely to produce much alteration. It is well known, that from men of the best abilities and education, gratuitous labour is rarely to be expected even in Europe; how then can a rational hope be indulged of its being given by an illiterate slave in this country, where a cessation from toil is considered as the highest luxury? Nelson declares he went in the punt the first trip to oblige Mr. Chisholm. I believe it; and am fully persuaded that, if in the onset, after the new Ordinance was published, the right of the manager to the slaves' labour in cases of emergency had been firmly maintained on No. 19., and remuneration actually tendered, no necessity would have arisen for the present punishment of Nelson and Boss. No plea whatever is set up of the time during which these slaves were employed not being their own; and as it has ever been maintained that no man will willingly labour unless for the attainment of some desirable object, I venture to inquire what benefit was likely to accrue to the men in question, if a fair equivalent was not made to them for the work performed. I venture with confidence to hope for a favourable decision on behalf of these slaves; and that Your Honour will be pleased to apply to the proper authority to annul the order given by the civil magistrate for their future punishment.

*Result.*—His Honour the Fiscal laid this matter before the Lieutenant Governor for his instructions. His Excellency directed the decree of Mr. Downie to be suspended in its operation.

*Complaint No. 16.—31st July 1827.*

Sydnus, *alias* Cocoroco, belonging to Thomas White, states:—I am cowherd, and have nine cows under my care, which I bring to the back dam to graze; the calves stay at home. Miss Cumba wants me to take care of both cows and calves. Last night, when I went to fetch the cows home from the back dam, the three calves were taken up by the Town Commissary. When I returned, Miss Cumba beat me with a stick, and put me in the stocks, where I was kept

all night. She told me I was to pay the town fees for the calves that were taken up. I never get any clothes, and am obliged to buy my own caps to wear.

Miss Cumba White states :—The man, Cocoroco, is cow-minder. He takes the cows to the savannah to graze, and afterwards returns for the calves. The calves are put in a place by themselves, close to the dam. Yesterday, instead of doing so, he put them in the yard of the Rev. Mr. Vos, and they got into the pound. This was the second time, and he was put into the stocks in the evening for a short time. I did not strike him with a stick, or any thing else : he cursed me, and called me bad names.

Negress Kitty states :—The calves were caught by Mr. Warren, the Commissary, when under Cocoroco's care. I was ordered to put him in the stocks, where he remained half an hour. I did not see Miss Cumba beat him. Cocoroco cursed Miss Cumba, and called her b——h, which made her call me to put him in the stocks. He only stopped there till his passion was over.

Cocoroco here begged to correct that part of his statement which relates to his being kept in the stocks all night. He was only kept there until the gun fired, (eight o'clock.)

Three children came from the same house, who were present at the time ; but as they seemed not more than four or five years of age, it was not considered prudent to receive their testimony.

Cocoroco having appeared in the ordinary dress of a cattle-minder, viz. a jacket, a cap, and a hat, that part of his complaint was not gone into. The case was then dismissed.

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*Complaint No. 17.—30th July 1827.*

John, belonging to Mr. Joseph Farley, states :—He received orders from his master to get ready to proceed to-day into the bush to cut staves ; he is willing to go, but a bad foot renders it impossible for him to do so.

This man was sent to Dr. John Beresford for examination, who reported that he found an ulcer upon his foot which ought to be suffered to heal before he entered upon the work intended for him.

John received a letter from the Deputy Protector, addressed to his master, enjoining a compliance with the doctor's recommendation.

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*Complaint No. 18.—3d August 1827.*

Damon, belonging to plantation Enfield, the property of John Tapin, Esq. states :—Yesterday I performed the work given me. Last night the manager, Mr. Farnum, told me I should carry canes this morning. When I came this morning to do so, I found another man put in my place to carry canes, so I went to pot sugar. I was then going to whitewash the store, part of which I left undone yesterday. The manager called me, and put both my hands and feet into the stocks for more than an hour. These stocks are very bad, there is no place to sit down on, and when both hands and feet are in, I am left hanging by the hands. The stocks are not the same as on other plantations, they are much worse.

On being asked if he considered the punishment ordered by the manager to be unmerited, or whether his complaint referred only to the stocks, as being of a peculiar description ? Damon acknowledged he had deserved punishment, but complained against the stocks, which, from having no seat, left him suspended by the hands : a painful situation, scarcely to be endured, even for a short time.

Damon was directed to return to plantation Enfield ; and at day-break the next morning, the Deputy Protector proceeded thither. He found the stocks under a large shed where the carpenters of the estate usually work. They had a narrow seat. The materials of both stocks and seat were extremely slight. The stocks were open and the seat overturned. W. B. Farnum, manager, declared they were left exactly in this state by Damon when he broke out of them the day before and ran away.

Damon being desired to explain how it happened the stocks varied so materially from his description of them. He said the manager kicked down the seat after he was put in. Gave as his witnesses R. Fenton, overseer, and three carpenters, now under the shed, who were at work there when he was confined.

R. Fenton states:—Yesterday, soon after Damon was confined, he began to call out; this being an ordinary custom I paid no attention to it. At the time of Damon's calling out, the manager was at another part of the buildings. Did not see Mr. Farnum near the seat after Damon was put in the stocks.

George, the man who placed Damon in the stocks, says:—When he was put in, the seat was under him, and remained so when he, George, and the manager went away.

The carpenters were then examined:—They declared Mr. Farnum was not near the stocks after Damon was put in, until he broke out and ran away.

Mr. Farnum requested Damon might receive twenty-five lashes for breaking out of the stocks, running away, and bringing an unfounded accusation of cruelty against him.

*Result.*—The Deputy Protector directed Damon to be placed in the stocks from which he had escaped; there to remain for one hour and a half, being the time ordered by his manager; afterwards to be placed in solitary confinement until Monday next the 6th instant.

An old man, named Campbell, came up as the Deputy Protector was mounting his horse to leave Enfield, and complained that the manager had the day before, for a trivial offence placed him in the stocks by the *neck*. This part of his body was confined because his legs were so much swollen from Elephantiasis, that the holes of the stocks were not large enough to receive them. The Deputy Protector was so amazed at the intelligence, that he and all who were present went to the hospital where the bed-stocks are kept. No hole, however, could be found larger than the circumference of an ordinary sized man's ankle. Campbell persisted in his tale, and had the folly to lie down upon the stocks and endeavour to thrust his neck into one of the holes.

The old man's infirmity, and the probability of his being set on by others induced the Deputy Protector merely to sentence him to solitary confinement for the rest of the day.

Mr. White, the manager of the district, was present at these investigations.

*Complaint No. 19.—6th August 1827.*

Frederick, belonging to plantation Friends, the property of W. Forsyth, complains:—That yesterday, being Sunday, the manager of the estate called him to do carpenter's work in the mill-house. He refused to go, and was in consequence put in the stocks about seven o'clock in the forenoon, where he remained until it was time to go to work this morning. As soon as they let him out he set off to town to complain.

On being questioned, says:—He does not know what kind of work the manager wished him to perform. Cannot tell whether it was of that description of labour which must be done instantly. Has no reason to give why he did not make his complaint before the Civil Magistrate of the district, who resides on the next estate to the Friends.

Referred to Henry White, Esq. Civil Magistrate, for investigation.

*Complaint No. 20.—6th August 1827.*

Hugh, attached to plantation No. 19, West Coast, the property of James Blair, Esq. complains of being punished several times lately by the manager, for not doing his work, says:—He tries his best through the day, but when night arrives, and the other slaves have completed their work, his remains unfinished.

Last Saturday he was placed in the hand-stocks for the same offence of not performing his task. To day he went to the field, but failed to get on as well as the rest, and being apprehensive that punishment would follow, he ran away to town.

Being interrogated, says :—His task was not greater or more difficult to perform than that of others. He had the same time allowed. Has no hidden defect.

This being a very fine stout looking negro, his case was referred to the Civil Magistrate of the district, for the purpose of ascertaining whether any impediment really existed to his working as well as others.

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*Complaint No. 21.—10th August 1827.*

The slaves Peter, Arthur, Charles, Joe, and Dick, attached to plantations Nos. 5, and 7, East Coast, the property of James Blair, Esq. complain :—That they are employed by R. Nicolson, the manager, in ginning cotton. This work they have not been long accustomed to, therefore are not so expert at it as the old ginners of the estate. This morning they were all flogged by order of the manager, and received 25 lashes each for not ginning the required quantity of cotton during the last week. Whilst the drivers planted the piquettes preparatory to inflicting punishment the manager ordered the culprits laps to be taken off, that the lash of the whip might not be thereby hindered.—The slaves remonstrated against this, but the manager persisted; and in the presence of many women belonging to the estate, they were reduced to a state of perfect nudity and then flogged.

The question was put to each of them separately. How came the women to be present? They all answered :—We were flogged close to the sick-house; women of the estate were inside and at the door of the sick-house.

Complaint of Ezau, belonging to the same plantation, and who came with the above people.

The day before yesterday a hair got into his eye; he bore it patiently until yesterday, when it became so painful the manager was obliged to take it out. After it was taken out the manager told him to go to his work. He said his eye rendered him unable; at 4 o'clock the manager called him to ask why he did not go to his work when ordered: he observed, Massa, if your skin hurts you how can you work? The manager said he had pulled the hair out; Ezau replied it still hurt him, and he thought people stayed until they got well before returning to their work. The manager, upon this, told him, Very well, I shall give you a good flogging. This morning he repeated his threat. When the drivers received orders to flog him, Ezau inquired why he was to be flogged? that he had done nothing. The other slaves (now complaining) were flogged first, and then Ezau was put down. One of the pegs to which he was tied came out; the manager called out, Never mind, take him to the hand-stocks, it is a worse punishment. Ezau was then fixed in the stocks by both hands and feet, and the board for the hands, which can be raised or lowered at pleasure, were drawn up so high that he was raised from the seat, and the whole weight of his body left suspended from the hands and feet. Whilst in this intolerable situation he begged the overseer to intercede for him. The overseer said, No, the manager would be angry. Ezau says he remained in the stocks 16 minutes.

11th August 1827.—W. Whitsett, overseer.

Q.—How much cotton do the slaves gin in a day on plantations Nos. 5 and 7. I mean, what is their ordinary task?

A.—Forty pounds.

Q.—Were the men who have been flogged capable of ginning this quantity, or are they new hands?

A.—No. I think they were perfectly capable of ginning 40 pounds in a day.

Q.—Were the laps of these people taken off at the time they were flogged?



A.—Some were; Dick, Joe, and Charles had their laps taken off. If any more, I can't say. I do not recollect; but I am positive as to the three I have mentioned.

Q.—Is it usual for the laps to be removed when slaves are so punished?

A.—It is sometimes done. I have seen it on the West Coast; but this was the first instance I ever witnessed on Nos. 5 and 7.

Q.—Did the manager assign any reason when he ordered the laps to be taken off?

A.—No, none.

Q.—Were any women present whilst the slaves were flogged?

A.—They might have been about the Hospital. I cannot say, because my attention was engaged in marking on a slate the number of lashes inflicted.

Q.—How far is the place of punishment from the Hospital?

A.—I suppose it to be about 50 yards.

Q.—How, and by whom were the laps taken off?

A.—When the slaves were tied on the ground to the pins, a driver, named Harry, loosened the laps. The slaves themselves put them on again on getting up after their punishment was over.

Ezau's complaint was now read to Mr. Whitsett, who said it was pretty correct. Being asked particularly about the construction of the stocks, he said Ezau had described the mode of his confinement exactly, but that the time he remained there could not have exceeded 7 minutes.

Q.—Who put Ezau in the stocks?

A.—Drivers Harry and Quamina.

Q.—Why was he punished?

A.—I believe he was punished for not ginning sufficient cotton some days before. I conceive his eye was no hindrance; it was not at all blood-shot.

Q.—When in the stocks was his body drawn up so that no part of it could rest on the bench?

A.—I believe no part of his body touched the bench; the back part of his thighs might, but I am not positive.

Q.—Is it the general practice upon Nos. 5 and 7, to place slaves in the stocks in such a position that no part of their body can rest upon the seat?

A.—Yes, it is.

Q.—How long can a slave endure this punishment without fainting?

A.—I cannot say. I have seen a man in for an hour.

Q.—Did you ever see a slave faint under this punishment?

A.—No.

Q.—Did Ezau beg to be released?

A.—Yes. I believe he begged Mr. Nicolson's housekeeper to ask for his release.

Q.—Did he ask you?

Yes, at the time of being placed in the stocks. I told him I could not beg Mr. Nicolson; he would not hear me.

The slave Harry. Q.—Are you a driver upon Mr. Blair's estate, Nos. 5 and 7, on the East Coast?

A.—Yes, Sir.

Q.—Did you flog Peter, Arthur, Charles, Joe, and Dick, yesterday?

A.—Yes.

Q.—At the time of being flogged were their laps on or off?

A.—They were off.

Q.—Who directed the laps to be taken off?

A.—The manager.

Q.—Why did he order it?

A.—The first man was flogged with his lap on. When Dick came, his lap being a large one, the manager ordered it to be taken off; and all the rest were taken off. Dick said the manager licked him for spite. Manager said, No; you used to bring me 50 pounds of cotton a day, and now I have not 40.

Q.—Were any women present when these men were flogged?

A.—None were standing close by; some were in the sick-house, but I did not see any on the outside.

Q.—Do you know whether the women who were in the sick-house could see the men at the time they were flogged?

A.—No, I don't think they did; but they could if they had wished it.

Q.—Did you put Ezau in the stocks?

A.—Yes, Sir.

Q.—Whilst there, did any part of him rest upon the seat?

A.—No; no part of it touched him.

Q.—Describe the manner in which he was put into the stocks?

A.—He sat down on the bench; his hands were first put in the holes, then his feet. The boards which confined his hands slide in a groove, and were raised so as to lift him from the seat. No part of him touched it afterwards until he was taken out.

Q.—Since the handstocks were first introduced on the estate, how many people have been put in?

A.—Plenty.

Q.—Are they always drawn up in the same manner?

A.—No; Ezau is the second one who has been hoisted in that way.

Quamina, a driver on Nos. 5, and 7.

Q.—Were you present when the slaves Peter, Arthur, Charles, Joe, and Dick were flogged yesterday?

A.—Yes, Sir.

Q.—Did you see any woman present?

A.—No; none were at the place, but women were at the sick-house. The sick-house faces the place where they were flogged, any one who wished could see the flogging from the sick-house.

Q.—Had the men their laps on at the time of being flogged?

A.—No; only one man had a lap on, the rest were taken off by Harry, the driver, after the slaves were tied on the ground.

Q.—Did you see Ezau in the stocks?

A.—Yes; me and Harry put him in by order of the manager.

Q.—Did he rest upon the seat, or was he left to hang by the hands and feet?

A.—He was hauled up, his breach did not touch the seat.

Q.—When were these stocks first made?

A.—Soon after the new Law came.

Q.—Have all those put in them been hauled up in the same way?

A.—No; this makes twice.

The Deputy Protector sent a letter, by the driver Quamina, to Mr. Nicolson, ordering him to desist from punishing any slave in the same manner as Ezau, until this matter could be brought to issue. He was also informed that the foregoing minute remained open for any explanation or observations he might wish to make thereupon.

13th August 1827.—Mr. Nicolson called at the Deputy Protector's office, and exhibited a statement of the work performed by those negroes who had complained, for three days previous. He considered the punishment inflicted to have been merited, and the mode of confinement in the stocks to be a legal one.

Result.—Referred to the Fiscal, with instructions to commence a prosecution against Mr. Nicolson.

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*Complaint No. 22.—13th August 1827.*

Frans, from plantation Vryberg, complains:—That on Friday morning he was going to his work, but on the way got a pain in his ear; he returned after a short time, and told the manager of it, who said Frans was too lazy, which made him come back; he, however, sent Frans to the sick-house. In the evening the manager went to see him in the sick-house; he inquired why he did not get to his work in time that morning? Frans told the manager he went aback early before the other people began to work, and had even planted three or four plantain-trees before the pain in his ear obliged him to return.

Manager replied, the driver had reported him as late; Frans declared this to be untrue, and which Angus, who worked next to him, could vouch for. Manager said, he must believe the driver. Frans remained in the sick-house until Monday, when he requested leave to return to his work. The manager said, No; and called a driver, who flogged him, as Frans declares, without cause.

The character of Frans being notoriously bad, it was deemed necessary to transmit his complaint to the civil magistrate of the district for investigation, before summoning the manager to answer it in town.

16th August 1827.—Mr. Hicks, civil magistrate, attended, and stated, he had examined into Frans's complaint upon plantation Vryberg. It appeared that Frans had gone late to his work, and being fearful he should receive punishment, had complained of his ear in order to evade it. The Doctor had merely ordered the ear to be washed with soap and water; and Frans declared the following morning he was ready to resume his work. It still remained doubtful whether Frans had done any work whatever that morning,

This complaint was dismissed.

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*Complaint No 23.—13th August 1827.*

Mr. H. C. Luthers gave information of a free black man named Ferdinand Prins, having hired the carpenter, Michel, a slave, without his, Mr. Luthers's, knowledge or consent, and that whilst so hired he was frequently employed on Sundays.

Referred to the Fiscal for prosecution.

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*Complaint No. 24.—13th August 1827.*

Michel, a carpenter, belonging to H. C. Luthers, complains of being unable to obtain from Ferdinand Prins (a free black man) payment for work done in the erection of a house situate upon a lot of land in the 2d empolder. Says, he has received several small sums, but there is a balance of sixteen guilders still due.

A letter was written to Ferdinand Prins, threatening him with instant proceedings at law unless he paid the money.

21st August 1827.—F. Prins came to the office, and requested time until the 25th of the present month, when the sum due by him should be forthcoming.

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*Complaint No. 25.—20th August 1827.*

Catherine, belonging to plantation Hampshire, the property of W. Cort, brought her child, apparently about twelve months old, and complained that this child has been sick for four or five days. On Saturday last the nurse gave it physic. Catherine afterwards took the child to the creole house, and made some soup for it. The child vomited and cried. Catherine remained there until Mr. Cort sent for her; he said, as Catherine had staid in the house when other people were at work, she must work during play time. Catherine went for the child to let her master see it. He ordered a nurse to take away the child, and told Catherine he did not thank her for making children. She had no business to leave work to nurse her child, she ought to have waited until the evening. Mr. Cort directed she should be confined in the dark-house from eleven till one o'clock. On being released she was ordered to put megass out to-dry. About four o'clock this work was completed, and she went into the field to land canes until night. The next morning (Sunday) Mr. Cort directed the driver to put her in the dark-house again, where she was kept until this morning.

Complainant says she thinks it is a hardship not to be allowed to remain at home to nurse her sick child.

Catherine was asked if she thought the nurses at the creole house were incompetent to take care of sick children, or if her child had been neglected by them? She replied, no, her wish was to nurse it herself.

The Deputy Protector explained to the slave Catherine, the reason why this indulgence could not on a large estate be granted. Creole houses were built for the sole purpose of rearing children, and securing them from harm. Nurses were appointed to take care of these children; and if nothing could be alleged against either the nurses or their mode of treatment, however much he respected the tenderness evinced by Catherine for her child, he could not in the present case interfere.

A copy of this complaint was sent to Duncan Fraser, Esquire, Civil Magistrate of the district in which plantation Hampshire is situated, with instructions to examine Mr. Cort, and other parties on the estate, for the purpose of ascertaining whether Catherine had truly stated the offence, for which she received punishment; as in the event of her story proving correct, the punishment far exceeded what the offence required.

*Complaint No. 26.—21st August 1827.*

Rebecca, belonging to plantation Goedland, the property of W. Jansen, complains that she has been sick for some time past; the doctor now gives her physic. On Monday last her master compelled her to clean coffee in the logie. Says she is too sick to work.

Dr. John Beresford the medical attendant of plantation Goedland, happened to pass at the moment and was called in.

He states:—The woman now complaining has been in the hospital at Goedland for three weeks. On Monday last she being perfectly recovered, the proprietor was advised to give her some light work. Her master offered her a choice, either to visit her acquaintance on the neighbouring estates for two or three days, or clean coffee in the logie. But Rebecca refused to go out of the hospital. Dr. Beresford says she has no ailment at present, which prevents her cleaning coffee in the logie.

The complaint was dismissed.

*Complaint No. 27.—22d August 1827.*

Nelson, the property of T. L. Barnstedt, and attached to a working gang at plantation Providence, states:—I am hired by Mr. Andrew Ross, who has a task gang at plantation Providence; he has put a manager over us, named Mr. Fraser. Yesterday we were put to clean drains, five negroes to each drain. The drain I was working at had four men and one woman. In working I had found a piece of rotten wood lying across the drain. Mr. Fraser told me to remove it. A little further on I found a large stump of a tree, I called a man to help me to cut it away. He said he was going to remove the rotten wood. I took away the big stump. When I came away I found Karel had not moved the rotten wood; but I thought the manager might perhaps have told him to leave it. The manager came soon after and asked why the rotten wood was still left in the drain? Karel said he would take it away to day at eleven o'clock. This morning I was flogged on account of it. I think it not right, as the matter rested with Karel.

*23d August 1827.*—Mr. Alexander Fraser. The foregoing complaint was detailed to him, and he was asked what he had to say in refutation of it.

Mr. Fraser stated:—The gang under his charge had for some time past performed so little work, that it became necessary to send for Mr. Ross, the proprietor to inspect it. Mr. Ross expressed himself much dissatisfied on the occasion. Nelson in particular had not done a proper days work the whole week previous. With respect to this present complaint on the day alluded to by him he was working in the same drain with Karel. They were ordered to

remove two decayed stumps of trees, that were blocking up the drain; when they broke off work, one still remained there. Karel started off that night and could not be found; on the following morning Nelson received twenty-four lashes for doing his work improperly the day before, and neglecting it generally for some time before.

Q. What day did Mr. Ross visit the task gang?—A. Last Monday, 24th August 1827.—Karel (a slave) says he was working in the same row with Nelson the day before he was flogged. Mr. Fraser ordered us to get out part of an old tree which lay in the drain. This however we omitted to do, and at night, on going to receive a dram, the manager called Carlos to put me and Nelson in the stocks. I promised to take away the stump at eleven o'clock the next day; manager said he did not care, we must go into the stocks. I went and hid in the negro houses, and the next morning went to the place we were working at before Nelson was flogged; at eleven o'clock I took away the stump, and have not heard any thing more about the matter.

The driver Carlos:—I was not near Nelson at the time he and Karel were ordered to take away the stump. Mr. Ross came on Monday to look at the work we had done. He complained it was not half enough. I said the pimplers (thorny bushes) were so thick we could not get on fast. He went to see, and told us to burn them. Soon after he promised to send us tobacco. I told him we would try our best. He then went away.

Nelson was sent back to plantation Providence with a note, forbidding the manager, Mr. Fraser, to inflict any punishment upon Nelson for having complained, and failed in his charge of unjust punishment.

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*Complaint No. 28.—22d August 1827.*

Zabeth, the property of G. B. Davies, complains against her former master, Mr. Broeker, and his housekeeper. Last Monday she was sent by Mr. Broeker to Mr. Davies, who had purchased her. She returned to Mr. Broeker's yard at eleven o'clock for her clothes. Found her room had been broken open, and on inquiry learned from the female slave Venus, that Zouw (a slave, and Zabeth's husband) had done it, and taken away what clothes, &c. were inside.

Yesterday Zabeth went again to Mr. Broeker's yard, and told his housekeeper she could not lose her clothes in that way; they must be hid by the negroes somewhere in the yard. Mr. Broeker and his housekeeper then beat her. The housekeeper sent to take away two frocks from Maria Taylor, which were Zabeth's property.

Complainant has no witnesses of this transaction to bring forward.

24th August 1827.—Sophia, housekeeper to Mr. Broeker, says:—Zabeth came into the yard and asked for her things. She was told Zouw had broken open the window, and taken them away. She asked, why he was suffered to do so? Sophia said, no person was there to hinder him. Venus gave information of what Zouw had done. Zouw was sent for. He brought the clothes; and Sophia, after they were put back in the room, nailed the window up. Zouw however returned, broke open the window a second time, and took the clothes away. Search was made for him, but he could not be found. When all this was related to Zabeth she made a great noise, and went to abuse Sophia in the wash-house. Sophia took hold of her by the neck-kerchief, and turned her out, but declares she did not strike her.

Lydia Leen says, she was in the wash-house when Zabeth came there to abuse Sophia. Sophia turned her out, but did not strike her. Sophia did not follow Zabeth out of the wash-house. Did not see Mr. Broeker beat Zabeth. Never heard that he did so on the day she (Lydia Leen) was in the wash-house.

Elizabeth, a slave belonging to Maria Taylor, produced Zabeth's two frocks.

Sophia put in a claim for f.3. 10, being a balance due on their purchase, and hoped the frocks would not be given up until she was paid.

Zabeth paid the money, and received the frocks.

25th August 1827.—Zouw, a slave belonging to J. H. L. Maurenbrecher, was brought in with a box and packall of clothes. Being asked what excuse he had to offer for breaking open Zabeth's window, and stealing her clothes? says, about three years ago he and Zabeth made a bargain to live together as man and wife. A year afterwards he went to work at Middelburg's Welvaren, where he staid some time. On returning to town, he found Zabeth cohabiting with another man. This, however, did not prevent all three living on terms of amity. When Zabeth was sold to Mr. Davies, she wanted to take his (Zouw's) box, to keep her clothes in. He would not agree to this. She broke open his box, and took part of his clothes. As soon as he found it out he got in at the window, took his own clothes away, and some of Zabeth's, to keep until she brought back his.

Zabeth and Zouw were desired to examine the articles now produced, to see if what clothes had been missing were amongst them. Zabeth declared herself satisfied. Zouw enumerated, as wanting a rule, saw, jug, and three pair of trowsers. Zabeth went home and brought them. The parties received their clothes, were reprimanded, and the case dismissed.

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*Complaint No. 29.—27th August 1827.*

The slave John, belonging to Mr. Staal, complains, that Mr. Staal agreed, when he brought him, to keep said John about his person; and in the event of their not agreeing, to give him a pass to look for another owner, which he now refuses to do. Says he does not like Dutchmen. About two weeks ago Mr. Staal was taking him up the river; Mr. Staal spoke Dutch to some other white people in the boat, and told them he was going to put John in the stocks at Noord Holland. On the way they landed at plantation Essendam, and John seized this opportunity to escape.

Q.—When and how were you sold?

A.—I belonged to Mr. Rawlins, and was sold at public execution.

Q.—Why was your master going to put you in the stocks?

A.—Because I did not wish to belong to him, and did not want to go with him up the river.

Q.—Had you run away?

A.—It is of no use, master: I don't want to belong to Mr. Staal. I cannot help it.

Q.—You were here last month to complain on this account, and I gave you a letter to your master, urging him to comply with your request for another owner; you had then ran away. Pray how many times have you ran away from his service since he bought you?

A.—Four times; but once I returned, after being absent during the night only.

At this juncture the schout entered the office with a message from the Fiscal, requesting this examination might be suspended, as he had just received a letter from Mr. Staal, offering to sell the boy John.

(Copy of the letter alluded to.)

SIR,

27th August 1827.

As I promised you, whenever it was my intention to sell the negro John, to give you the preference, I have the honour to inform you by this, that as he seems determined not to go up the river, and has given me very much trouble, I should like to sell him now, but not for less than 2200 f. cash. Your answer will oblige

Your most humble servant,  
(Signed) J. STAAL.

His Honour M. S. Bennett, Esq.

The Fiscal purchased John, and the complaint was withdrawn.

*Complaint No. 30.—27th August 1827.*

Jacob, attached to plantation Maria, complains:—On Thursday last week, the gang were taking in a new empolder; they were working task-work. When Jacob's portion was completed, the driver and overseer said it was improperly done. They went to the manager, Mr. Mittelholzer, and told him of it. The manager ordered Jacob to go back to the field, and finish his work in a proper manner, which order Jacob declares he obeyed. In the evening the driver received directions to put Jacob in the stocks. Jacob said the work was finished; he had done nothing to deserve punishment, and therefore ran away. The next morning he went to the place of work as usual. On breaking off work the driver attempted to catch him, to put him in the stocks, but he escaped; the same thing occurred again on Saturday. On Sunday morning, before Jacob awoke, a negro belonging to the estate entered his house, and secured him. The driver then placed him in the stocks, and kept him there until next day, when he was flogged by order of Mr. Mittelholzer. Cannot tell how many lashes. His witnesses are Mr. Strick, overseer, negro Solo, and driver Benjamin.

30th August 1827.—Mr. Strick, overseer of plantation Maria, states:—Jacob, on the Thursday mentioned, performed his work in a very improper manner. The slaves had been taking in new land, and what part of his task Jacob did finish was still left encumbered with bush, ropes, and grass. In the evening Benjamin, the driver, reported to Mr. Mittelholzer that all the men had finished their tasks except Jacob. This man is very lazy and saucy. Mr. Mittelholzer ordered Jacob to be put in the bed stocks. He ran away. Jacob did the same thing the next day. Benjamin was sent to the negro houses to call aloud for him, which he did, but to no purpose. Jacob was caught on Sunday morning, secured in the stocks for that day, and on Monday he received fifteen lashes.

Q.—Did Mr. Mittelholzer, on receiving the driver's report, order Jacob to return, and finish his work?

A.—No.

Q.—Is it within your knowledge whether Jacob did return at any time in the evening of Thursday, and finish his work?

A.—No, he did not; for it was still unfinished when I went to the field on Friday morning.

Q.—To what extent did Mr. Mittelholzer intend to punish Jacob, if he had not run away?

A.—He intended to have kept him in the bed stocks during Thursday night, but he ran away so repeatedly that it became necessary to punish him with greater severity. Mr. Mittelholzer had at first no intention to flog him.

Benjamin, a driver on plantation Maria:—

Q.—Were you in the field whilst the gang were at work on Thursday last?

A.—Yes.

Q.—Did Jacob do his work properly on that day?

A.—No; long before night came I told Jacob to make haste, to finish his work before the overseer came. He made fun, said I had better take a hoe, and do it myself, told me he did not care. When the overseer came, I related to him what had passed; he advised Jacob to finish his work, or he would get into trouble.

Q.—Did you report the circumstance to Mr. Mittelholzer?

A.—Yes, and he told me to put Jacob in the stocks. I could not do it, because he ran away.

A.—In what state did you find Jacob's task on the following day, when you went to the field?

A.—It was just the same as when he broke off the day before.

The slave Solo examined. This man's testimony corroborated the statements of Mr. Strick and the driver Benjamin.

*Result.*—This complaint was dismissed, and a letter written to Mr. Mittelholzer, acquainting him, that the case having occasioned considerable loss to the estate, by sending the witnesses with a boat and crew to town, the Deputy Protector would not interfere with his right to inflict some additional punish-

ment on Jacob, should he require to exercise it; at the same time recommending discretion, and positively forbidding any punishment whatever, until he had quite recovered from his late flogging.

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*Complaint No. 31.—31st August 1827.*

Complaint of the negro man named Sandy, belonging to the plantation No. 19, on the West Coast, states:—The night before last he was sleeping in the sick-house, A woman named Queen, who had recently been delivered of a child, also slept there, close to him. In the night Queen threw her foot across Sandy, and he pushed it away rather violently. Queen cried out that Sandy was hoisting her foot, and wanted to have her. Sandy said, no, she threw her foot over him, and he threw it back again; he did not want her for his wife, what fashion he should have a woman who had just had a young child. At this juncture the sick nurse entered the room. Queen told him Sandy wanted to force her. Sandy vehemently protested it was not true. The sick nurse said he believed it to be true, and the next morning reported it to the manager Mr. B. Chisholm, who ordered Sandy to receive thirty lashes, which were inflicted.

Sandy was asked how he knew the exact number of lashes? Says he counted them, and evinced his capability to do so, by reckoning upon his fingers three tens, which he said together made the number of lashes he received. Offers as witnesses, Bella, Tabba, and the sick nurse Cudjoe.

The manner in which Sandy related the foregoing circumstances, and the trifling marks he bore of having been flogged severely, induced considerable suspicion of his statement not being a veracious one. A letter was therefore written, with the Lieutenant Governor's sanction, to the Honourable W. Scott, member of the Court of Criminal Justice, requesting he would institute a preliminary investigation upon plantation No. 19, to ascertain whether Sandy's witnesses bore him out in his narration.

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SIR,

*Fiscal's Office, Berbice, 1st September 1827.*

IN reply to your enquiry relative to the result of cases referred by you to me for investigation, I have to state that the following are in due course of prosecution,—*viz.*

Klaas, *versus* F. H. De Quay.

Rebecca, *against* the slave John William.

Esau, *against* Roderick Nicolson.

The penalty incurred by the free man Prins for employing the slave Michael on Sunday without consent of his owner, has been imposed; but it is very doubtful whether it can be recovered from him, he being a man with barely the means of subsistence.

I have, &c.

(Signed)

M. S. BENNETT, Fiscal.

*To Charles Bird, Esq. Deputy Protector of Slaves.*



*Names of Persons manumitted since 1st July, to the 1st September 1827.*

Date of Application.	Date of Manumission.	Name of Slave or Slaves.	Name of late Owner.	If by purchase of him or herself, amount paid.	Total.
1827	1827			..	
April 30	July 7	Susannah Reed	Never registered	..	1
—	—	Vesta and her child Tamisa	Mrs. Buse	Deed of Gift.	2
—	—	Celia Trotman, and her five children, Roderick, John, Robert, Charles, and Thomas	Phoebe Harris	f. 1000 for Mother; children born since the purchase	6
—	—	Maria	Plantation Cruysburg	Purchased for Manumission by M. Lankhorst	1
—	—	Robert and Polly (brother and sister)	H. Parkinson	Purchased by their Mother (since dead) for f. 1000.	2
May 14	July 18	William Grant	S. Sheldrake, Col. R. A.	Deed of Gift.	1
—	—	Anna	Widow Spangenberg	—	1
—	—	James Devonish	John Tapin	Purchased by Mother for f. 176.	1
—	—	Samba and child named Wm. Alleyn	Never registered	Samba purchased herself many years ago, previous to the birth of her child Wm. Alleyn.	2
—	—	John Brandes	Winkel Dept.	Purchased for f. 220 by his father C. F. Brandes	1
—	—	Susannah and two children	J. B. Van Nieuwenhoven	Deed of Gift.	3
—	—	Elizabeth Wilkason and one child	Aun Pemberton	—	2
—	—	Franky Hazle	D. Barry	—	1
—	—	Johannes	Plantation Cruysburg	Purchased by H. Huskus	1
May 21	Aug. 6	Prudentia	Evan Zadelhoff	Deed of Gift.	1
—	—	Adam Rollé	Never registered	..	1
—	—	Betje	A. Reese man	Purchased f. 600	1
—	—	Johanna and child	—	Johanna f. 600, child born since	2
May 29	—	Mary	Jos. Hall (deceased)	Deed of Gift	1
—	—	Kitty	Mrs. F. Beresford	—	1
—	—	Louisa and four children, Peter, John, James, and Sarah	James McIndoe (deceased)	—	5
—	—	Grace Campbell and three children	James Campbell	—	4
—	—	Hendrika	Plantation Cruysburg	Purchased by W. Stock	1
June 7	Aug. 13	Fanny Toppin	Thos. Toppin	f. 1200	1
—	—	Judith Toppin	—	Deed of Gift.	1
—	—	Robert and George	Jos. Thomson	—	2
June 13	Aug. 18	Charlotte and three children	D. C. Cameron	Mother f. 1000, children born subsequent to date of purchase	4
—	—	Johanna and Sarah	Edward Watkins	Deed of Gift	2
—	—	Aaron and his wife Camilletje, and seven children	Mrs. H. C. Calmer (deceased)	—	9
—	—	A abella	Never registered.	Statu Libera	1
—	—	Bibby and two children	A. W. Van Omery	Deed of Gift	3

Total number thus manumitted 61

*Protector's Office, Berbice, 1st Sept. 1827.*

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*List of Persons in legal Progress of Manumission from 1st July to 1st Sept. 1827.*

Date of Application.	Name of Slave.	Name of Owner.	If by purchase of him or herself, amount paid.	Total.
1827 July 6	Henery	C. Balter	Purchased at public vendue for manumission, by C. Balter for f. 110.	1
—	Stina and two children, Nicolans and Erast	Winkel Department	Never registered.	3
—	Amelia and three children, Caroline, Ann, and Amelia	G. McAndrew	Mother by purchase for f. 1800; children by Deed of Gift of G. McAndrew.	4
—	Teresia and Becky	H. Brandes	Never registered.	2
—	Harry	J. F. D'Hankar	Purchased by J. H. Shelton, the father, for Manumission.	1
July 12	Dutchess	Billy Bennett	Bought by Billy Bennett, for the purpose of being manumitted, f. 1600.	1
July 14	Francina	F. Nicolay	Deed of Gift.	1
—	Frederick	Plantation Cruysburg	Purchased by F. Nicolay, for Manumission, f. 500.	1
July 23	Maritje	Widow Herlin	Deed of Gift.	1
—	Eva	J. P. Broer	—	1
July 27	Leeuwina	J. J. Matthews	Purchased herself, f. 2000.	1
—	Marcella	H. R. McGee	Deed of Gift.	1
Aug. 22	Susanna and two children, Robert and James	John Stewart	—	3
—	Frederika	John Fraser, (deceased)	Statu Libera.	1
—	Antoinetta	Eva Stoel	Bequeath by will.	1
—	Lambert	Lisette Brumont	Deed of Gift.	1
—	Rebecca and child Henry	A. M. Brockener	Never registered.	2
—	Fredrik Jansen	Winkel Department	By purchase £200 under express instructions, forwarded by the Lords of His Majesty's Treasury.	1
—	Charles	Plantation Ithaca (under compulsory clauses)	Appraised at f. 500.	1
Total Number.....				27

*Berbice, Sept. 1, 1827.*

*List of Monies deposited in the Savings Bank from 1st July to 1st Sept. 1827.*

Date of Deposit.	Name of Depositor.	Name of Owner.	How bequeathed in case of death.	Amount.
1827	Amount in Deposit from former Date.....			f. 1846
July 30	Zacharias, in addition to his former deposits.	Winkel Department	To his child named Thomas	11
Aug. 17	Jacob Benjamin	—	To his sister named Frederika, also Winkel Property	13
				f. 1870

*Berbice, 1 Sept. 1827.*

## BERBICE.

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No. 7.

MY LORD,

*Berbice, 17th September 1827.*

I HAVE had the honour to receive your Lordship's dispatch of the 14th July last, instructing me, pending the proceedings of the Privy Council on the subject, to suspend the operation of the compulsory manumission clauses of the new Slave Code, passed in this Colony the 25th September 1826, and directing me to inform your Lordship of the particular details which, during this interval, may be submitted for adjudication and appraisalment.

I have, &amp;c.

(Signed)

H. BEARD.

*The Right Hon. Lord Viscount Goderich,*  
&c. &c. &c.

No. 8.

MY LORD,

*Berbice, 17th September 1827.*

I HAVE the honour to transmit to your Lordship copies of the proceedings which took place on the 23d of August last, respecting the manumission of a slave child under the compulsory manumission clauses of the New Slave Code of the 25th September 1826. This is only the second application of this description since the new law came into operation. Your Lordship will observe, that at the conclusion of the proceedings, Mr. Gallez, the owner of the slave, concurred in his manumission, and in the appointment of the persons previously named to appraise the value of the slave. It was necessary that appraisers should be thus appointed, because the slave child in question is mortgaged with Mr. Gallez's other slaves, and therefore he could not legally grant a voluntary manumission without the consent of the mortgages.

I have, &amp;c.

(Signed)

H. BEARD.

*The Right Hon. Lord Viscount Goderich,*  
&c. &c. &c.

At the King's House, Berbice.

Before His Excellency Henry Beard, Esquire, 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.

*Thursday, the 23d August 1827.*

IN relation to the application of the female slave Lena, the property of Louis Fredrik Gallez, and attached to Plantation Frederick's Lust, to purchase the freedom of her child, named Charles, in conformity with the 31st clause of the Slave Ameliorating Ordinance, bearing date the 25th September 1826.

The Marshal called all persons having, or pretending to have, any title or interest in or to the slave proposed to be manumitted, either in their own right, or as the guardians, attornies, trustees, or executors of any other person to attend and prefer such claims.

Charles Bird, Deputy Protector of Slaves, files letter of L. F. Gallez to C. H. De Jong, Manager of Plantation Frederick's Lust, dated 4th June 1827, in reply to an application made to him for the purchase of the boy Charles, child of Lena, both belonging to said Plantation Frederick's Lust.

Warrant of his Excellency the Lieutenant-Governor as President of the Courts of Justice, dated the 20th July 1827, to summon all persons having interest in, or claims upon, the said child Charles, proposed to be manumitted, with affidavit of Roelof Hart of the due service of said summons on the parties interested in the intended manumission attached thereto, Berbice Gazettes from 21st July to 22d August instant inclusive, containing the summons to all persons interested to attend on this day, at the King's House, to prefer such claims in pursuance of the 32d clause of the aforesaid ordinance.

The deputy protector then addressed his Excellency, and declared his readiness to proceed in conformity with the slave ameliorating ordinance to the manumission of the said slave Charles, and prayed his Excellency to call upon any opposing party to name an appraiser on their part of said child, at the same time naming as an appraiser on his, the deputy protector's part, his honour the Fiscal. The deputy protector further prayed his Excellency to name an umpire between them.

Martin Daly appearing for G. P. Van Holst, for J. H. P. Brocker, and H. C. Mittelholzer, out of respect to the summons served on them in their quality as representing the mortgagees and former proprietors of plantation Frederick's Lust and slaves, referring to the mortgage deed passed by L. F. Gallez, dated the 3d July 1823, vested on said plantation Frederick's Lust and slaves, wherein the said L. F. Gallez declares to covenant and agree, that in case one or more of the slaves mortgaged should die on, or become deficient during the existence of said debt and interest, or before the final discharge thereof, to supply the place or places of the one or more so dying or deficient, and to continue so to do until the whole of the said debt and interest thereon shall be finally extinguished, declare to avail themselves of that clause in said mortgage deed, and in respect to the infant child Charles, now sought to be manumitted under the 31st and 32d clauses of the slave code of the 25th September 1826, but are no parties to any opposition against the intended manumission of the infant child Charles, or otherwise becoming parties to these proceedings.

Mr. Daly, upon a question from his Excellency, declared he had no opposition to enter further than above stated.

The marshal then called three different times upon L. F. Gallez, or any person in his behalf, desirous of opposing the intended manumission of slave child Charles, son of the negress Lenæ, and no person appearing, his Excellency the Lieutenant-Governor asked Mr. Daly, whether he would on behalf of his clients nominate an appraiser, to which he answered that he did not consider himself a party in these proceedings, further than as above stated, and therefore declined to do so.

The deputy protector then prayed his Excellency to appoint an appraiser to guard the rights and interests of the parties interested in the slave proposed to be manumitted.

His Excellency named the Honourable Thomas A. Jones as an appraiser on behalf of the proprietor and others interested in plantation Frederick's Lust, and Robert Samuel, the slave-registrar, to be umpire between the said appraisers, and directed the secretary to make the necessary communications to the afore-named appraisers and umpire, with request that they would attend at the King's House, on Monday next, the 27th instant, at 11 o'clock in the forenoon, for the purpose of being sworn before his Excellency as President of the Courts of Justice, in the terms of the ordinance, to make a fair and impartial appraisal of the slave child now proposed to be purchased for his freedom.

His Excellency was about to retire, the purpose of the meeting being concluded, when Mr. Gallez appeared, and being called in, stated, that he hoped the manumission in question would be completed. His Excellency informed Mr. Gallez of the proceedings which had just taken place, and said, that he having been in default to appear when called by the marshal, he, the Lieutenant-Governor, had named the Honourable Thomas A. Jones as an appraiser on behalf of him the said L. F. Gallez, and the other parties interested or claiming right of property in the child about to be manumitted, and that the deputy protector having named his Honour the Fiscal, his Excellency had nominated Mr. Robert Samuel as umpire to decide in case of any difference between them. His Excellency then asked Mr. Gallez if

he was satisfied with the appointment of Mr. Jones as an appraiser on behalf of himself and the other parties interested, to which he, Mr. Gallez, answered, that he approved and was perfectly satisfied with the appointment of Mr. Jones as such appraiser.

After which his Excellency retired.

Thus done and minuted at the King's House, New Amsterdam, Berbice, *datum ut supra*.

(Signed) H. BEARD, Lieut.-Governor.

Note.—His Honour the Fiscal, and the Honourable Charles Kyte, and the Honourable Thomas A. Jones, Members of his Excellency's Council, were present at the above proceedings.

In my presence,

(Signed) JAS. SHANKS, Actg. Secy.

A true Copy,

(Signed) JAS. SHANKS, Actg. Secy.

### BERBICE TO WIT.

In relation to the application of the female slave Lena, the property of L. F. Gallez, attached to plantation Frederick's Lust, to purchase the freedom of her child, named Charles, in conformity with the 31st clause of the Slave Ameliorating Ordinance, bearing date 25th September 1826. } Before 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.

Personally came and appeared His Honour M. S. Bennett, Fiscal of the colony, and the Honourable Thomas A. Jones, Member of the Council of Government;—Who, being duly sworn upon the Holy Evangelists of Almighty God, severally make oath and say, that they, the said deponents, will make a fair and impartial appraisement (according to the provisions of the 32d clause of the ordinance, bearing date the 25th September 1826, for bettering the state and condition of the slave population in this colony,) of the value of the slave child Charles, son of the female slave Lena, born since the last registration.

(Signed) M. S. BENNETT.  
THOMAS A. JONES.

*King's House, Berbice, August 27, 1827.*

Sworn before me, *datum ut supra*.

(Signed) H. BEARD, Lieut. Governor.

In presence of,

(Signed) JAS. SHANKS, Actg.-Secy.

A true Copy,

(Signed) JAS. SHANKS, Actg.-Secy.

We, the undersigned, appointed respectively by his Excellency the President of the Courts of Criminal and Civil Justice, and Charles Bird, Esquire, Deputy Protector of Slaves, to value the child Charles, son of the slave-woman Lena, belonging to L. F. Gallez, attached to plantation Frederick's Lust, do appraise the said child Charles at the sum of five hundred guilders, which we consider to be the full value of the said child Charles.

Thus appraised at the Town of New Amsterdam, Berbice, this 27th day of August 1827.

(Signed) THOMAS A. JONES.  
M. S. BENNETT.

(Signed) JAS. SHANKS, Actg.-Secy.

A true Copy,

(Signed) JAS. SHANKS, Actg. Secy.

### No. 9.

SIR,

*Downing-Street, October 31, 1827.*

YOUR dispatch of the 19th of April last, with the report of Mr. Power, the protector and guardian of slaves, at Berbice, dated the 16th of April, has been received at this department.

## BERBICE.

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This report is highly creditable to the zeal and diligence of Mr. Power in the discharge of his official duties.

I have perceived with much satisfaction the proofs furnished by this report of the many advantages which have resulted from the introduction of the new slave code into the colony. With reference to the particular questions which are proposed by Mr. Power for the decision of His Majesty's government, I am to convey to you the following instructions:—

First.—The first question to which Mr. Power adverts is, whether during the period for which punishments are to be suspended, the offending slave is to be kept in confinement. It appears that the practice prevails of confining the offender in the stocks, there to await his punishment. This is to inflict two punishments instead of one, and, if the practice were continued, would be subversive of every advantage contemplated by the law for the suspension of punishments. On the other hand, it is clear that if the slave be not confined he will labour under a violent temptation to run away, and will thus increase his offence and consequent sufferings. A simple detention in safe custody, but without the use of the stocks, may therefore be necessary.

Secondly.—As the case of Mr. Nicolson is under the consideration of the proper tribunal, I of course abstain from expressing any opinion upon the very serious charge preferred against him. But whatever may be the decision of the Court, his case furnishes sufficient illustration of the necessity of prohibiting magistrates from acting in that character, or carrying the law into execution, in any case where their own slaves are the parties concerned.

Thirdly.—Mr. Power's suggestion, that a Court should be established in which slaves may cheaply and expeditiously recover petty sums due to them, appears highly deserving of consideration, nor am I aware of any reason which should prevent the adoption of such a measure.

You will avail yourself of the earliest opportunity for bringing my present dispatch under the consideration of the Council of Government of Berbice; and you will propose to them the enactment of an ordinance for giving effect to those improvements in the slave code of the colony to which I have adverted.

I have, &c.

(Signed)

W. HUSKISSON.

Lieutenant-Governor Beard,  
&c. &c. &c.

No. 10.

SIR,

Downing-Street, May 8, 1828.

WITH reference to your dispatch of the 17th September last, I have to request, that you will instruct the protector of slaves to prepare abstracts of the half-yearly returns of punishments on plantations, classifying them according to the different degrees of severity, shewing their increase, or decrease, as compared with the preceding half-year, and also shewing, with a corresponding classification, the offences for which they have been inflicted. These abstracts should accompany the protector's half-yearly report, and the transmission to this office of the punishment records in full, may then be discontinued. The protector will not fail, however, to submit the returns in full for your inspection, and I shall rely upon your putting me in possession of any particulars in them which shall appear to require my attention.

I transmit for your information, and that of the protector, printed copies of the various abstracts\* which have been received from Trinidad since the slave ordinance has been in operation there, and which will serve to indicate the points of inquiry which may be thus elucidated.

I have, &c.

(Signed)

W. HUSKISSON.

Lieutenant-Governor Beard,  
&c. &c. &c.

\* Vide Papers presented to Parliament in 1827, Part 2.

## No. 11.

SIR,

*Downing-Street, May 31, 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 the 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, &amp;c.

*Lieutenant-Governor Beard,*  
 &c.      &c.      &c.

(Signed) G. MURRAY.

## MAURITIUS.

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No. 1.

MY LORD,

*Mauritius, 8th February 1827.*

I HAVE the honour to transmit to your Lordship an ordinance, No. 21, which has passed the Council, and been promulgated in this colony, having for object to amend the Laws and Regulations relating to Emancipations in this Island and its Dependencies, and to establish in one and the same Law, all the regulations which regard such emancipations.

Considering that the provisions of the ordinance now transmitted to your Lordship are in accordance with the views and intentions of His Majesty's Government in favour of the slave population, and that they are not repugnant to the spirit of the old Colonial Laws, I have taken upon myself to give them immediate effect, and which I hope your Lordship will approve of.

To enable your Lordship the more clearly to arrive at the modifications which have now been made with regard to affranchisements, I have the honour to enclose to your Lordship a copy of Sir Robert Farquhar's Proclamation of December 1814, and which the Ordinance herewith forwarded has superseded.

I have the honour to be,

My Lord,

Your Lordship's most obedient,  
and most humble servant,

(Signed) G. LOWRY COLE.

*The Right Hon. the Earl Bathurst, K. G.*

&c.

&c.

&c.

(No.21.) *Ordinance of His Excellency the Governor in Council.*

FOR amending, by certain modifications, the laws and regulations relative to emancipations at the island of Mauritius and its Dependencies; and for establishing, by a fixed regulation, and in one and the same ordinance, all that regards such emancipations. Title.

Whereas, upon a revision of the several laws and regulations relative to emancipations in the island of Mauritius and its Dependencies, and more particularly the Proclamation of the 30th December 1814, it results, that such laws and regulations require certain modifications, the necessity and equity of which experience has demonstrated; and whereas, to effect the end proposed, it is deemed expedient and desirable, that the said laws and regulations should be embodied in a single ordinance, Preamble.

His Excellency the Governor, by virtue of the powers and authority conferred upon him by His Most Gracious Majesty, has been pleased, in council, to order:

I.

No slave shall be emancipated in the island of Mauritius and its Dependencies without the permission of His Excellency the Governor; which permission must be solicited by petition to His Excellency. This petition must contain the motives of emancipation; and if the same be favourably received, the petitioner will be required to fulfil the formalities hereinafter mentioned. Emancipations. Manner of proceeding thereto.

II.

The name and profession of the master, the name, sex, cast, and age of the slave to be emancipated, shall be thrice published, from week to week, in the Government Gazette; these advertisements having for object the prevention of any emancipation prejudicial to the rights of creditors or to public order, all Three advertisements of an intended emancipation to be made in the Government Gazette.



Oppositions to be notified to the Procureur-General.

persons are to notify to the Procureur-General the grounds of opposition which, to their knowledge, may exist against the intended emancipations; oppositions arising from objections subject to litigation shall be determined by the ordinary courts, as summary causes.

### III.

Means of subsistence. Manner of assuring the same to emancipated slaves.

In the eight days following the third advertisement, (which, together with the two first, must be certified by a declaration of the government printers) and upon a certificate of the Procureur-General that there exists no opposition to the intended emancipation, the master shall make known in writing to His Honor the Chief Judge and Commissary of Justice, the means which he purposes placing at the disposal of the slave he wishes to emancipate, whether such means consist in a piece of ground susceptible of culture, in slaves, or in other objects likely to ensure the means of subsistence; in order that the person emancipated may not become a burden to the colony. If it results from the decision of His Honor the Chief Judge, upon the report of the Procureur-General, that such means are sufficient, the master shall assure the property in the same, to the person emancipated by notarial act: the master shall moreover be bound to pay into the Caisse de Bienfaisance the sum of £5. sterling for every slave he would emancipate, of whatever age the said slave may be. This sum shall be applied to the wants of the poor.

Sum to be paid into the Caisse de Bienfaisance for the use of the indigent.

### IV.

Children under seven years of age emancipated *de jure* on the emancipation of their mother.

Children under the age of seven years, born of a slave who shall be emancipated, are to follow the lot of the mother; in this case the master must add to the means of subsistence, in such proportion as may be regulated by His Honor the Chief Judge, on the report of the Procureur-General.

### V.

Manner of proceeding to obtain the confirmation of the Government to an emancipation.

When the following formalities and obligations have been complied with, the master must present a second petition to His Excellency the Governor for the purpose of obtaining a confirmation of the emancipation. This petition must be accompanied by,

1st. The certificate of the insertion of the advertisement in the Government Gazette;

2nd. The certificate of the Procureur-General that no opposition exists to the emancipation;

3rd. The decision of His Honor the Chief Judge and Commissary of Justice as to the means of subsistence;

4th. A copy of the notarial act assuring the means of subsistence to the emancipated person;

5th. And lastly the receipt of the Treasurer of the Caisse de Bienfaisance for the sum of £5. sterling for the use of the poor.

### VI.

Act, confirmatory of an emancipation, to be delivered and registered free of expense.

The confirmatory act of emancipation shall be delivered gratis, and it shall be registered free of expense, in the Registry of the Court of First Instance, at the Civil Commissariat of the quarter where the emancipated person shall reside, at the Police Office at Fort Lewis, and wherever else occasion may require. The papers relative to the emancipation shall be taken to, and deposited in the Registry Office.

### VII.

Emancipations by will. Dispositions relative thereto.

All emancipations under wills must be confirmed by His Excellency the Governor, and the formalities and obligations set forth in the present Ordinance, complied with and fulfilled. His Excellency, nevertheless, may grant certain exemptions, with reference to the estate of the deceased, the services of the slave, or any other circumstance.

## VIII.

In the event of the marriage of a free black or emancipated negro with his slave, this latter shall be emancipated *de jure*; in like manner, on the marriage of a free woman of colour or emancipated negress with her slave, such slave shall be emancipated *de jure*. In either of the above cases, the free man of colour or emancipated negro, free woman of colour or emancipated negress, shall not be required to deposit the sum of £5. sterling to the Caisse de Bienfaisance, as is directed by article III. of the present Ordinance. To obtain the confirmation of a like emancipation, they must justify,

Emancipations by marriage.  
Dispositions relative thereto.

- 1st. The three advertisements in the Gazette;
- 2nd. The certificate of the Procureur-General that no opposition exists to such emancipation;
- 3rd. A certificate of the Chief Commissary of Police in the town of Port Lewis, or of one of the Civil Commissaries in the several quarters, verifying that the free man of colour or emancipated negro, free woman of colour or emancipated negress, have sufficient means of subsistence.

## IX.

Masters emancipating a slave shall give to him a surname, which shall ever after serve as a family name to be borne by such slave and his children.

Masters to give a surname to slaves emancipated.

## X.

All anterior laws and regulations contrary to the dispositions of the present Ordinance are and remain repealed.

Repeals all anterior laws and regulations contrary 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, published, and registered in the courts; for which purpose a copy thereof shall be presented by the Recorder-General to His Honor the Chief Judge and Commissary of Justice.

Present Ordinance to be read and registered in the courts.

God save the King!

Given at Port Lewis, in the Island of Mauritius, 27th January 1827.

(Signed) G. LOWRY COLE.  
By order of His Excellency the Governor,  
(Signed) ARCHD. WM. 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.

## PROCLAMATION.

In the name of His Majesty, George III, of the United Kingdom of Great Britain and Ireland

KING,

His Excellency, R. T. Farquhar, Esq. Governor and Commander in Chief of the Islands of Mauritius, Bourbon, and Dependencies, Captain-General and Vice-Admiral, &c. &c.

HAVING taken into consideration all the former laws with regard to the manumission of slaves in the Islands of Mauritius, Bourbon, and Dependencies, and deliberated thereon with His Honour the Chief Judge and Commissary of Justice;—

Seeing that the number of manumitted persons requiring relief from the poor fund is augmenting every day;—

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Seeing that it is no less important for the public interest, than that of the freed persons themselves, to secure for them some certain and permanent means of subsistence, so as effectually to prevent their becoming a burden upon the Colony;—

Hath resolved as it is hereby enacted.

## SECTION I.

No slave shall in future be manumitted without the permission of His Excellency the Governor and Captain-General, who, according to the information that he shall obtain, will decide whether the purposed manumission may be carried into effect without injury to the interest of the community.

## SECTION II.

In consequence, the master who purposes manumitting a slave, shall address his demand to that effect, in form of petition to His Excellency the Governor and Captain-General, containing a statement of the reasons inducing him thereto; which, if found satisfactory, will admit him to the benefit of complying with the conditions and formalities prescribed by the following clauses.

## SECTION III.

The slave-owner who wishes to manumit his slave, is bound, First, to make a donation to the Poor Fund to the amount of one hundred dollars, without regard to the age of the slave. Secondly, to bestow upon the slave he may manumit, as a provision for his sustenance, the sum prescribed according to the age and sex of the manumitted person, as follows:—

	Dollars.
For a male slave under fifteen	150
Ditto ditto from fifteen to forty-five	120
Ditto ditto from forty-five upwards	200
For a female slave under twelve	200
Ditto ditto from twelve to twenty-five	300
Ditto ditto from twenty-five upwards	200

## SECTION IV.

The sums hereby specified must be deposited in the Poor Fund before the act of manumission can take place; that prescribed by the second article of the third section is to be laid out for the benefit of the person manumitted, at the periods, and agreeably with the conditions laid down in the eight following sections.

## SECTION V.

An advertisement, stating the name and designation of the master, the name, cast, sex, and age of the slave to be manumitted, shall be inserted in the Weekly Gazette, at three successive periods; and His Majesty's Attorney-General is hereby required to ascertain whether the slave belong to the person desiring to manumit him, how long he may have belonged to him, and whether there exists any legal objection or impediment to the manumission.

## SECTION VI.

The object of the above notifications being that of preventing any manumissions, whereby the right of creditors or the interest of the colony might suffer, all persons are requested to inform His Majesty's Attorney-General of any reasons known to them, why the proposed manumissions should be opposed. Every opposition, grounded upon litigated points, is to be decided upon by the courts of law, according to the forms prescribed in other summary causes.

## SECTION VII.

The master may, after eight days shall have elapsed from the date of last publication of the advertisement, make, before a notary, a declaration of his

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consenting to manumit, to be drawn up and executed in the presence of the same; which, however, shall not be effectual, until it shall have been confirmed by an enactment to that effect by His Excellency the Governor and Captain-General, after a deliberation thereon with His Honour the Commissary of Justice, at which must be produced the following documents. First, A certificate from the administrator of the Poor Fund, of the donation made to it to the amount of one hundred dollars, and of the deposit of the sum prescribed by the second article of the third section of the present Proclamation, according to the case of the person to be manumitted. Secondly, A certificate of the advertisement, stating all that is prescribed by the fifth section, having been inserted during three successive weeks in the Gazette; as also a certificate of the non-opposition of His Majesty's Attorney-General.

## SECTION VIII.

The deed of manumission, to be drawn up by a notary, must specify not only the donation made by the master to the Poor Fund, but likewise the amount of the deposit with the treasurer of that Fund, for the future sustenance of the manumitted person, to be laid out for the benefit of the same, within three months from the date of the manumission; His Majesty's Attorney-General will take an account of the manner of laying it out, proposed by the master, whether in the purchase of plantation land, field, or tradesmen negroes, or in any other manner proper for securing a subsistence to the person manumitted; and will make a report thereof to His Honour the Commissary of Justice, who, should it meet his approbation, will give his sanction to it, the master remaining bound to provide for the manumitted person until it can be carried into effect.

## SECTION IX.

After all the formalities prescribed shall have been complied with, the deed of manumission shall be confirmed by an enactment of His Excellency the Governor and Captain-General, and all the documents respecting it shall remain deposited in the Registrar's Office.

## SECTION X.

As soon as the deed of manumission shall have been confirmed by the Governor and Captain-General, it shall be published in the Court of First Instance, and entered upon its records. It shall, likewise, at the requisition of His Majesty's Attorney-General, be entered upon the records of citizenship of the district in which the manumitted person may be domiciliated; an instrument to this effect shall be drawn up, and an office copy thereof transmitted forthwith to the Central Police Office.

## SECTION XI.

Manumissions by last will may be confirmed, according to circumstances, resulting, whether from the intention of the testator, the state of his affairs, the deserts of the slave, or other causes to be judged of by His Excellency the Governor and Captain-General, but always subject to the condition of all that is prescribed by the third Section being complied with at the expence of the testator's estate.

## SECTION XII.

In the event of a free man of colour, or a manumitted man's marrying one of their slaves, the latter shall become *ipso facto* free, without payment of the sums prescribed, provided the former shall make it appear to the satisfaction of His Excellency the Governor that he possesses sufficient means of subsistence; otherwise the act of manumission shall not become effectual, until all the above-mentioned formalities shall have been complied with, under the superintendance of His Majesty's Attorney-General, authorized thereto by His Honour the Commissary of Justice.

## SECTION XIII.

In all cases of the manumission of minors, the Attorney General for the time being shall be appointed guardian to the manumitted person.

## SECTION XIV.

Freed persons, known to be without any calling or visible means of support, shall be obliged, when thereto required by the authority of His Excellency the Governor and Captain-General, to submit to any government order for employing them on the highways, or such other public works as may be prescribed them.

In which case Government will provide for their subsistence, and allow them besides a remuneration for their services in money, proportioned to their respective deserts, which, however, shall not in any case exceed the sum of two dollars a month per head.

## SECTION XV.

Foundlings, recognised to be of colour, shall be at the disposal of Government during fourteen years, to be employed in its service, and subsisted at its expence during the said term, at the expiration of which, they will be entitled to all the privileges of free persons of colour.

## SECTION XVI.

All the anterior laws by which the manumissions have been hitherto regulated are hereby revoked, and cease to have effect.

## SECTION XVII.

The present Proclamation to have effect from the first day of January 1815, and to be published, read, and entered upon the Records of the different courts and tribunals of the Islands of Mauritius, Bourbon and Dependencies, and an office copy thereof to be forthwith transmitted to His Honour the Commissary of Justice.

*Port Lewis, 30th December 1814.*

(Signed) R. T. FARQUHAR.  
By order  
(Signed) F. ROSSE,  
Acting Deputy-Secretary to Government.

No. 2.

SIR,

*Downing Street, 10th October 1827.*

YOUR despatch, dated the 8th of February last, inclosing an Ordinance for regulating the emancipation of slaves at Mauritius, has been received at this Department.

You have transmitted this Ordinance, "as being in accordance with the views and intentions of His Majesty's Government in favour of the slave population."

After an attentive consideration of its provisions, I am unable to assent to that proposition, especially when I refer to the clauses, which relate to the subject of manumission.

The Ordinance which you have transmitted not only does not recognize the right of the slave to effect this purchase, even with the consent of the master, but it reverses that rule, and declares, in effect, that manumission cannot take place, even by the master's desire, unless many difficult conditions be performed.

Under this Ordinance, the consent of the Local Government is required in each particular case of enfranchisement, and this consent is to be given or withheld, not with reference to any principles previously ascertained, but according to a discretion which is entirely unlimited.

A second impediment is created by authorizing the Court to pronounce judgment in every case upon the sufficiency of such objections as may be made to the manumission of a slave. But no rules are laid down with reference to which that judgment is to be formed.

The slave is further obstructed in the acquisition of freedom by the necessity of satisfying the Chief Judge that the owner has placed at his disposal a sufficient property for his maintenance. This regulation supposes that no man is ever to be set free in order to maintain himself by his own labour.

The best and most industrious mechanic in the Colony might therefore be consigned to irremediable slavery, unless a voluntary and needless provision were made for him by his owner.

This rule does not even except the case where an adequate provision may be made for the emancipated slave by the bounty of a third person.

The Law proceeds to impose upon the owner manumitting a slave a direct tax of £.5 for the benefit of the poor. This enactment is so far from being in conformity with the declared intentions of His Majesty's Government, that it is directly opposed to their unequivocal and repeated declarations.

An additional discouragement to the emancipation of females is to be found in the rule which requires that the owner must make a permanent provision for all their children under the age of seven years.

Even when all the preceding conditions have been observed, the parties are to be subjected to the further inconvenience of obtaining a second confirmation from the Governor.

Testamentary manumissions are to be clogged with the same difficulties as manumissions by contract or donation.

Constructive manumissions by marriage between the owner and the slave are also to be subject to the same restraints, as direct enfranchisements.

Such being apparently the effect of this Law, I do not perceive in it any provision which tends to facilitate manumission. The tendency of every part of it on the contrary is to create obstacles which would render it almost nugatory as a meliorating measure.

Under such circumstances I have found it impossible to advise His Majesty to confirm this Law.

It may be said that this Ordinance does not materially differ from a Proclamation issued by Sir Robert Farquhar in the year 1814, which recognized the same general principles in respect to manumission; but that Proclamation does not appear to have received His Majesty's sanction.

You will immediately bring this subject under the consideration of the Council, proposing to them the revocation of the present Ordinance, and of Governor Farquhar's Proclamation of 1814.

I am unwilling to anticipate any reluctance on the part of the Council to adopt that measure, but in the event of their refusal, you will remind them of the obligations which His Majesty's Government were called upon to fulfil, in consequence of the unanimous Resolutions of the House of Commons on the subject of Slavery, in the year 1823, and of the course which they have since taken in pursuance of such obligations; and will make known to the public in the most authentic manner, that His Majesty is pleased to disallow both that Proclamation and the present Ordinance.

You will further propose to the Council the immediate enactment of the necessary Laws on the subject of manumission, observing, that His Majesty's Government will sanction no restraint on the exercise of the power of enfranchisement, which is not to be founded, *in principle*, on the Order of Council for improving the condition of slaves in Trinidad.

Upon the subject of the right of the slave to purchase his freedom by appraisal, in opposition to his owners will, you will not propose any enactment for the consideration of the Council until you have received such additional instructions as I hope to be able shortly to communicate to you. I have, &c.

(Signed)

W. HUSKISSON.

Lieut.-General the Hon. Sir G. Lowry Cole, G. C. B.

&c.

&c.

&c.

## No. 3.

MY LORD,

*Mauritius, 20th October 1827.*

I HAVE at length the honour to transmit to your Lordship the draft of an Ordinance in Council, for the improvement of the condition of the slave population of Mauritius, framed in the spirit of the regulations contained in the documents which accompanied his Lordship's despatches, and adapted to the laws and local circumstances of this Colony: to which are subjoined various explanatory papers, either referred to in some of the articles of this Ordinance, or in the remarks of the Council, which will be found opposite to such articles; as also a copy of the observations of the principal slave proprietors, drawn up at a meeting, held at their own request and with my consent, for the purpose of considering the provisions of the Trinidad Ordinance.

As it would appear that nearly similar objections were made to certain parts of the Trinidad Ordinance from the West India Islands, but without effect, I cannot flatter myself that the observations from hence, will have more weight with His Majesty's Government; and I find, by Earl Bathurst's despatch of the 11th April last, that a Slave Guardian has been appointed.

With respect to the treatment of the slave population of this Colony, it is satisfactory to me to think, that since I have been here, considerable improvement has taken place in this important and interesting particular; and, although I admit that there is still much to amend, yet, as there is an evident increasing disposition on the part of the inhabitants to enter into the views of His Majesty's Government in this respect, I may be permitted to express a hope that the observations now forwarded to your Lordship (whether proceeding from prejudice or not) may meet with some attention at home.

I have the honour, &amp;c.

(Signed)

G. LOWRY COLE.

*The Right Hon. Lord Viscount Goderich,*

§c. §c. §c.

Titre.

*Ordonnance de son Excellence le Gouverneur en Conseil, pour améliorer le sort des esclaves à l'Île Maurice et Dépendances.*

Preamble.

CONSIDÉRANT que pour parvenir au bût important de l'amélioration du sort des esclaves à l'Île Maurice et dans ses Dépendances, il est convenable d'abroger certaines dispositions des lettres patentes du mois de Décembre 1723, en laissant subsister certaines autres, avec les modifications dont elles sont susceptibles.

En vertu de l'autorité et des pouvoirs conférés à son Excellence le Gouverneur, par Sa Très Gracieuse Majesté, il a plu à son Excellence en Conseil d'ordonner:—

ARTICLE 1<sup>er</sup>.

Le Procureur-Général du Roi, maintenu dans les fonctions de Protecteur et Patron des Esclaves.

Attendu que le Procureur-Général du Roi à l'Île Maurice, a jusqu'à ce jour par les attributions de son office, et en vertu des lettres patentes de 1723, rempli les fonctions de Protecteur et Patron des Esclaves, en recevant les plaintes de ces derniers, et en les portant devant les tribunaux; et qu'il devient important de fixer invariablement l'établissement de cet office, et d'en régler les devoirs d'une manière claire et précise, le Procureur-Général du Roi est, par la présente Ordonnance, maintenu et confirmé dans les fonctions de Protecteur et Patron des Esclaves, avec telle augmentation de salaire qu'il plaira à Sa Majesté de déterminer.

Le Protecteur et Patron des Esclaves prêtera, aussitôt qu'il en sera requis devant son Excellence le Gouverneur, ou en son absence devant le Gouverneur *par interim*, le serment ci-après:—

« Je A. B. jure de remplir fidèlement en mon âme et conscience les devoirs de l'office de Protecteur et Patron des Esclaves à l'Île Maurice et Dépendances, et de m'en acquitter sans crainte, sans faveur, ou partialité.

Serment du Protecteur et Patron des Esclaves.

« Que Dieu me soit en aide. »

Il est bien entendu et de plus ordonné que la faculté, sera toujours réservée à Sa Majesté de séparer l'office de Protecteur et Patron des Esclaves de celui de Procureur-Général, et de nommer tel autre officier, dont elle aura fait choix pour remplir les fonctions de Protecteur et Patron des Esclaves.

Faculté réservée à sa Majesté de séparer l'office de Protecteur des Esclaves, de celui de Procureur-Général.

#### ARTICLE 2<sup>de</sup>.

Pendant tout le temps que le Procureur-Général conservera les fonctions de Patron et Protecteur des Esclaves, son bureau dans la ville du Port Louis sera affecté aux opérations des deux offices ; dans le dit bureau, et nulle part ailleurs seront déposés et gardés et conservés les différents registres, livres et papiers généralement quelconques qui dépendront de l'exercice du Protecteur et Patron des Esclaves. Dans le cas, où il plairait à Sa Majesté de nommer tout autre officier pour l'office de Protecteur et Patron des Esclaves, celui-ci devra avoir un bureau dans la ville du Port Louis, et s'y trouver aux jours et heures, qui pourront être fixés par le Gouverneur, ou Gouverneur *par interim*, d'après tel ordre général ou spécial, qu'il lui conviendra de donner à cet effet.

Dispositions relatives au bureau du Protecteur et Patron des Esclaves, et au dépôt des registres, livres, et tous papiers, qui concerneront cet office.

#### ARTICLE 3<sup>e</sup>.

Le Protecteur et Patron des Esclaves ne devra posséder aucune habitation à l'Île Maurice, ou dans ses Dépendances, ni aucuns esclaves employés ou travaillant sur aucune habitation ni à aucun genre d'agriculture. Il pourra cependant en avoir comme domestiques attachés au service de sa personne, ou de sa famille.

Le Protecteur des Esclaves ne peut posséder ni habitation, ni esclaves attachés à la terre.

Exception à l'égard des esclaves fixés au service personnel du Patron.

Il ne devra avoir ni gage, ni hypothèque, ni intérêt généralement, quelconque sur aucune habitation, ou aucun esclave attaché à aucune habitation, ou à aucun genre d'agriculture ; et il est déclaré par le présent incapable d'être l'administrateur, ou le régisseur d'aucune habitation dans cette Île et Dépendances, l'agent ou le procureur de personne ayant une habitation, comme aussi d'être le tuteur, le curateur, ou l'exécuteur testamentaire d'aucune personne, ayant habitations, ou esclaves, ou ayant des droits à exercer sur aucune habitation, ou aucun esclave.

Il ne peut avoir hypothèque sur aucune habitation ni esclaves attachés à la terre.

Il ne peut être l'agent sous aucun rapport, d'aucune personne ayant habitation ou esclaves attachés à la terre.

Dans le cas où le Protecteur et Patron des Esclaves viendrait à avoir, acquérir, et posséder, soit de son côté, soit du côté de sa femme, soit comme tuteur d'enfants mineurs, soit enfin comme mandataire à quelque titre que se soit, aucune habitation située dans la dite Île et Dépendances, ou aucun esclave employé ou travaillant sur aucune habitation, ou à aucun genre d'agriculture ; dans le cas encore où il viendrait à avoir aucun gage, hypothèque, ou intérêt quelconque sur aucune habitation, ou aucun esclave, ou à agir ainsi qu'il a été dit plus haut, comme administrateur, régisseur, agent, procureur, tuteur, curateur, exécuteur testamentaire, ou mandataire à quelque titre que ce soit, alors et dans chacun de ces cas, et encore dans le mois qui suivra, pour tout délai, le dit Protecteur et Patron des Esclaves sera tenu d'en informer par écrit le Gouverneur, ou Gouverneur *par interim*, qui est autorisé par le présent à nommer un député, ou à prescrire telle autre mesure qu'il jugera convenable pour l'entier accomplissement des dispositions contenues en la présente Ordonnance, et ce jusqu'à ce que le bon plaisir de Sa Majesté soit connu.

Remplacement du Protecteur des Esclaves, dans le cas où il viendrait à acquérir aucune habitation, ou aucuns esclaves attachés à l'agriculture ; dans le cas encore, où il viendrait à être l'agent, sous aucun rapport, d'aucune personne ayant habitation, ou esclaves attachés à la terre.

Dispositions à cet égard.

Il est de plus ordonné, que si le Protecteur et Patron des Esclaves, après sa nomination, venait à acquérir aucune habitation, ou aucuns esclaves, excepté ceux destinés à son service personnel, ou à celui de sa famille, ou à agir comme administrateur, régisseur, agent, procureur, tuteur, exécuteur testamentaire, ou mandataire d'individus, ayant habitation, ou esclaves attachés à l'agriculture, ou à avoir gage, hypothèque ou intérêt sur aucune habitation, ou aucun esclave, à moins qu'il ne soit affecté au service personnel du maître, ou des membres de sa famille, et négligerait d'en informer par écrit le Gouverneur, ou Gouverneur *par interim*, alors encore et dans chacun de ces cas, le dit Protecteur et Patron des Esclaves cessera *de facto* d'être Protecteur, perdra le salaire attaché à cet office, et sera immédiatement remplacé. Il est néanmoins ordonné, que tous



les actes qui pourroient avoir été faits par le dit Protecteur et Patron, ou d'après son ordre, avant que sa place ait été déclarée vacante par un avis publié dans la Gazette du Gouvernement, seront aussi valides et efficaces devant la Loi, que si la vacance n'avoit pas en lieu.

ARTICLE 4<sup>e</sup>.

Le Protecteur des Esclaves ne peut s'absenter de Maurice, où il devra résider, sans la permission énoncée au présent article.

Le Protecteur et Patron des Esclaves devra résider à l'Ile Maurice, et il ne pourra s'en absenter sans une permission spéciale qui lui sera accordée au nom de Sa Majesté, soit par l'un de ces Principaux Secrétaires d'Etat, soit par le Gouverneur, ou Gouverneur *par interim*, de la Colonie. Dans aucun cas cette permission ne pourra être délivrée pour plus de \_\_\_\_\_, et qu'autant qu'il aura été justifié au Gouverneur, ou Gouverneur *par interim*, sur la déclaration, sous serment, d'un medecin, ou officier de santé, que le congé est nécessaire au rétablissement de la santé du Protecteur et Patron des Esclaves.

ARTICLE 5<sup>e</sup>.

Remplacement du Protecteur et Patron des Esclaves dans le cas de mort, démission, maladie, ou absence de la Colonie.

Dispositions particulières à cet égard.

En cas de mort, ou démission, de maladie, ou de toute autre indisposition physique ou morale du Protecteur et Patron des Esclaves, ou pendant son absence momentanée de la Colonie, le Gouverneur, ou Gouverneur *par interim*, aura la faculté de nommer telle autre personne qu'il jugera convenable pour remplir, comme Député, les fonctions du dit Protecteur et Patron des Esclaves, jusqu'à ce que le bon plaisir de Sa Majesté soit connu. La personne ainsi nommée comme Député recevra tel salaire qui sera déterminé en déduction de celui du Protecteur et Patron des Esclaves. Il est bien entendu que ce Député devra avoir les mêmes qualités, et être soumis aux mêmes obligations que le Protecteur et Patron des Esclaves lui même.

Le Procureur-Général pourra tant qu'il réunira à son office celui de Protecteur des Esclaves, et encore avec l'autorisation du Gouverneur faire agir un de ses substitués, dans les cas d'empêchement légitime de sa part.

Il est encore bien entendu que autant de temps que le Procureur-Général réunira à son office celui de Protecteur et Patron des Esclaves, il devra remplir, dans tous les temps et en personne, ses devoirs comme Protecteur et Patron, excepté seulement dans les cas d'empêchement légitime dont il informera le Gouverneur, ou Gouverneur *par interim*, qui pourra alors et pour ces cas seulement, l'autoriser à faire agir un de ses substitués.

ARTICLE 6<sup>e</sup>.

Les Commissaires Civils des quartiers sont nommés Assistants Protecteurs et Patrons des Esclaves.

Les Commissaires Civils et de Police dans les différents Quartiers de l'Ile sont, par la présente Ordonnance, déclarés et nommés Assistants Protecteurs et Patrons des Esclaves; et en cette qualité, ils devront aider et assister le Protecteur et Patron des Esclaves dans l'exécution des ordres et instructions généralement quelconques qu'ils pourront en recevoir dans cette partie importante de l'administration publique.

ARTICLE 7<sup>e</sup>.

Cas déterminés dans lesquels les dénonciations, assignations, et généralement tous actes de procédure à l'égard des esclaves, seront portés au Protecteur et Patron.

Les dénonciations, assignations, et généralement tous actes de procédure formalisés directement à l'égard de l'homme libre en vertu des lois existantes, seront à l'égard des esclaves portés au Protecteur et Patron de ces derniers dans tous les cas ci-après :

1<sup>o</sup>. Lorsqu'il s'agira de poursuivre criminellement un esclave devant aucun tribunal ou aucune Cour de Justice dans cette Ile, sur l'accusation d'aucun crime possible soit de la peine de mort, soit de la déportation, soit enfin de toute autre peine afflictive.

2<sup>o</sup>. Lorsqu'il sera question de l'accusation d'aucune personne prévenue, de l'homicide d'aucun esclave, ou d'aucune offense grave à l'égard de la personne d'aucun esclave.

3<sup>o</sup>. Lorsqu'aucune question pourra s'élever sur le droit à la liberté d'aucun prétendu esclave.

4<sup>o</sup>. Enfin lorsqu'aucune question pourra s'élever relativement au droit d'aucun esclave à la propriété que l'esclave est déclaré par des dispositions subséquentes de la présente Ordonnance, être habile à acquérir, le Protecteur et Patron des Esclaves agira toujours et de la manière la plus avantageuse, et la plus

utile pour l'esclave dans tous les cas ci-dessus déterminés. Le Procureur-Général, pendant tout le temps qu'il réunira à son office celui de Protecteur et Patron des Esclaves, nommera un défenseur à ces derniers lorsqu'ils seront accusés, et qu'il ne pourra lui-même, par la nature de ses fonctions, en prendre personnellement la défense devant les tribunaux.

Le Procureur-Général nommera un défenseur aux esclaves accusés, lorsqu'il ne pourra en prendre lui-même la défense.

#### ARTICLE 8<sup>e</sup>.

Un des moyens principaux pour parvenir à l'amélioration du sort des esclaves, étant de prendre des mesures efficaces pour leur instruction religieuse, il est ordonné aux habitants de faire baptiser et instruire leurs esclaves selon les rites de la religion chrétienne dans un temps convenable, à peine d'amende arbitraire.

L'esclave ne pourra être privé par son maître, ou par tout autre individu ayant autorité sur sa personne, de la faculté d'aller le Dimanche à l'Église ou dans tout autre endroit où le service divin sera célébré. Tout refus fait à l'esclave au dit cas, et dûment constaté, sera puni d'une amende qui ne pourra excéder ni être moindre de à moins qu'il ne soit prouvé que le maître a eu certaine raison valable pour justifier le refus qu'il aura fait.

Les esclaves devront être baptisés et instruits selon les rites de la religion chrétienne, à peine d'amende.

#### ARTICLE 9<sup>e</sup>.

Il est défendu d'exposer en vente, dans aucun marché, les Dimanches, aucune sorte de denrées, viandes, provisions, ou marchandises d'aucune espèce, excepté depuis le coup de canon de la diane jusqu' à neuf heures du matin en été, et jusqu' à dix heures du matin en hiver. Tout contrevenant au présent article sera puni d'une amende qui ne pourra pas être moindre de ni excéder . Les objets exposés en vente après l'heure ci-dessus indiquée, seront confisqués et vendus au profit de la Caisse de Bienfaisance.

Règle à observer pour les marchés les jours de Dimanche, à peine d'une amende et de la confiscation des objets exposés en vente.

#### ARTICLE 10<sup>e</sup>.

Il est enjoint aux habitants d'observer régulièrement les jours de Dimanches : il leur est défendu de faire travailler leurs esclaves depuis le coucher du soleil du samedi jusqu' au lever du soleil du lundi ; ou dans cet intervalle de temps, d'engager, ou forcer aucun esclave à exécuter ou entreprendre aucun travail pour le profit, ou pour l'avantage de son maître, ou de la personne qui l'aurait loué, sous peine pour la première fois d'une amende qui ne pourra pas être moindre de ni excéder et en cas de recidive d'une amende qui ne pourra pas être moindre de ni excéder

Injonction aux habitants d'observer les jours de Dimanche. Défense de faire travailler pendant ces jours consacrés au repos et à l'accomplissement des devoirs de la religion.

Amende en cas d'infraction.

Le présent article ne peut s'interpréter ni s'entendre du travail qu'un esclave est appelé à faire le Dimanche dans son service nécessaire auprès de la personne de son maître, ou de sa famille, ou de la personne qui le tient à loyer, ou pour la garde indispensable et la conservation des troupeaux et autres animaux, comme aussi pour la garde des jardins et plantations à vivres : enfin lorsqu'il s'agira d'un secours prompt à donner dans les cas d'incendie et autres désastres.

Exception à l'égard des esclaves dont le service est nécessaire auprès de son maître, ou de sa famille, ou pour la garde indispensable des troupeaux et autres animaux, comme aussi pour celle des jardins et plantation à vivres

Pourra néanmoins l'esclave se louer volontairement soit à son maître, soit à toute autre personne, du consentement de son maître, pour travailler le Dimanche, mais seulement lorsqu'il s'agira de conserver par ce travail des récoltes qui seraient sujettes à dépérissement en demeurant plus long temps sur pied : au dit cas il sera payé à l'esclave, en égard à l'âge et au sexe, un salaire qui sera déterminé par le Protecteur et Patron des Esclaves et qui devra être payé à l'esclave après l'accomplissement du travail.

L'esclave pourra se louer volontairement pour les cas déterminés au présent article et aux conditions qui y sont mentionnées.

Il est bien entendu qu'il ne sera dû aucun salaire, lorsque l'esclave aura seulement été employé le Dimanche dans son service habituel auprès de son maître, ou des membres de sa famille, et encore dans les autres cas d'exception portés au présent article.

#### ARTICLE 11<sup>e</sup>.

Il est défendu à toute personne libre ou esclave de porter un fouët, ou cha- bouc, ou autre instrument de semblable espèce pendant qu'il exercera sa surveillance sur des esclaves travaillant dans les champs et plantations, comme

Le fouët ou autre instrument semblable est interdit à toute personne exerçant la

surveillance sur des esclaves travaillant dans les champs et plantations.

Le surveillant des esclaves pourra seulement porter un simple rotin.

Peine contre tout contrevenant au présent article.

aussi de se servir du dit fouët, ou autre instrument de la même espèce pour forcer un esclave ou des esclaves à faire un travail quelconque qui leur sera commandé.

Le commandeur ou surveillant des esclaves pourra seulement porter un simple rotin comme une marque qui devra le distinguer des esclaves dont la surveillance lui aura été confiée.

Toute personne convaincue d'avoir contrevenu aux dispositions du présent article en ordonnant, autorisant, ou facilitant l'usage ou l'exposition du fouët, ou de tout autre instrument semblable, sera considérée et jugée coupable d'un délit, et comme telle subira la peine ci-après déterminée.

#### ARTICLE 12<sup>e</sup>.

Châtiment à infliger aux esclaves mâles.

Disposition pour limiter la correction, et empêcher qu'elle excède les bornes de la justice et de l'humanité.

Obligations à remplir en pareil cas.

Il est défendu à toute personne de quelque qualité et condition qu'elle soit, d'infliger, ou de faire infliger dans un jour à un esclave mâle, pour aucune offense, pour aucun délit, ou pour quelque motif que ce soit, une correction de plus de vingt cinq coups de fouët, ou d'infliger, ou de faire infliger à aucun esclave mâle aucune punition ou correction par le moyen du fouët, ou de tout autre instrument de ce genre avant que heures au moins se soient écoulées depuis que l'offense qui aura donné lieu au châtiment aura été commise.

Il est encore défendu d'infliger, ou de faire infliger la dite punition ou correction, si ce n'est en présence d'une personne libre, ou du nombre de six esclaves, dont le témoignage pourra être invoqué et reçu. Cette présence sera requise indépendamment de celle de la personne qui aura ordonné la punition ou correction.

Peine contre quiconque viendrait à enfreindre les dispositions portées au présent article.

Dans le cas où quelque personne infligerait ou ferait infliger dans un jour à un esclave mâle plus de vingt cinq coups de fouët, fouetterait, battrait, ou ferait fouêter ou battre aucun esclave mâle lorsqu'il y auroit encore sur sa personne quelques marques de lacérations occasionée par un premier châtiment, ou encore infligerait ou ferait infliger à aucun esclave mâle aucune correction avant que heures se soient écoulées depuis que l'offense aura été commise, ou hors de la présence, pendant le châtiment, de quelque personne libre ou du nombre de six esclaves, indépendamment de la présence de celui qui aura ordonné le châtiment, telle personne qui ordonnera, autorisera, facilitera un pareil châtiment, ou y sera présent, sera considérée comme coupable d'un délit, et après conviction subira la peine ci-après déterminée.

Exception à l'égard d'aucune punition qui serait infligée à un esclave mâle en vertu de jugement ou ordonnance d'un tribunal compétent.

Il est bien entendu que rien de ce qui est contenu au présent article ne peut et ne doit s'interpréter à l'égard d'aucune punition qui serait infligée à un esclave mâle en vertu de jugement ou ordonnance d'un tribunal compétent.

#### ARTICLE 13<sup>e</sup>.

Défense de punir à l'avenir, aucune femme esclave par le moyen du fouët, à moins que telle correction ne soit ordonnée ainsi qu'il est dit au présent article.

Peine contre tout contrevenant aux présentes dispositions.

Offenses commises par les femmes esclaves.

Punitions qui pourront être infligées.

Il est défendu de corriger à l'avenir ou punir aucune femme esclave à l'île Maurice et dans ses Dépendances par le moyen du fouët pour quelque cause que ce soit, à moins, cependant que telle correction ne soit ordonnée par le Juge, par le Commissaire en chef de la Police, ou par les Commissaires Civils des Quartiers, lesquels devront, dans tous les cas, fixer le nombre de coups de fouët que la femme esclave devra recevoir, et qui n'excédera pas et nommer des personnes pour être présentes au châtiment, et en témoigner lorsqu'elles en seront requises; et si, hors les cas exceptés ci-dessus, aucune personne fouète ou corrige, fait fouêter ou corriger une femme esclave avec un fouët, un bâton, ou tout autre instrument de même genre, telle personne qui ordonnera, autorisera, ou encouragera un pareil châtiment, ou y assistera sera considérée comme coupable d'un délit, et après conviction subira la peine ci-après ordonnée.

Mais comme il est nécessaire que des moyens efficaces soient adoptés pour la punition des offenses qui pourront dorénavant être commises par des femmes esclaves, il est ordonné que toute femme esclave qui se rendra coupable d'aucune offense ou faute qui, d'après les lois en force jusqu'à ce moment, était punissable du fouët, soit, toujours avec l'exception des cas déjà mentionnés, punie de l'emprisonnement, du bloc, ou de tout autre châtiment qui sera spécialement déterminé et sanctionné par une Proclamation que le Gouverneur, ou Gouverneur *par interim* fera publier au nom de Sa Majesté.

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Le Gouverneur, ou Gouverneur *par interim*, est, au surplus, autorisé à faire tels réglemens que lui paroîtront nécessaires pour empêcher aucun excès dans les punitions, ou aucuns abus dans la manière de les infliger.

Ces réglemens devront être transmis sans délai par le Gouverneur, ou Gouverneur *par interim*, au très Honorable Secrétaire d'État ayant le département des Colonies, pour être soumis à l'approbation de Sa Majesté; et ils cesseront d'être en force à l'Île Maurice et Dépendances, si l'approbation de Sa Majesté n'a pas été notifiée au Gouverneur, ou Gouverneur *par interim*, dans l'espace de deux ans à compter de la date des dit réglemens.

Autorisation donnée au Gouverneur de faire tels réglemens qui lui paroîtront nécessaires, pour empêcher aucun excès dans les punitions, et aucun abus dans la manière des les infliger.

ARTICLE 14<sup>e</sup>.

Les esclaves attachés aux habitations, ou à aucun genre d'agriculture jouiront, pendant les jours de travail, du temps consacré au repos; c'est-à-dire d'une heure pour déjeuner, et de deux heures pour diner. Ils seront vêtus et nourris conformément aux ordonnances existantes. Le Protecteur et Patron veillera à la stricte exécution de cette disposition.

Toute contravention dûment constatée et provenant du fait du maître, de l'administrateur, ou régisseur de l'habitation, sera punie d'une amende qui ne pourra être moindre de . . . . . ni excéder

Toute plainte de l'esclave sera sérieusement examinée; dans le cas où elle serait reconnue n'être pas fondée l'esclave pourra être puni de telle peine de police, qui sera arbitrée.

Les esclaves attachés aux habitations auront, pendant les jours de travail, une heure pour déjeuner, et deux heures pour diner.

Ils devront être vêtus et nourris conformément aux lois existantes.

Peine contre tout contrevenant.

Examen de toute plainte de l'esclave.

Peine de police contre l'esclave dont la plainte ne sera pas fondée.

ARTICLE 15<sup>e</sup>.

Il sera tenu sur chaque habitation, sur laquelle plus de vingt esclaves seront employés, un livre qui sera appelé le *Régistre de l'Habitation*.

Il est enjoint au propriétaire, à l'administrateur, au régisseur, ou à toute autre personne ayant la direction ou la principale autorité sur la dite habitation, d'enregistrer dans le dit livre, au moment même d'une punition, ou immédiatement après qu'une punition quelconque aura été infligée à aucune femme esclave, ou à aucun esclave mâle, excédant trois coups de fouet, la nature et les détails de l'offense, ou faute qui aura donné lieu à la dite punition, l'époque, et le lieu où elle aura été commise, l'époque et le lieu où la punition aura été infligée, la nature, le genre, et les détails de la punition, et lorsqu'il s'agira d'esclave mâle, le nombre de coups de fouet administrés à l'esclave, ainsi que les noms de personnes qui auront infligé la dite punition, ou sur l'ordre desquelles elle aura été infligée, comme aussi les noms de la personne libre ou des esclaves, ainsi qu'il a été dit précédemment, qui auront été présents à la punition.

Régistre à tenir sur chaque habitation sur laquelle plus de vingt esclaves seront employés.

Dispositions relatives à la tenue de ce registre et l'emploi auquel il est destiné.

ARTICLE 16<sup>e</sup>.

Il est ordonné que si aucun propriétaire, administrateur, régisseur, ou aucune personne ayant pouvoir et autorité sur aucune habitation à laquelle plus de vingt esclaves seront attachés, néglige ou omet d'enregistrer dans le dit livre aucun article qui devrait y être porté d'après les dispositions de la présente Ordonnance, ou n'enregistre pas le dit article dans les deux jours qui suivront l'infliction du châtement, alors et dans chacun de ces cas, telle personne sera possible d'une amende de . . . . . livres sterling au plus, et de . . . . . livres sterling au moins; ces amendes seront recouvrées et appliquées de la manière ci-après mentionnée. Et si aucune personne volontairement ou frauduleusement enrégistre ou fait enrégistrer dans le sus dit livre aucun article faux, ou y fait quelque rature, ou changement frauduleux, ou brûle, détruit, annule par fraude aucun nom ou aucune partie d'un nom, telle personne sera considérée comme coupable d'un délit, et après conviction sera possible de telle punition qui sera ci-après déterminée.

Peine contre quiconque négligera ou omettra d'enregistrer dans la livre d'habitation les articles qui devront y être portés.

Peine contre quiconque enrégistrera ou fera enrégistrer frauduleusement dans le dit livre aucun article faux, ou y fera quelque changement frauduleux.

ARTICLE 17<sup>e</sup>.

Le livre original sera produit par tout propriétaire, administrateur, régisseur, ou toute autre personne ayant la principale autorité sur aucune habitation, toutes les fois que la représentation du dit livre lui sera demandée par autorité

Représentation du livre original d'habitation, à toute requisition de l'autorité compétente.

Copie à fournir des articles enregistrés au dit livre.

compétente ; c'est-à-dire, par le Gouverneur, ou Gouverneur *par interim*, par le Grand Juge, ou par les Tribunaux ; et il est de plus ordonné à tout propriétaire, administrateur, régisseur, ou toute autre personne ayant la principale autorité sur aucune habitation, de se rendre le premier lundi qui suivra le cinq Avril, le vingt-quatre Juin, le vingt-neuf Septembre, et le vingt-cinq Décembre de chaque année, au bureau du Commissaire Civil comme Assistant Protecteur des Esclaves du quartier où sera située la dite habitation, et d'y donner une copie exacte des articles qui auront été enregistrés pendant le trimestre précédent dans le Régistre de l'Habitation. Il y prêtera et signera le serment suivant, lequel demeurera annexé à la copie qu'il aura fournie des articles par lui enregistrés :

Formule des serments à prêter.

“ Je, A. B. propriétaire, administrateur, ou régisseur (suivant la circonstance) de l'habitation dite dans le quartier de l'île Maurice, jure que l'écrit ci-annexé, contient une copie vraie et exacte de toutes les articles transcrits dans le Régistre de l'Habitation sus mentionnée depuis le dernier. Je jure, en outre, que, ainsi que le prescrit la loi, le dit livre d'habitation a été tenu régulièrement et avec soin depuis le dit et qu'aucun article frauduleux n'y a été inséré, ni aucune rature effectuée par moi ou par quelque personne que ce soit, à ma connaissance, de mon consentement, ou par mon entremise. Que Dieu me soit en aide !”

Dans le cas où le propriétaire, administrateur, régisseur, ou autre sus dite personne n'auroit infligé ou fait infliger depuis son précédent rapport, aucune punition à aucune femme esclave, ou aucune punition excédent trois coups de fouët à aucun esclave mâle sur la dite habitation, alors au lieu du serment sus relaté, le dit propriétaire, administrateur, régisseur, ou autre personne prêtera aux époques sus mentionnées, et devant le Commissaire Civil comme Assistant Protecteur des Esclaves de son quartier, le serment suivant :

“ Je A. B. jure que depuis le dernier, nulle punition n'a été infligée par moi, ou par mon ordre, ou à ma connaissance, à aucune femme esclave appartenante ou attachée à l'habitation dite située dans le quartier de et dont je suis le propriétaire, l'administrateur ou le régisseur. Je jure, en outre, qu'aucune punition excédent trois coups de fouët n'a été infligée depuis le à aucun esclave mâle appartenant ou attaché à la dite habitation, et qu'aucun article concernant de pareilles punitions n'a été enregistré depuis le dit dans le livre à ce destiné.

Que Dieu me soit en aide !”

#### ARTICLE 18<sup>e</sup>.

Modèle à fournir par l'Assistant Protecteur et Patron des Esclaves des serments qui devront être prêtés et signés. Epoque et lieu où l'habitant devra se présenter, pour remettre son rapport et prêter son serment. Transport de l'Assistant Protecteur et Patron, chez l'habitant, dans les cas prévus au présent article.

Il est ordonné au Commissaire Civil comme Assistant Protecteur et Patron des Esclaves dans chaque quartier, de faire parvenir, ou moins quatorze jours avant l'époque fixée pour la remise des rapports, au propriétaire, administrateur, ou régisseur de chaque habitation située dans son arrondissement, un modèle imprimé des serments qui devront être prêtés et signés, et de lui donner connaissance de l'époque et du lieu où il devra se présenter pour remettre son rapport et prêter son serment ; et le Commissaire Civil comme Assistant Protecteur des Esclaves devra consacrer trois jours consécutifs à recevoir les rapports et les serments : dans le cas où il lui serait démontré, d'après le certificat d'un médecin ou officier de santé, que telle personne obligée de faire son rapport et de prêter son serment, est, à raison de maladie, hors d'état de se transporter à l'époque et au lieu désignés, alors et au dit cas, le Commissaire Civil comme Assistant Protecteur des Esclaves devra se rendre en la demeure de la dite personne, à l'effet de recevoir son rapport et de lui faire prêter et signer les serments voulus par la loi.

#### ARTICLE 19<sup>e</sup>.

Amende contre laquelle refuserait ou négligerait de faire son rapport ou de signer les serments voulus par l'Ordonnance.

Dans le cas où aucune personne refuserait ou négligerait de faire son rapport ou de prêter et signer les serments exigés par la présente Ordonnance, telle personne encourra une amende qui ne pourra excéder livres sterling, ni être moindre de livres sterling. Ces amendes seront recouvrées et appliquées de la manière ci-après déterminée.

ARTICLE 20<sup>e</sup>.

Le Commissaire Civil, comme Assistant Protecteur des Esclaves dans chaque quartier, devra transmettre, dans les quatorze jours qui suivront la remise des rapports, au Protecteur et Patron des Esclaves en son Bureau, dans la ville du Port Louis, tous les rapports qui lui auront été faits avec les serments originaux. Dans le cas où un Commissaire Civil, comme Assistant Protecteur des Esclaves, serait lui-même propriétaire, administrateur, ou régisseur d'une habitation, il remettra, à la même époque, au Protecteur et Patron des Esclaves une copie de son propre livre d'habitation pour le précédent trimestre de l'année, ainsi que le serment qu'il aura prêté, de la manière et dans la forme ci-dessus prescrites, devant l'un des Juges du Tribunal de Première Instance de cette Ile, à peine d'encourir les punitions et amendes auxquelles seront sujettes toutes autres personnes qui auront refusé ou négligé de faire leur rapport ou de prêter leur serment.

Délai dans lequel remise devra être faite des rapports au Protecteur et Patron des Esclaves.

Obligation de l'Assistant Protecteur et Patron dans le cas où il serait lui-même propriétaire ou administrateur d'une habitation.

ARTICLE 21<sup>e</sup>.

Il est ordonné au Protecteur et Patron des Esclaves d'enregistrer dans les livres tenus par lui, à cet effet, tous les rapports qui lui auront été transmis, et de conserver dans son Bureau les dits rapports et les serments originaux : et pour éviter autant que possible aucune erreur ou méprise, le Protecteur et Patron des Esclaves devra tenir un livre distinct et séparé pour chaque quartier de l'Ile, et y transcrire par ordre alphabétique chaque rapport, suivant le nom par lequel l'habitation y sera désigné.

Obligation imposée au Protecteur et Patron des Esclaves d'enregistrer les rapports qui lui seront transmis, et de tenir, à cet effet, un livre distinct et séparé pour chaque quartier de l'Ile.

Chaque livre ou registre devra avoir un index exact.

ARTICLE 22<sup>e</sup>.

Il est ordonné que dans le cas où aucune personne propriétaire, administrateur, régisseur, ou exerçant une autorité quelconque sur aucune habitation serait accusé d'avoir infligé ou fait infliger, ou souffert qu'on infligeait à aucun esclave ou aucuns esclaves aucun châtiment défendeur et déclaré illégal par la présente Ordonnance, si l'esclave, qui se prétendra avoir été illégalement puni, se présente devant le Protecteur et Patron des Esclaves, ou devant le Commissaire Civil, comme Assistant Protecteur des Esclaves dans son quartier, et que les marques ou traces d'une fustigation ou laceration récente paraissent sur la personne du dit esclave, le Protecteur et Patron, ou le Commissaire Civil, comme Assistant Protecteur des Esclaves, dressera alors et immédiatement un acte de la déclaration de l'esclave et en transmettra une copie certifiée au Magistrat chargé du Ministère public près le Tribunal de Première Instance, afin que des poursuites soient dirigées sans délai ; et si, lors des débats qui auront lieu, l'esclave déclare devant le Tribunal que les traces ou marques qu'il porte sont le résultat d'un tel châtiment illégal et qu'après avoir été dûment et soigneusement examiné par le Tribunal, il établit et rend un compte précis, détaillé, et probable de tous les circonstances qui ont accompagné la dite correction illégale, alors, et dans chacun de ces cas, encore que l'esclave ne sauroit être considéré comme un témoin compétent d'après les dispositions de la présente Ordonnance, le propriétaire, administrateur, régisseur, ou toute autre personne ayant pouvoir et autorité sur le dit esclave, sera tenu de prouver sous serment, soit que le châtiment dont les marques et traces pourront être apparentis n'a pas été infligé par lui ou par son ordre, ou a sa connaissance, ou avec son consentement, soit qu'un tel châtiment était une punition légale et permise par la présente Ordonnance et à été infligé en présence des témoins nécessaires, ainsi qu'il est ci-dessus requis.

Dispositions relatives à tout personne accusée d'avoir infligé ou fait infliger aucun esclave aucun châtiment défendeur et illégal.

Forme de procéder en pareil cas.

Preuves à administrer soit par l'esclave plaignant soit par la personne accusée.

A défaut de preuves sous serment, le propriétaire, administrateur, ou régisseur sera convaincu et jugé comme coupable du délit qui aura donné lieu à l'accusation.

Peine contre la personne qui, à défaut des preuves exigées par le présent article, sera convaincu d'avoir infligé ou fait infliger un châtiment illégal.

[sera convaincu d'avoir infligé ou fait infliger

Pourra néanmoins le Tribunal, quelque soit le résultat des dépositions sous serment qui lui seront faites par tous témoins appelés à déposer, quelque soit encore la nature des déclarations qui seront affirmées par le propriétaire, ad-

Faculté laissée au Tribunal de prendre, définitivement telle détermination que l'équité pourra lui commander.

Défense au ministère public de discontinuer ses poursuites, sans un ordre par écrit, revêtu de la signature du Gouverneur.

ministrateur, régisseur, ou autre personne, prendre, a l'égard de la culpabilité ou de l'innocence du prévenu telle détermination que l'équité pourra lui commander. Il est de plus ordonné que le Magistrat Chargé du ministère public en première instance ne pourra discontinuer les poursuites qu'il aura dirigées à la demande du Protecteur et Patron des Esclaves, qu'en vertu d'un ordre par écrit, revêtu de la signature et du sceau du Gouverneur, ou Gouverneur *par interim*.

#### ARTICLE 23<sup>e</sup>.

Mariage entre esclaves.

Touts individus dans un état d'esclavage pourront contracter mariage. Pour y parvenir, ils devront s'adresser au Protecteur et Patron des esclaves, ou aux Commissaires Civils des quartiers auxquels ils produiront le consentement par écrit des propriétaires, administrateurs, ou régisseurs.

Formalités à remplir au dit cas.

Dans le cas où le propriétaire, administrateur, ou régisseur des deux esclaves qui désiront se marier, ou de l'un des deux seulement, refuse de donner au dit mariage son consentement par écrit, alors et au dit cas le Protecteur et Patron des Esclaves, à qui information sera donnée du refus fera une sommation revêtu de sa signature et de son cachet au propriétaire, administrateur, ou régisseur, ou à la personne ayant la direction les dits esclaves, de comparaître en personne ou par procureur devant lui, au lieu et à l'heure qui seront fixés: cette époque ne pourra être éloignée de plus de quatorze jours de cette ou la demande des esclaves aura été présentée au Protecteur et Patron. Si le propriétaire, administrateur, régisseur ou toute autre personne ayant la direction des dits esclaves, après avoir reçu la sommation dont il vient d'être parlé, refuse de comparaître devant le Protecteur et Patron des Esclaves; ou bien encore, si lors de sa comparution, il n'administre pas preuve suffisante que le mariage proposé est contraire au bien être des esclaves, ou manifestement préjudiciable aux intérêts du maître, alors, et dans chacun de ces cas, le Protecteur et Patron autorisera le mariage par une déclaration revêtue de sa signature et de son cachet, et le mariage sera célébré avec les formalités voulues par la loi pour valider le mariage entre personnes libres.

Enfants d'esclaves légitimes de droit par le mariage de leur père et mère.

Dans le cas du mariage entre esclaves ayant des enfants procriés de leurs œuvres, de tels enfants seront de droit légitimes, après toutefois que le Protecteur et Patron aura reconnu qu'il n'existe point de fraude dans la déclaration qu'en auront faite les père et mère des dits enfants.

#### ARTICLE 24<sup>e</sup>.

Défense de vendre les enfants sans leur père et mère.

Dispositions en explications y relatives.

Il est défendu de saisir ou rendre, même en execution d'aucune ordonnance, sentence, ou arrêt d'aucune Cour de Justice en cette Ile, aucun esclave ayant femme ou enfants légitimes, ou naturels, ces derniers jusques a l'âge de douze ans pour les garçons et de quinze ans pour les filles et appartenant à la même personne, ou aux mêmes personnes, à moins que les dits mari, femme ou enfants légitimes, ou naturels ne soient rendus ensemble à la même personne, ou aux mêmes personnes; et si en execution d'aucune ordonnance, sentence, ou arrêt, aucun esclave était vendu séparément de sa femme, ou de ses enfants légitimes, ou naturels, alors, et dans ce cas, il est ordonné que la vente soit de plein droit déclarée nulle et de nul effet.

Il est de plus ordonné que dans le cas où un esclave ayant femme ou enfants légitimes, ou naturels, de l'âge déterminé plus haut, serait saisi ou vendu sans que les dits femmes et enfants eussent été compris dans la dite saisie ou la dite vente, la saisie au dit cas, sera, de plein droit, considérée comme comprenant le mari, la femme, et les enfants.

#### ARTICLE 25<sup>e</sup>.

L'esclaves peut avoir un pécule. Il peut acquérir et posséder des biens meubles et immeubles.

Dispositions relatives à l'action qui peut avoir lieu en conséquence de la faculté

L'esclave est déclaré habile à avoir un pécule et à acheter, acquérir, posséder des biens meubles et immeubles, à les aliéner et à en disposer avec le concours réuni du maître et du Protecteur et Patron.

Toute action qui pourrait avoir lieu en conséquence de la faculté donnée à l'esclave par le présent article, devra être introduite au nom du maître, et en cas de refus par le Protecteur et Patron, et dans le cas où les prétentions de

l'esclave ne seraient pas admises en justice, sa propriété repondra, comme dans les affaires ordinaires, des dépends et dommages, intérêts auxquels l'action aura pû donner lieu.

donnée à l'esclave par le présent article.

#### ARTICLE 26<sup>e</sup>.

Des Banques Economiques seront établis en cette Ile, afin de mieux conserver la propriété des esclaves.

Etablissement de Banques Economiques.

Les fonds qui y seront déposés, porteront un intérêt de cinq pour cent par an. Tout ce qui peut concerner cet intérêt et la disposition, qui en sera faite, devra être l'objet de réglemens particulière, qu'il est réservé au Gouverneur, ou Gouverneur *par interim*, de publier toutes les fois qu'il le jugera convenable.

Dispositions relatives à cet établissement et au dépôt des sommes qui seront versées par les esclaves.

Tout esclave faisant aucun dépôt d'argent dans les banques économiques, aura la faculté de déclarer de quelle manière il désire qu'en cas de mort, les fonds qui lui appartiendront seront payés et distribués, comme aussi de désigner la personne ou les personnes aux quelles la remise ou distribution devra en être faite.

Cette déclaration de l'esclave sera enregistrée dans un livre tenu à cet effet dans les banques économiques, et à la mort de l'esclave, elle sera considérée comme étant sa dernière volonté, si d'ailleurs il n'existe point de testament subsequent. Dans le cas où le dit esclaves viendrait à se marier, après avoir fait la sus dite déclaration, le mariage sera considéré comme en étant une révocation légale.

Si l'esclave venait à mourir *intestat*, et sans avoir fait la déclaration sus mentionnée, alors, et au dit cas, la propriété de l'esclave sera dévolue à la personne ou aux personnes qui, d'après les lois qui réglent les successions dans la Colonie auraient droit à la dite propriété.

Enfin si l'esclave ne laisse ni femme, ni enfants, ni aucun parent dans le degré nécessaire pour lui succéder soit légitime, soit naturel, sa propriété sera dévolue au maître.

#### ARTICLE 27<sup>me</sup>.

Les Banques Economiques qui seront établies à Maurice, seront sous l'autorité et l'inspection du Protecteur et Patron des Esclaves.

Les banques économiques seront sous l'autorité du Protecteur et Patron des Esclaves.

Le Gouverneur, ou Gouverneur *par interim*, est autorisé à nommer telles personnes qu'il jugera les plus propres à former une commission pour administrer les banques économiques, et tels employés qui devront être affectés au service des dites banques. Le Gouverneur, ou Gouverneur *par interim*, est encore autorisé à faire tels réglemens qui lui paraîtront convenables pour y assurer l'ordre et l'exactitude, et prévenir la mauvaise application des sommes qui y seront déposées. Ces réglemens devront être soumis, sans délai, à l'approbation de Sa Majesté, par la voie d'un de ses principaux Secrétaires d'Etat.

Le Gouverneur formera une commission pour administrer les banques économiques.

Le Gouverneur fera tous réglemens dans l'intérêt des banques économiques.

#### ARTICLE 28<sup>me</sup>.

Nul dépôt d'argent ne sera reçu dans aucun temps aux dites banques économiques, d'aucun esclave, lorsque le dépôt excédera la somme de deux livres sterling, à moins que l'esclave ne produise le consentement par écrit du maître, administrateur, ou régisseur; et dans le cas où l'esclave désirant à quelque époque, et dans aucun temps que ce soit, faire un dépôt d'argent excédant la dite somme de deux livres sterling, éprouverait de la part du maître, administrateur, ou régisseur, le refus d'y donner un consentement par écrit, alors, et au dit cas, il est ordonné au Protecteur et Patron des Esclaves, lorsqu'il aura eu connaissance du refus du maître, administrateur, ou régisseur, d'envoyer à celui-ci une sommation revêtue de sa signature et de son cachet, à l'effet de le faire comparaître devant lui, soit en personne, soit par Procureur, aux lieu et heure qui seront désignés; et si le dit propriétaire, administrateur, ou régisseur ne comparait pas, ou bien si comparissant, il ne donne pas des motifs valables pour démontrer que le dépôt ne doit pas avoir lieu, alors le Protecteur et Patron des Esclaves donnera, sous sa signature et son cachet, un ordre au Directeur de la banque économique pour qu'il ait à recevoir et à enregistrer le montant du dépôt.

Mesure ordonnée à l'égard des dépôts qui excéderont deux livres sterling.

Dispositions relatives aux moyens à employer pour faire recevoir aux banques économiques des dépôts excédant deux livres sterling.



Publication le premier de chaque mois, de l'état des dépôts qui auront été faits dans le mois précédent.

Le premier de chaque mois, le Directeur de la banque établira l'état de dépôts effectués dans le mois précédent, et le rendra public par la voie de la Gazette du Gouvernement.

#### ARTICLE 29<sup>me</sup>.

Affranchissement des esclaves. Exemption de tout droit ou taxe à l'exception d'un droit qui sera payé au Greffier de l'enregistrement des esclaves, et qui ne pourra excéder vingt shellings.

L'affranchissement d'aucun esclave, de même que l'enregistrement d'aucun acte d'affranchissement, ne sera plus, à l'avenir, sujet à aucun droit ou à aucune taxe de quelque nature que ce soit, à l'exception cependant d'un droit qui ne pourra excéder vingt shellings, et qui sera payé au Greffier de l'enregistrement des esclaves par le Protecteur et Patron, qui en sera remboursé sur les revenus publics de la Colonie; et si, contrairement à la disposition ci-dessus, aucune personne, en cette Ile, prend, demande, ou reçoit à l'avenir aucun droit ou taxe, à l'exception toutefois du droit attribué au Greffier de l'enregistrement des esclaves, telle personne sera passible d'une amende qui ne pourra excéder cinquante livres sterling, ni être moindre de dix livres sterling.

Amende contre laquelle contreviendra au présent article.

#### ARTICLE 30<sup>me</sup>.

L'esclave peut racheter sa personne, et les personnes de sa femme, de ses enfants, de ses père et mère, de ses frères et sœurs.

Mesure ordonnée à l'égard de cette disposition.

Formalités à remplir, dans le cas de refus du maître, ou d'empêchement valable, comme aussi dans le cas où le maître demanderait un prix exagéré de l'esclave, pour le rachât.

Il est ordonné par le présent article qui dans le cas où aucun esclave à l'Ile Maurice et dans ses Dépendances, voudrait acquérir la liberté par le rachât de sa personne, ou celle de sa femme, de son enfant, ou de ses enfants, de son père, de sa mère, de ses frères et sœurs légitimes ou naturels, par le rachât de leurs personnes, comme aussi dans le cas où la femme esclave voudrait user du même droit à l'égard de son mari, de ses enfants, de ses père et mère, de ses frères ou sœurs légitimes ou naturels, par le rachât de leurs personnes, le dit rachât sera permis à l'esclave, à la charge par lui de justifier au Protecteur et Patron, qu'il a légitimement acquis les fonds qu'il destine à ce rachât; et si le propriétaire de l'esclave se refusait à consentir à l'affranchissement, ou s'il en était valablement empêché, soit à raison d'hypothèque, ou de toute autre charge qui frapperait sur le dit esclave, et donnerait des droits quelconques à une personne étrangère; soit à raison de l'intérêt que pourrait y avoir un mineur, une femme en puissance de mari, ou en interdit; soit à raison de l'absence du véritable propriétaire; soit à raison d'aucun procès pendant devant une Cour de Justice concernant la propriété du dit esclave ou un droit quelconque à ses services, soit enfin à raison du prix exagéré que le propriétaire demanderait pour le rachât de la personne de l'esclave, alors, et dans chacun des cas, qui viennent d'être mentionnés, le Protecteur et Patron des Esclaves se retirera devers le Grand Juge de la Colonie qui, sur le rapport qui lui sera fait, enverra une sommation revêtue de sa signature et de son cachet, pour faire comparaître devant lui, en personne ou par Procureur à tel lieu et heure qui seront fixés à cet effet, le propriétaire, administrateur, ou régisseur, du dit esclave, ou toute autre personne ayant le dit esclave sous sa direction. De son côté, le Protecteur et Patron des Esclaves fera publier dans trois Gazettes consécutives du Gouvernement, un avis faisant connaître le lieu et l'heure fixés par le Grand Juge, et ayant pour objet d'avertir toutes personnes ayant des droits ou des réclamations à exercer sur l'esclave dont l'affranchissement sera demandé, soit en leur propre et privé nom, soit comme tuteurs, procureurs, administrateurs, ou exécuteurs testamentaires, qu'elles aient à se présenter, et à faire leurs titres ou prétentions.

Certificat à produire par l'esclave dans le cas où les fonds offerts pour son rachât, ne proviendraient pas de son travail.

Déchéance de la faculté de racheter sa personne, pendant un temps déterminé pour l'esclave convaincu de vol larcin et autres délits.

Dans le cas où les fonds que l'esclave offrirait pour son rachât, ne proviendraient pas de son travail et de son industrie, mais seraient dûs à quelques voie étrangère, au dit cas, et pour jouir du bienfait de la liberté, l'esclave devra rapporter un certificat de son maître, attestant sa bonne conduite pendant cinq ans.

L'esclave convaincu de vol, larcin, et autres délits ayant pour but de se procurer illégalement un pécule quelconque, est, par le présent article, déclaré dechu de la faculté de racheter sa personne pendant cinq ans pour la première fois, et pendant dix ans en cas de récidive.

#### ARTICLE 31<sup>e</sup>.

Dispositions ordonnées en conséquence du présent article.

A l'époque fixée par la sommation émanée du Grand Juge, et encore en présence du Protecteur et Patron des Esclaves, et en celle du propriétaire de

l'esclave dont l'affranchissement sera poursuivi, comme aussi en l'absence du dit propriétaire, si il est dûment prouvé que celui-ci ou tout autre intéressé a été régulièrement mis en demeure par l'avis publié dans la Gazette du Gouvernement, le Grand Juge entendra sommairement ce qui pourra être dit par le Protecteur et Patron des Esclaves, et par le propriétaire ou toute autre personne prétendant avoir aucun droit sur l'esclave, que l'on voudra affranchir; et dans le cas où les parties, ou aucune d'elles, se refuserait à effectuer l'affranchissement, ou qu'il paraîtrait au Grand Juge, qu'un tel affranchissement ne pourrait s'opérer par l'effet d'un accord volontaire et aimable entre les parties; dans le cas encore où il serait démontré au Grand Juge que le propriétaire du dit esclave, ou la personne ayant quelque droit sur lui, est un mineur, une femme en puissance de mari, ou un individu en état d'interdiction, ou que le véritable propriétaire, ou la personne ayant quelque droit sur l'esclave, est absente de la Colonie, sans y être représentée, ou qu'aucun procès est pendant devant une Cour de Justice concernant la propriété de l'esclave, et un droit quelconque à ses services, ou enfin qu'il paraîtrait au Grand Juge qu'il existe quelque différence d'opinion entre le Protecteur et Patron des Esclaves et le propriétaire de l'esclave à affranchir relativement à la véritable valeur de celui-ci, alors, et dans chacun de cas, ci-dessus mentionnés, le Protecteur et Patron des Esclaves, et le propriétaire de l'esclave à affranchir, nommeront chacun un expert. Un tiers-expert sera désigné par le Grand Juge.

Forme de procéder par le Grand Juge.

Cas prévus et pour lesquels il y aura lieu à nomination d'experts et de tiers-experts.

Les experts et tiers-experts après avoir prêté serment entre es mains du Grand Juge, de procéder équitablement, et en leur âme et conscience, à l'estimation de l'esclave dont l'affranchissement sera demandé, feront ensemble, dans les sept jours qui suivront, leur prestation de serment, l'estimation qui doit faire le seul objet de l'opération qui leur sera confiée. A cet effet, l'esclave à estimer, leur sera présenté par le Protecteur et Patron. Dans le même délai de sept jours, les experts et tiers-experts remettront au Grand Juge leur procès verbal d'estimation, revêtu de leur signature et cachet, et ce procès-verbal, après avoir reçu le visa pour approbation du Grand Juge, deviendra la loi des parties, et sera enregistré tant au bureau du Protecteur et Patron des Esclaves, qu'au bureau de l'enregistrement.

Prestation de serment des experts et tiers-experts.

Estimation de l'esclave par les experts.

Procès verbal d'estimation visé par le Grand Juge, et enregistré au bureau du Protecteur et Patron des Esclaves, et à celui de l'enregistrement.

#### ARTICLE 32<sup>e</sup>.

La somme provenant de la valeur estimative de l'esclave, sera déposée au Trésor de Sa Majesté en cette Ile, et il en sera donné par le trésorier un reçu qui sera enregistré au bureau de l'enregistrement; ce reçu devra être accompagné d'une déclaration du Grand Juge, laquelle certifiera que les formalités voulues par la loi pour l'affranchissement du dit esclave ont été remplies. Au moyen de quoi, l'esclave sera libre, et jouira des avantages attachés à cette condition.

Somme provenant de la valeur estimative de l'esclave, déposée au Trésor de Sa Majesté.

Déclaration du Grand Juge que les formalités voulues par la loi, ont été remplies.

L'esclave déclaré libre après l'accomplissement de ces formalités.

#### ARTICLE 33<sup>e</sup>.

Les fonds provenant de l'affranchissement d'aucun esclave, seront, d'après une autorisation du Grand Juge, remis par le trésorier à la personne ou aux personnes qui y auront droit. Dans le cas où aucune réclamation n'en serait faite immédiatement, ils resteront déposés au trésor. Dans ce cas, ils porteront un intérêt de six pour cent par an. Cet intérêt qui sera perçu sur les revenus publics de la Colonie, formera avec le capital, la propriété de la personne ou des personnes pouvant la réclamer légitimement. Elle donnera lieu à l'exercice des droits que toute personne aurait pu exercer sur l'esclave lui-même avant son emancipation. La remise définitive des sommes formant le dépôt, ne pourra dans aucun cas être faite par le Trésorier que d'après l'autorisation du Grand Juge.

Remise au propriétaire de l'esclave des fonds provenant de l'affranchissement.

Dispositions dans le cas où la réclamation des fonds ne serait pas faite immédiatement.

Les fonds déposés donneront lieu à l'exercice des droits que toute personne aurait pu exercer sur l'esclave lui-même, avant son emancipation.

#### ARTICLE 34<sup>e</sup>.

Avant l'affranchissement d'aucun esclave, et lorsque le maître se sera déterminé à y procéder volontairement, celui-ci devra en informer par écrit le Protecteur et Patron qui, dans l'intérêt de l'esclave à affranchir, devra s'assurer

Mesure qui devra précéder tout affranchissement volontaire.

si le propriétaire a un titre régulier, et si les moyens de subsistance seront suffisans pour empêcher l'esclave d'être, dans aucun temps, à charge à la Colonie.

Le Protecteur et Patron prépare, sans frais, et sans honoraires, l'acte d'affranchissement.

Formalités à suivre à cette occasion.

Dépôt de l'acte d'affranchissement au bureau de l'enregistrement à peine d'une amende contre le Protecteur et Patron.

Lorsque les informations seront satisfaisantes, le Protecteur et Patron des Esclaves préparera, sans frais, et sans honoraires, l'acte d'affranchissement, lequel, indépendamment de la signature du Protecteur et Patron, devra porter celle d'un témoin appelé à cet effet. L'acte d'affranchissement sera, dans le délai d'un mois à compter de sa date, transcrit et déposé au bureau de l'enregistrement, à peine contre le Protecteur et Patron des Esclaves d'une amende qui ne pourra excéder livres sterling, ni être moindre de livres sterling.

#### ARTICLE 35<sup>e</sup>.

Certificats à transmettre aux Commissaires Civils des quartiers par tout ministre ou tout prêtre dûment autorisé par le Gouvernement à l'effet d'attester l'instruction religieuse des esclaves. Ces certificats devront être adressés au Protecteur et Patron des Esclaves, qui devra les enrégistrer dans un livre tenu par lui à cet effet.

Aucun ministre ou prêtre non avoué du Gouvernement ne pourra délivrer de pareils certificats ; sans avoir obtenu une permission spéciale, ainsi qu'il est dit au présent article.

Tout ministre de l'Eglise Etablie d'Angleterre, de l'Eglise d'Ecosse, et tout prêtre professant la religion Catholique en cette Ile, comme aussi toute personne dûment autorisée par le Gouvernement, enseignant publiquement la religion à l'Ile Maurice et Dépendances, devra transmettre au Commissaire Civil de sa résidence des certificats indiquant le nom et la demeure d'aucun esclave qui dans son opinion sera suffisamment instruit de la religion, pour connaître la nature et l'obligation d'un serment. Le Commissaire Civil, dans chaque quartier, devra transmettre ces certificats dans la huitaine du jour où il les aura reçus, au Protecteur et Patron des esclaves qui les enrégistrera dans un livre tenu par lui à cet effet, avec insertion de la date du certificat, du nom, et de la demeure de la personne qui l'aura délivré, et du nom de l'esclave qui fera l'objet du certificat.

Il est bien entendu qu'aucun ministre, prêtre, ou autre personne enseignant publiquement la religion en cette Ile, qui ne sera pas, en même temps, ministre ou prêtre de l'Eglise d'Angleterre ou d'Ecosse, n'aura pas qualité pour délivrer les certificats dont il vient d'être parlé, à moins que le Principal Secrétaire d'Etat de Sa Majesté, ayant le Département des Colonies, ou le Gouverneur, ou Gouverneur *par interim*, de Maurice, n'ait accordé au dit ministre, prêtre, ou autre sus dite personne une permission par écrit, à l'effet de délivrer de pareils certificats ; et la dite permission, avant de recevoir son effet, devra être enrégistrée au bureau du Protecteur et Patron des Esclaves.

#### ARTICLE 36<sup>e</sup>.

Le témoignage de l'esclave sera à l'avenir admis en justice, s'il est justifié par le certificat du Protecteur et Patron, que le dit esclave connoit suffisamment la nature et l'obligation d'un serment.

Ce certificat devra être délivré sans frais ou honoraires par le Protecteur à toute personne qui lui en fera la demande.

L'esclave ne pourra témoigner dans aucun procès où son maître aurait un intérêt direct.

Les tribunaux sont, au surplus, maintenus dans le pouvoir qu'ils ont d'admettre dans certains cas le témoignage des esclaves.

A l'avenir nulle personne ne pourra être considérée comme incapable de témoigner devant une Cour de Justice civile ou criminelle en cette Ile, à raison de son état d'esclavage, si telle personne appelée comme témoin produit et exhibe à la Cour le certificat du Protecteur et Patron des Esclaves, constatant que le nom du témoin est inscrit, ainsi que le veut la loi, dans le livre tenu par lui à cet effet.

Le Protecteur et Patron devra, en outre, délivrer sans frais ou honoraires quelconque, à toute personne qui lui en fera la demande, un certificat constatant que l'esclave appelé comme témoin est ou n'est pas enrégistré dans le dit livre. Il est bien entendu, néanmoins, que le témoignage d'aucun esclave ne pourra être reçu dans aucun procès où son maître aurait un intérêt direct.

Tout ce qui est contenu au présent article ne peut s'interpréter de manière à détruire ou diminuer le pouvoir et l'autorité qu'aucune Cour Criminelle en cette Ile possède déjà pour admettre, dans certains cas, le témoignage des esclaves, et le rendre aussi valide que s'il était administré par des personnes libres.

#### ARTICLE 37<sup>e</sup>.

Le salaire du Protecteur et Patron des Esclaves doit lui tenir lieu de tous droits et émoluments.

Amende contre le Protecteur et renvoi de son office, dans le cas d'infraction au présent article.

Le salaire du Protecteur et Patron des Esclaves, ainsi qu'il sera réglé et déterminé, lui tiendra lieu de tous droits et émoluments généralement quelconques. Dans le cas où le Protecteur et Patron demanderait ou recevrait, directement ou indirectement, aucuns droits ou émoluments, autres que ceux déterminés pour son salaire, et ce pour aucun acte ou aucune chose dépendant des devoirs de son office, il sera passible d'une amende qui sera du double de ce qu'il aura illicitement reçu, et il sera déclaré incapable de remplir plus longtemps les fonctions de Protecteur et Patron.

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ARTICLE 38<sup>e</sup>.

Le Protecteur et Patron des Esclaves devra faire un rapport par écrit au Gouverneur, ou Gouverneur *par interim*, le premier lundi après le vingt-cinq Décembre, et le premier lundi après le vingt-quatre Juin de chaque année.

Rapport pré-crit deux fois l'année au Protecteur et Patron des Esclaves.

Ce rapport devra spécifier la manière dont les devoirs de cet office auront été remplis pendant les six mois précédant la date du dit rapport ; le nombres d'actions et procès dans lesquels le Protecteur aura agi en sa qualité ; la date et le résultat des poursuites ; les détails de toutes les rapports que lui auront été faits par les Commissaires Civils des différens quartiers de l'Ile ; les noms des personnes contre lesquels il pourra avoir intenté aucune poursuite criminelle, pour raison de traitement inhumain envers des esclaves ; le noms de tous les esclaves qui lui auront été désignés comme capable de témoigner en justice ; le nombre de permissions accordées par le Protecteur et Patron pour le mariage d'esclaves ; le nombre de mariages célébrés en vertu des dites ; le montant des sommes déposés dans aucune banque économique ; enfin, les noms de tous les esclaves affranchis en vertu et sous l'autorité de la présente Ordonnance.

Détails que le rapport devra contenir.

Le Protecteur et Patron des Esclaves prêtera entre les mains du Gouverneur, ou Gouverneur *par interim*, serment que son rapport contient la vérité, et rien que la vérité, sur tous les points qui y sont énoncés ; et lorsque ce serment aura été prêté, le Gouverneur, ou Gouverneur *par interim*, délivrera au Protecteur et Patron des Esclaves un mandat sur le Trésorier de Sa Majesté en cette Ile pour le montant de la partie du salaire additionnel qui lui aura été alloué en cette qualité pendant les six mois qui auront précédé la date du rapport, qui sera transmis par le Gouverneur, ou Gouverneur *par interim*, et par la première occasion convenable, au principal Secrétaire d'État de Sa Majesté ayant le Département des Colonies.

Serment à prêter par le Protecteur entre les mains du Gouverneur

Mandat à délivrer au Protecteur après son serment, pour le montant de la partie du salaire additionnel à lui alloué pendant les six mois qui auront précédé la date du rapport.

ARTICLE 39<sup>e</sup>.

Dans le cas où le Protecteur et Patron des Esclaves, ou aucun Commissaire Civil de quartier, ou encore toute autre personne, viendrait à faire volontairement, ou à faire faire frauduleusement, aucune rature ou surcharge dans aucun des livres, registres, ou rapports mentionnés en la présente Ordonnance, à falsifier avec intention aucun des dits livres, registres, ou rapports, à insérer, ou faire insérer, avec intention, aucun article faux dans aucun des dits livres, registres, ou rapports, à brûler, détruire, ou effacer, volontairement et frauduleusement, les dits livres, registres, ou rapports, ou seulement l'un d'eux, ou aucun d'eux, ou aucune de leurs parties, alors, et dans chacun de ces cas, il y aura délit grave, et le coupable, après conviction, sera passible de telle peine que sera ci-après déterminée.

Peine contre quiconque se rendra coupable des délits graves mentionnés au présent article.

ARTICLE 40<sup>e</sup>.

Dans le cas où aucune personne appelée Quaker, residant dans la Colonie, serait requise de prêter un des serments voulus par la présente Ordonnance, il est ordonné que l'affirmation solennelle de la dite personne tiendra lieu du serment, et que si telle personne faisant comme Quaker la dite affirmation solennelle, était convaincue d'avoir fait devant la justice une fausse affirmation, elle encourra telle peine que les lois de la Colonie prononcent contre les individus coupables de parjure.

Dispositions relatives au serment à prêter par aucune personne appelée Quaker.

ARTICLE 41<sup>e</sup>.

Toute personne convaincue d'aucun des délits prévus par la présente ordonnance, si elle est libre, sera passible d'une amende qui ne pourra excéder

Peine contre toute personne convaincue d'aucun des délits prévus par la présente Ordonnance.

livres sterling, ni être moindre de livres sterling, ou d'un emprisonnement qui ne pourra excéder six mois, ni être moindre d'un mois, ou même de l'amende et d'emprisonnement, si le tribunal croit devoir l'ordonner.

Nature de la peine.

Dans le cas où quelque personne serait convaincue de traitement inhumain envers aucun esclave, le tribunal déclarera que la dite personne a perdu tous ses droits sur l'esclave, dont la confiscation sera prononcée au profit de Sa Majesté. Les procès auxquels les délits sus-mentionnés donneront lieu, seront

Compétence des tribunaux ordinaires de la

Colonie, pour instruire et juger les procès au dit cas.  
Destination des amendes.

instruits et jugés par les tribunaux ordinaires de la Colonie. La moitié des amendes qui seront prononcées sera versée au trésor de Sa Majesté, et l'autre moitié sera dévolue à la Caisse de Bienfaisance.

ARTICLE 42<sup>e</sup>.

Article relatif à la récidive dans le cas de traitement inhumain envers un esclave.

Peine à prononcer au dit cas.

Les tribunaux maintenus dans la faculté dont il jouissent d'ordonner, dans certains cas, la confiscation et la vente des esclaves.

Dans le cas où aucune personne sera convaincue pour une seconde fois, devant la justice, d'avoir infligée ou fait infliger à aucun esclave un traitement cruel et inhumain, telle personne, indépendamment des peines qu'elle aura encourues, sera par le tribunal déclarée incapable d'être, à l'avenir, propriétaire, administrateur, ou régisseur d'aucun esclave à l'Ile Maurice et dans ses Dépendances, et tout esclave dont la dite personne se trouvera propriétaire à l'époque de cette seconde condamnation, sera confisqué au profit de Sa Majesté. Il n'est point, au surplus, dérogé en rien aux lois existantes, en ce qui concerne la faculté laissée aux tribunaux d'ordonner la confiscation et le vent des esclaves, à l'égard desquels les maîtres auront exercé un traitement inhumain.

ARTICLE 43<sup>e</sup>.

En cas de difficulté sur les différents degrés de parenté entre esclaves, recours aux registres tenus par le greffier de l'enregistrement des esclaves.

Toutes les fois que des difficultés pourront s'élever, en conséquence de la présente Ordonnance, sur les différents degrés de parenté entre esclaves, le Protecteur et Patron aura recours aux registres tenus par le greffier de l'enregistrement des esclaves, dont le certificat fera foi soit devant les tribunaux, soit devant toute autre autorité compétente.

ARTICLE 44<sup>e</sup>.

Peine de Police contre l'esclave, qui aura porté une plainte mal fondée contre son maître.

Dans le cas d'aucune plainte mal fondée d'un esclave contre son maître, les Protecteur et Patron, ou le tribunal devant lequel la dite plainte aura été portée déterminera à l'égard du dit esclave, telle peine de Police qui devra lui être infligée.

ARTICLE 45<sup>e</sup>.

Publication de l'ordonnance, son enregistrement, et sa mise à l'exécution dans le délai prescrit par le présent article.

Maintien de toutes dispositions de lois antérieures, en ce qui n'est pas contraire à la présente Ordonnance.

La présente Ordonnance sera publiée afin que personne n'en prétende cause d'ignorance, enregistrée dans les tribunaux et mise à l'exécution à l'Ile Maurice et dans ses Dépendances dans le délai d'un mois après que le Gouverneur, ou Gouverneur *par interim*, aura reçu les instructions de très honorable Secrétaire d'État de Sa Majesté, ayant le Département des Colonies.

Sont d'ailleurs maintenues toutes dispositions de lois et règlements antérieurs, en tout ce que n'est pas contraire à la présente Ordonnance.

Vive le Roi !

Donné au Port Louis, Ile Maurice, en l'Hôtel du Gouvernement, le 1<sup>er</sup> Septembre, 1827.

(Signé)

G. LOWRY COLE.

Par ordre de son Excellence le Gouverneur,

(Signé)

ARCH. W. BLANE,  
Secrétaire en chef du Gouvernement.

Par ordre du Conseil,

(Signé)

W. N. LEITCH. Secrétaire du Conseil.

*Ordinance in Council for improving the condition of the Slave Population  
of Mauritius.*

*Ordinance of his Excellency the  
Governor in Council.*

Title. For the improvement of the condition of Slaves in the island of Mauritius and his dependencies.

Preamble. Considering that with the view of improving the condition of slaves in the island of Mauritius and its dependencies, it is proper to annul certain clauses of the letters patent of the month of December, 1723, allowing others at the same time to remain in force, with such modifications as they may admit of;

In virtue of the authority and powers vested in his Excellency the Governor, by his Most Gracious Majesty, his Excellency in Council has been pleased to ordain—

ARTICLE I.

The King's Procureur-General maintained in the functions of Protector and Guardian of Slaves.

Whereas the King's Procureur-General in the island of Mauritius has, up to this day, by the attributes of his office, and in virtue of the letters patent of 1723, discharged the functions of Protector and Guardian of Slaves, receiving the complaints of the latter, and carrying them before the tribunals, and it becomes important to fix definitively the establishment of that office, and to regulate its duties in a clear and precise manner, the King's Procureur-General is maintained and confirmed in the functions of Protector and Guardian of Slaves, with such increase of salary as His Majesty may please to determine.

The Protector and Guardian of Slaves shall appear before his Excellency the Governor, or in his absence before the acting Governor, whenever called upon, and in his presence take the following oath:—

“ I, A. B. swear to perform faithfully, and to the best of my knowledge and ability, the duties of the office of Protector and Guardian of Slaves in the island of Mauritius and dependencies, and to discharge the same without fear, favour, or partiality,—  
So help me God !”

Oath of the Protector and Guardian of Slaves.

OBSERVATIONS.

With respect to the nomination of a Guardian of Slaves, and a Deputy-Guardian in case of absence or incapacity, it is to be observed that the Procureur-General in this Colony, is the natural protector of slaves, and as such it is his duty to receive any complaints which may be brought before him, and, after a due examination of them, to bring the master or other offending party before the competent tribunals.

The Procureur-General is assisted by his two substitutes, one before the Tribunal of First Instance, the other before the Court of Appeal; and it is the province of these officers to perform all such functions as may be delegated to them by the Procureur-General, or in the event of death, absence, or incapacity, of the Procureur-General himself, to exercise *ad interim* according to their rank, the duties and authority of that officer.

The Council do not find in the ordinary powers and obligations which it is proposed to attach to the office of Guardian of Slaves, any real incompatibility with those of the Procureur-General; and as the Colony has long been accustomed to look up to that institution as one of

Appendix  
No. 1.

Power reserved  
to His Majesty,  
of separating  
the office of  
Protector of  
Slaves from  
that of Procureur-General.

It is to be well understood, and is hereby ordained that the power shall be always reserved to His Majesty of separating the office of Protector and Guardian of Slaves from that of Procureur-General, and of nominating such other officer as he may think proper to select for performing the functions of Protector and Guardian of Slaves.

## OBSERVATIONS.

great antiquity and authority, and which has always been considered to carry much respect and dignity along with it, and as there is no reason to believe that the interests of the slaves will be less zealously maintained in the hands of the Procureur-General than in those of any other officer, the Council are of opinion that it would be expedient to consult the feelings of the inhabitants upon this point, and to suffer the Procureur-General to continue to act as the Guardian of Slaves, under such modifications and regulations as the new duties which he will be called upon to perform may render necessary.

The only instance in which the duties of Guardian of Slaves would be likely to interfere with those of Procureur-General, is in the case of a slave being brought to trial for a crime committed. Here the Procureur-General, as the public prosecutor of those whom he considers guilty of the offence imputed, could not undertake the defence of the slave. But, on the contrary, as the minister of the law, he would be bound to sum up for a conviction before the Court.

It is only, however, in those cases where the Procureur-General is satisfied of the guilt of the slave, that he is bound to appear against him; deeming him innocent, he would be equally bound to sum up for an acquittal.

In all cases, counsel is appointed by the Court to assist the accused slave at his trial. Now, as the object of the legislature would not be to screen a guilty person, but only to ensure to him the advantage of a legitimate defence, the Council venture to think that no public inconvenience or disadvantage to the slave would arise from the Procureur-General appearing as the public prosecutor, because in the event of the slave being presumed innocent, he would have the double defence of his counsel and of the Procureur-General; and even if presumed guilty, he would still have the same advantage as a white person, in being assisted by his legal defender.

If it should appear advisable to His Majesty's Government, the prisoner's counsel might be nominated by the Procureur-General; in all civil cases counsel would also be

## OBSERVATIONS.

assigned to the slave, and it would be the duty of the Protector to see the cause properly conducted; though in these cases also the Procureur-General could not defend him against law. Should the above suggestions, founded principally upon the accompanying observations of the inhabitants, meet with the approbation of His Majesty, the alterations made in the first and second clauses of the Trinidad Order in Council might stand.

The sixth clause of the Trinidad order is omitted, the Procureur-General being already a magistrate by virtue of his office. It may also be necessary to mention that the office of the Procureur-General may be said to be open at all hours, both of the day and night, for the despatch of business.

## ARTICLE II.

Clauses relating to the office of Protector and Guardian of Slaves, and to the custody of the registers, books, and all other papers that relate to such office.

So long as the Procureur-General shall retain the functions of Guardian and Protector of Slaves, his office in the town of Port Louis shall be applied to the discharge of both duties. In the said office, and no where else, shall be deposited, kept, and preserved the different registers, books, and generally all papers whatsoever which may be connected with the duty of Protector and Guardian of Slaves. In case it should please His Majesty to appoint any other officer to the function of Protector and Guardian of Slaves, the latter shall have his office in the town of Port Louis, and be in attendance there at the days and hours that may be determined by the Governor, or the acting Governor, according to such general or special order as they may think proper to issue on the subject.

## ARTICLE III.

The Protector of Slaves cannot be the owner of any plantation, or of any slaves employed in agricultural labour.

Exception made in respect to slaves attached to the personal service of the Guardian.

He cannot hold a mortgage upon any plantation, or upon slaves employed in agricultural labour.

The Protector and Guardian of Slaves is not to be the owner of any plantation in the Island of Mauritius or its Dependencies, nor of any slaves, employed or working on any plantation, or in any kind of agricultural labour. He may possess them, however, in the capacity of servants attached to the service of his person or of his family. He must hold neither mortgage, security, nor interest of any kind whatsoever upon any plantation, or upon any slave attached to any plantation, or employed in any kind of agricultural labour; and he

The rate of wages paid in this Colony for hired servants, whether of free condition or slaves, is so high, and the number of servants required to attend on a family so considerable, that no moderate salary would suffice to meet the great expense of servants' wages, were the Protector obliged to provide himself with them by hiring them. The clause of the Trinidad order, referring to the disqualification of the Protector, as the owner of an estate or of plantation slaves, appears to imply that he is not prohibited from being the owner of domestic slaves. The coun-



He cannot act as agent, in any way, of a person possessing a plantation or slaves employed in agricultural labour.

The Protector of Slaves replaced by another in the event of his acquiring any plantation or slaves employed in agricultural labours; in the case also of his becoming agent, of whatever description, for a person holding any plantation or slaves employed in agricultural labour.

Clauses on this point.

is hereby declared incompetent to act as manager or overseer of any plantation in this island and its dependencies, as the agent or attorney of any person possessing a plantation; or of being the guardian, trustee, or executor of any person possessing plantations, or slaves, or exercising any rights over a plantation or a slave. In the event of the Protector and Guardian of Slaves becoming possessed, by acquisition or otherwise, either in his own person, or in virtue of his wife, as guardian of minors, or as proxy, under whatsoever title, of any plantation situated in the said island and its dependencies, or of any slave employed or working upon any plantation or in any kind of agricultural labour; in case, moreover, of his holding any security, mortgage, or interest whatever, upon any plantation or slave, or of his acting in the manner above described, as manager, overseer, agent, attorney, guardian, trustee, executor, or as proxy, under whatever title; then, and in each of these cases, and within the ensuing month, without further delay, the said Protector and Guardian of Slaves shall be under the obligation of apprizing thereof, in writing, the Governor or acting Governor, who is hereby authorized to appoint a Deputy, or to adopt such other course as he may think proper for the due fulfilment of the clauses contained in the present ordinance until His Majesty's pleasure shall be known.

It is further ordained, that if the Protector and Guardian of Slaves shall, after his appointment, acquire any plantation or any slaves, excepting such as are intended for his personal service, or that of his family, or act as manager, overseer, agent, attorney, guardian, executor, or trustee of individuals possessing slaves employed in agricultural labour, or hold any security, mortgage, or interest upon any plantation or slave, unless such slave be attached to the personal service of the master or of the members of his family, and shall neglect to give a written notice thereof to the Governor, or acting Governor, then, and in each such case, the said Protector and Guardian of Slaves shall, *de facto*, cease to be Protector, lose the salary annexed to that office and be immediately replaced. It is nevertheless

cil have considered it advisable, in order to avoid misconception hereafter, to introduce the modification contained in the clause having reference to this subject.

ordained, that all acts that might have emanated from the said Protector and Guardian of Slaves, or by his orders, previously to his place being declared vacated, through a public notice to that effect in the Government Gazette, shall be as valid and effectual in law as if the vacancy had not occurred.

#### ARTICLE IV.

The Protector of Slaves cannot absent himself from Mauritius, where he is to reside, without the leave described in this article.

The Protector and Guardian of Slaves shall reside in the island of Mauritius, and not absent himself from it without a special leave, which will be granted to him in His Majesty's name, either by one of the principal Secretaries of State, or by the Governor or acting Governor of the Colony. In no case can this leave be granted for a longer period than , or unless it shall have been proved to the satisfaction of the Governor or acting Governor, by a declaration upon oath of a doctor or of an officer of health, that such leave is necessary for the recovery of the health of the Protector and Guardian of Slaves.

It is proposed to fill up the blank left in this article by the words one year; that period of time, on account of the distance from Europe, being necessary in most cases of business or health which may require the absence of the officer.

#### ARTICLE V.

The Protector and Guardian of Slaves to be replaced in case of death, resignation, or absence, from the colony.

In the event of death or resignation, illness or any other physical or moral indisposition, of the Protector or Guardian of Slaves, or during his temporary absence from the colony, the Governor or acting Governor shall have the power to name any other person he may think proper to fulfil, in the character of his deputy, the functions of the said Protector and Guardian of Slaves, until the pleasure of His Majesty shall be known. The person so named as Deputy shall receive such salary as may be determined upon to be deducted from that of the Protector and Guardian of Slaves. It is to be well understood that this Deputy is to have the same duties, and be subject to the same obligations as the Protector and Guardian himself.

This article has been somewhat altered with reference to the observations in note to article 1, in order to bring in the assistance of the substitutes of the Procureur-General in cases where it may be necessary.

The Procureur General, so long as he may add to his office that of Protector of Slaves, and with the approbation of the Governor, may act by one of his substitutes, in the event of lawful impediment on his part.

It is further to be well understood, that so long as the Procureur-General shall add to the duties of his office, that of Protector and Guardian of Slaves, he is to discharge in person, at all times, his duties of Protector and Guardian, except in the cases of lawful impediment, whereof he is to apprise the Governor or acting Governor who may then, and in such

cases only, authorise him to employ one of his substitutes.

#### ARTICLE VI.

The civil Commissaries of quarters are named assistant Protectors and Guardians of Slaves.

The civil and police Commissaries in the different quarters of the islands are, by the present ordinance, declared and named assistant Protectors and Guardians of Slaves; and in this capacity they are required to aid and assist the Protector and Guardian of Slaves in the execution of any orders and instructions whatever which they may require from him in this important part of the public administration.

The council here propose that the civil Commissaries, in the different quarters of the island should be named the Assistant Guardians for the purposes of this ordinance. The Commandants are purely military, being formerly the Commandants of the militia when it existed, and are now in fact mere honorary officers. The civil Commissaries in the different quarters are charged with police duties, &c. and even as the law now stands they are bound to receive complaints by slaves, and to transmit them for the consideration of the Procureur-General.

#### ARTICLE VII.

Specific cases in which the actions, prosecutions, and generally all suits in respect to slaves shall be laid before the Protector and Guardian.

The actions, prosecutions, and generally all suits instituted with reference to a freeman in virtue of existing laws, shall in respect to slaves be laid before the Protector and Guardian of the latter, in all cases hereafter described.

This article has been formed in the spirit of the corresponding article of the Trinidad order, but with reference to the observations in note 1, relative to the nomination of the Procureur-General to the office of Guardian and the general duties of his situation, it has been found necessary to make some correspondent alteration in the drawing up of this article.

1st. When it may be question of criminal prosecution against a slave before any tribunal or court of justice in this island, for any crime punishable by death or transportation, or any other corporal punishment.

2ndly. When it may be question of an accusation against any person charged with murdering a slave, or with any serious injury done to the person of a slave.

3rdly. When any question may rise respecting the right to liberty of a pretended slave.

4thly. Lastly, when any question may arise respecting the right of any slave to such property as by the following clauses of the present ordinance, a slave is declared competent to acquire, the Protector and Guardian of Slaves shall always take the case in hand, and in the manner most advantageous and most useful to the slave in all the forementioned cases. The Procureur-General, so long as he shall unite in his person the office of Protector and Guardian of Slaves, shall name a counsel for the latter when under an accusation, or when he may be personally unable, from the nature of his functions, to take up the slave's defence before the tribunals.

The Procureur General shall name a counsel to the accused slaves, when personally unable to take up their defence.

## ARTICLE VIII.

## OBSERVATIONS.

Slaves to be baptised and instructed in the Christian religion, under pain of a fine.

One of the principal means calculated to effect an improvement in the condition of slaves, being the adoption of effectual measures for their religious instruction, the inhabitants are ordered to cause their slaves to be baptised and instructed in the Christian religion within a reasonable time, under pain of an arbitrary fine.

The slave cannot be deprived by his master, or by any other individual having an authority over him, from going on Sunday to Church, or any other place where divine service is performed; any refusal given to the slave in such a case, and duly proved, shall be punished by a fine which shall not exceed \_\_\_\_\_, nor be less than \_\_\_\_\_, except the master can prove that he had a valid reason for the refusal given by him.

This article, relative to religious instructions, is adopted from the second article of the letters patents of 1723, sent here with this modification, that whereas, by the letters patents, masters are directed to cause their slaves to be baptised in the Catholic religion, this article provides for their being baptised in the Christian religion, without distinction of sect.

The Council consider it their duty to point out to the attention of His Majesty's Government, that all provisions for the religious and moral instruction of slaves are of very difficult execution in this Colony, from want of clergymen in the country districts of the island.

## ARTICLE IX.

Regulation to be observed for the markets on Sundays, under pain of a fine and confiscation of the articles exposed for sale.

It is forbidden to expose for sale, in any market on Sundays, any kind of provisions, meats, commodities, or goods of any kind, excepting from the time when the gun is fired from the Diane, until the hour of nine in the morning during summer, and until ten in the morning during winter; any person transgressing the present article shall be punished by a fine which shall not exceed \_\_\_\_\_, nor be less than \_\_\_\_\_.

The articles exposed for sale after the abovestated hour shall be confiscated and sold for the benefit of the Caisse de Bienfaisance.

This article has been framed in conformity with the present usage of the Colony.

## ARTICLE X.

The inhabitants required to observe the Sundays; and forbidden to make the slaves work during those days consecrated to rest, and to the observance of religious duties.

The inhabitants are required to attend to the punctual observance of Sundays; they are also forbidden to make their slaves work from sun set on Saturdays until sun rise on Mondays, or in the said interval to induce or compel any slave to execute or undertake any work for the profit or advantage of his master, or the person who may have hired him, under pain, for the first time, of a fine which shall not be less than \_\_\_\_\_, nor exceed \_\_\_\_\_, and in

It is proposed to introduce into this clause a power for the slave to hire himself for his own profit on Sundays at a rate of wages to be fixed by the Guardian. It is a common practice in this country for the smaller planters to hire slaves in this manner for the tillage of their land; and, although such practice may be in some respects objectionable, as breaking in upon the Sabbath as a day of repose, it is thought that on the whole it would be productive of

Fine in case of infraction. case of relapse to a fine not less than , nor exceeding

Exception in regard to slaves whose services are necessary near their master or his family, or for the indispensable protection of cattle and other animals, as also of gardens and plantations.

The slave may hire himself voluntarily in the cases determined in this article, and under the conditions therein named.

The present article cannot be interpreted nor understood as applicable to work which a slave is called upon to perform on Sundays in the ordinary course of his duties, near his master or his family, or the person that has hired him, or for the necessary protection and preservation of the cattle and other animals, as also for the protection of gardens and plantations; or when there is need of prompt assistance in case of fire or other accidents.

The slave may, however, hire himself voluntarily either to his master, or to any other person, with his master's consent, to work on Sundays, but merely when it is intended by such work to preserve the crops liable to perish by remaining a longer time uncut, in which case the said slave shall be paid, with reference to age and sex, a salary to be determined by the Protector and Guardian of slaves, which shall be paid to the slave after he has completed his work.

It is to be well understood that there shall not be due any salary when the slave shall have merely been employed on Sundays in his usual service, near his master or the members of his family, or even in the other cases of exception recited in the present article.

good, as encouraging industrious habits, and giving to the slave an opportunity of earning a sum of money on his own account; at all events it is a practice that would always prevail to a certain extent, and therefore it is better to regulate it so as to secure to the slave the full advantage of it.

The clause of this article establishing the penalties, is taken from the letters patents article.

## ARTICLE XI.

The whip, or any other like instrument, is forbidden to every one exercising a superintendence over slaves working in fields or plantations.

The superintendant of slaves can only carry a switch. Punishment against all infringers of the present article.

It is forbidden to every free person or slave to carry a whip, a chabouc, or any other instrument of a like kind, whilst he is exercising his superintendence over slaves working in fields or plantations; or also to use such whip, or other like instrument, to compel a slave or slaves to work at any labour that may be ordered of them.

The commander or superintendant of slaves can merely carry a switch, as a mark to distinguish him from the slaves confided to his charge.

Every person convicted of infringing the clauses of this article, by ordering, authorising, or facilitating the use or display of the whip, or any other instrument of the like kind, shall be deemed and found guilty of an offence, and as such undergo the punishment hereafter defined.

With reference to the observations of the inhabitants on this subject, it is considered that if the carrying of the whip be discontinued, it would be expedient to permit the slave commanders to carry a small rattan, not as an instrument of punishment, but as a badge of their office. Much importance is attached to this apparently insignificant emblem of authority. It is a great object to give to meritorious slaves a higher sense of their own consequence, and to make others sensible that good conduct confers distinction. It is also of importance to the maintenance of good order and subordination among the slaves of an estate, that a master, whose duty it is towards the community at large, as well as his own interest, to introduce and preserve habits of peace and regularity among his people, should be aided and seconded by those among

## OBSERVATIONS.

them on whom he can place most reliance; and, as he cannot be constantly present with them, it is essential to ensure respect to those whom he places in authority to represent him in his absence. On this account it has been thought advisable to make an exception in favour of the rattan or cane in the above cases, taking care, however, that it is not abused, but adopting the remainder of the clause as to whips and other instruments in its full spirit.

## ARTICLE XII.

Punishment to be inflicted on male slaves.

Clauses for limiting the correction, or preventing its exceeding the limits of justice and humanity.

Obligations to be fulfilled in such cases.

It is forbidden to any person, of whatsoever quality or condition, to inflict, or cause to be inflicted, in one and the same day, to any slave, for any offence, crime, or other cause whatever, a correction of more than twenty-five lashes; or to inflict, or cause to be inflicted, to any male slave, any punishment or correction with the whip, or any other instrument of the kind, until \_\_\_\_\_ hours, at least, shall have elapsed since the commission of the offence which has given cause to the punishment. It is further forbidden to inflict, or cause to be inflicted, the said punishment or correction, except in the presence of a free person, or of six slaves, whose testimony may be appealed to and received. Such presence shall be required independently of that of the person who shall have ordered the punishment or correction.

Punishment against any person infringing the clauses in the present article.

In case any person shall inflict, or cause to be inflicted, in one day, upon a male slave, upwards of twenty-five lashes; shall whip, beat, or cause to be whipped or beaten, any male slave, whilst he may yet bear on his person any marks of laceration occasioned by a previous chastisement; or else inflict, or cause to be inflicted, upon any male slave, any correction until \_\_\_\_\_ hours have elapsed since the offence has been committed, or unless there be present, during the correction, any free person, or the number of six slaves, independently of the presence of the person who shall have ordered the correction; such person, who shall order, authorise, or facilitate, such punishment, or be present at it, shall be considered as guilty of an offence, and after conviction undergo the punishment hereafter defined.

This article, as well as that which requires a regular record of punishments to be kept, would, it is feared, be impracticable as a general measure in this colony. The free population in the country districts is so thinly scattered, that in many cases it would be hardly possible for a planter to obtain the presence of a free person, without a delay and inconvenience which, if it were of frequent occurrence, would operate as a prohibition of all punishment, and thereby put an end to that discipline which it is absolutely necessary to keep up.

Most of the smaller planters cannot write, and others are so unused to habits of regularity in business and accounts, that they would be constantly in contravention of the clause relative to the keeping of the record-book.

In the execution of the late slave registration order, the registrars of slaves, owing to the incapacity of the slave proprietors, were obliged to make out all the returns.

It is therefore apprehended, that if these points were to be rigorously exacted by the ordinances, the number of prosecutions which would necessarily ensue, would soon become so grievous and burdensome as to tempt public officers to neglect their duty rather than subject themselves to the imputation of harshness and persecution; the practical effect of which would be, to defeat the object of the law, which may still, it is conceived, be attained by the introduction of some other expedient.

The 12th article is drawn out to meet this difficulty in part, and it provides that the punishment shall be inflicted either in the presence of a free person or of six slaves, whose

Exception in respect to any punishment to be inflicted upon any male slave, in virtue of a judgment or ordinance of a competent tribunal.

It is to be well understood, that nothing contained in the present article can or shall be interpreted as applicable to any punishment that might be inflicted on a male slave in virtue of a judgment or ordinance of a competent tribunal.

testimony shall be received for or against their master in all such cases of punishment.

It is, however, suggested, that certain persons might be nominated in each quarter, whose duty it should be to attend, in consideration of a moderate fee, to be paid by the party calling upon them, and that these persons should be required to make an entry, in a book to be kept for that purpose, of all punishments at which they should be either personally present, or of which notice should be given to them by the master of the slave.

The Council have reason to believe that some of the principal inhabitants in each district, in consideration of an allowance for a clerk, might be induced to undertake this office of keeping the record, and receiving the declaration of punishments.

It might also be effected by new modelling the gens-d'armes, and making them effective both for general purposes of police in the country districts, and also for the performance of the duties above alluded to under this ordinance. Some measure similar to that last proposed would, it is believed, be attended with great public utility.

### ARTICLE XIII.

Offence to punish in future any female slave by means of the whip, unless such correction be ordered as it is stated in the present article.

It is forbidden henceforward to correct or punish any female slave in the Island of Mauritius and its dependencies, by means of the whip, for any cause whatever, unless, however, such correction be ordered by the judge, the chief commissary of police, or the civil commissaries of districts, who must, in all cases, fix the number of lashes which the female slave shall receive, and which shall not exceed \_\_\_\_\_, and name the persons to be present at the correction, and to bear witness to it when called upon; and if beyond the cases of exception above-named, any person should flog or correct, cause to be flogged or corrected, any female slave with a whip, a stick, or any other instrument of the like kind, such person who shall order, authorise, or encourage such chastisement, or assist at it, shall be considered as guilty of an offence, and after conviction undergo the punishment here defined.

Punishment against any infringer of the present article.

The observations of the inhabitants on female punishments are unfortunately too well founded in experience.

It is notorious that many of the negroes, addicted to drinking and all kinds of debauchery, are the occasion of much of the vice and insubordination which is found amongst the other slaves of a plantation.

They sometimes obstinately refuse to work, and are insensible to the ordinary punishments of stocks and solitary confinement; in such cases, and in such only, for it is to be hoped it would only be resorted to when all other means to restore discipline had failed, it seems that it would be almost inevitable to inflict corporeal punishment. It should, however, in no case exceed fifteen lashes, and be inflicted only under the order of a judge or public officer.

Offences committed by female slaves.

Punishments that may be inflicted upon them.

Authority given to the Governor to make such regulations as shall to him appear necessary to prevent any excess in punishments, or any abuse in the inflicting them.

But as it is indispensable that effectual means be adopted for the punishment of offences that may henceforward be committed by female slaves, it is ordained that any female slave who shall be guilty of any fault or offence, which according to the laws in force up to this moment was punishable with the whip, shall always, excepting the cases already mentioned, be punished with imprisonment, the stocks, or any other chastisement which shall be specially determined and sanctioned by a proclamation which the Governor or Acting-governor shall cause to be published in His Majesty's name.

The Governor or Acting-governor is, however, authorised to make such regulations as shall appear to him to be necessary to prevent any excess in the punishments, or any abuse in the mode of inflicting them. Those regulations shall have to be forwarded without delay to the Governor or Acting-governor to the Right Honourable Noble Secretary of State for the Colonial Department, to be submitted for His Majesty's approbation; and they shall cease to be in force in the Island of Mauritius and dependencies, if the approbation of His Majesty has not been notified to the Governor or Acting-governor within the space of two years from the date of the said regulations.

#### ARTICLE XIV.

The slaves attached to plantations shall have, during working days, an hour for breakfast and two hours for dinner. They are to be clothed and fed conformably to existing laws.

Punishment against any infringer.

Inquiry into all complaints of slaves. Punishment by the police against the slave whose complaints shall not be well founded.

The slaves attached to plantations, or to any kind of agricultural labour, shall, during working days, enjoy some time for rest, that is to say, one hour for breakfast and two hours for dinner; they shall be clothed and fed according to existing laws.

The protector and guardian shall see to the strict execution of this clause.

Every infraction properly attested, and proceeding from the master, manager, or overseer of the plantation, shall be punished by a fine which cannot be less than \_\_\_\_\_, nor exceed \_\_\_\_\_

Every complaint from a slave shall be strictly inquired into; in the event of its not being deemed well founded, the slave may be visited with such punishment by the police as shall be arbitrated.

This clause only confirms the present usage.



## ARTICLE XV.

## OBSERVATIONS.

Record book to be kept on every plantation on which upward of twenty slaves shall be employed.

Clauses relative to the mode of keeping the record book, and to what object destined.

There shall be kept upon every plantation upon which upwards of twenty slaves may be employed, a book to be called *the Plantation Record Book*.

The owner, manager, or overseer, or others, having the direction or principal authority on any plantation, are enjoined to register in the said book, at the very moment of a punishment, or immediately after the infliction of any punishment whatever upon a female slave, or any male slave, exceeding three stripes, the nature and particulars of the offence or fault occasioning such punishment, the period and place where it may have been committed, the period and place where the punishment has been inflicted, the nature, description, and particulars of the punishment, and when it may relate to a male slave, the number of lashes applied to the slave, and the names of the person who shall have inflicted the said punishment, or by whose orders it shall have been inflicted, as also the names of the free persons or slaves as before-mentioned who shall have been present at the punishment.

## ARTICLE XVI.

Punishment against any person who shall neglect or omit to register in the plantation record book, the articles that should be there inserted.

It is ordained, that if any owner, manager, overseer, or other person having power and authority over any plantation having more than twenty slaves attached to it, shall neglect or omit to register in the said book any article that should be there inserted, agreeably to the clauses of the present ordinance, or shall not register the said article within the two days following the infliction of the punishment, then, and in each of those cases, such person shall suffer a fine of           pounds sterling at most, and of           pounds sterling at least: those fines shall be recovered and applied in the manner hereafter mentioned. And, if any person shall voluntarily or fraudulently register, or cause to be registered, in the said book any false article, or make in it any erasure or fraudulent alteration, or burn, destroy, annul through fraud, any name, or any part of a name, such person shall be deemed guilty of an offence, and after conviction, shall suffer such punishment as shall be hereafter determined.

Punishment against any person who shall register, or cause to be registered, fraudulently in the said book any false article, or make any fraudulent alteration therein.

Articles xv to xxi inclusive.

The few alterations in these clauses have been made with reference to the observations in note to Article 12. By limiting the obligation to keep a register, to those plantations only upon which a certain number of slaves are employed, it is considered that some of the smaller inhabitants could be released from the execution of a duty, which, for the reasons assigned in the note above-mentioned, appears to the Council to be impracticable.

But it cannot, however, be denied, that there is more necessity for an active check upon the conduct of those who possess a few than those who possess a larger number of slaves, therefore the Council take the liberty to suggest the adoption of the measure proposed in the note to Article XII.

## ARTICLE XVII.

## OBSERVATIONS.

The original plantation record book to be presented on any requisition from a competent authority.

The original record book shall be produced by every owner, manager, overseer, or other person having the chief authority over a plantation, as often as the production of the said book shall be demanded of him by a competent authority, that is to say, by the Governor, acting Governor, the Chief Judge, or the tribunals; and it is moreover enjoined to every owner, manager, overseer, or other person, having the principal authority over any plantation, to repair on the first Monday following the 5th April, 24th June, 29th September, and 25th December, in each year, to the office of the Civil Commissary, as Assistant Protector of Slaves in the quarter in which the said plantation is situated, and there give an exact copy of the articles that shall have been registered during the preceding three months in the plantation record book. He shall there take and subscribe the following oath, which is to remain annexed to the copy he shall have furnished of the articles by him registered.

Copy to be furnished of the articles registered in the said book.

Form of oaths to be taken.

“I, *A. B.* owner, manager, or overseer (as the case may be) of the plantation, called \_\_\_\_\_ in the quarter \_\_\_\_\_ of the Island of Mauritius, swear that the annexed writing contains a true and exact copy of all the articles transcribed in the plantation record book above mentioned, since the \_\_\_\_\_ last. I swore, moreover, that the said plantation book, as the Law directs, has been kept in regular order, and with care, since the said \_\_\_\_\_ and that no fraudulent article has been inserted, nor any erasure effected by me or by any person whatever to my knowledge, with my consent, or through my interference,  
So help me God.”

In case the owner, manager, overseer, or any such aforesaid person, shall not have inflicted or caused to be inflicted, since his preceding report, any punishment on any female slave, or any punishment exceeding three lashes on any male slave belonging to the said plantation, then, instead of the above oath, the said owner, manager, overseer, or other person, shall take at the above-stated

periods, and before the Civil Commissary, as Assistant Protector of Slaves in this district, the following oath :

“ I *A. B.* swear, that since the  
 last, no punishment has  
 been inflicted by me, or by my order,  
 or to my knowledge, upon any fe-  
 male slave, belonging or attached to  
 the plantation called  
 situated in the quarter called  
 and of which I am the owner, ma-  
 nager, or overseer. I further swear  
 that no punishment exceeding three  
 lashes, has been inflicted since the  
 upon any male slave be-  
 longing or attached to the said plan-  
 tation, and that no article relating to  
 such punishment, has been registered  
 since the said in the  
 book intended for that purpose,  
 So help me God.”

#### ARTICLE XVIII.

The Civil Commissary is required as Assistant Protector and Guardian of Slave in each quarter, to cause to be delivered, at least fourteen days after the period fixed for the delivery of the reports to the owner, manager, or overseer of each plantation, situated in his quarter, a printed form of the oaths to be taken and subscribed, and to give him intimation of the time and place when he is to present himself, in order to deliver his report, and take the oath required of him ; and the Civil Commissary, as Assistant Protector of Slaves, shall have to bestow three successive days to receiving the reports and oaths. In case of its being satisfactorily proved to him, by the certificate of a doctor or officer of health, that such person so required to make his report and to take his oath, is, owing to illness, unable to present himself at the time and place pointed out, then, and in such case, the Civil Commissary as Assistant Protector of Slaves, shall repair to the dwelling of the said person, for the purpose of receiving his report, and shall cause him to take and subscribe the oaths required by Law.

Form to be furnished by the Assistant Protector and Guardian of Slaves, of the oaths to be taken and subscribed by them.

Time and place which the owner is to present himself, to deliver his report, and take the oath required of him.

The Assistant Protector and Guardian to repair to the dwelling of the owner, in the cases provided for in the present article.

#### ARTICLE XIX.

Penalty against whoever shall refuse or neglect to make his report, or to take

neglect to make his report, or to sign the oaths required by the ordinance.

and subscribe the oaths required by the present ordinance, such person shall incur a penalty which is not to exceed \_\_\_\_\_ pounds sterling, or be less than \_\_\_\_\_ pounds sterling. Those penalties shall be recovered and applied in the manner hereafter determined.

#### ARTICLE XX.

Delay within which the reports should be made to the Protector or Guardian of Slaves.

The Civil Commissary, as Assistant Protector of Slaves in each quarter, shall transmit, within the fourteen days following the delivery of the reports, to the Protector and Guardian of Slaves, at his office in the town of Port Louis, all the reports that shall have been made to him, with the original oaths. In case a Civil Commissary, as Assistant Protector of Slaves, shall himself be the owner, manager, or overseer, of a plantation, he shall deliver, at the same period, to the Protector and Guardian of Slaves, a copy of his own plantation record book for the preceding three months of that year, as well as the oath he has taken, in the manner and form above prescribed, before one of the Judges of the tribunal of First Instance of this island, under pain of incurring the punishments and penalties to which are liable all other persons who may have refused or neglected to make their report, or to take the oath required of them.

Obligation binding upon the Assistant Protector and Guardian, in case of his being owner or manager of a plantation.

#### ARTICLE XXI.

Obligation imposed on the Protector and Guardian of Slaves to register the reports forwarded to him, and to keep, to that effect, a distinct and separate book for each district of the island.

The Protector and Guardian of Slaves is ordered to register in the record books, kept by him for the purpose, all the reports transmitted to him, and to preserve in his office the said reports, and the original oaths; and in order to avoid, as much as possible, any error or mistake, the Protector and Guardian of Slaves shall be obliged to keep a distinct and separate book for each quarter of the island, and transcribe into it, by alphabetical order, each report, according to the name by which the habitation shall be designated therein.

#### ARTICLE XXII.

Clauses relative to any person accused of having inflicted, or caused to be

It is ordered that, in the event of any person, whether owner, manager, overseer, or authorised agent of any plantation, be accused of inflicting, or

The object of the alteration in this article is to give the master a security corresponding with the advantage which is given to the slave. As the

inflicted, any forbidden and illegal chastisement.

Form of proceeding in such a case.

Proofs to be urged by the complaining slave, or by the accused party.

Punishment against the person who, in default of proofs required by the present article, shall be convicted of inflicting, or causing to be inflicted, an illegal correction.

The Tribunal allowed to come definitively to such determination as equity may require.

causing or permitting to be inflicted, upon any slave or slaves any chastisement, either forbidden or declared illegal by the present ordinance, if the slave who may complain of having been illegally punished shall present himself before the Protector and Guardian of Slaves, or before the Civil Commissary, as Assistant Protector of Slaves in his quarter, and if the marks or traces of a recent flogging or laceration shall appear on the body of the said slave, the Protector and Guardian, or the Civil Commissary, as Assistant Protector of Slaves, shall then immediately draw up an act of the slave's declaration, and transmit a certified copy thereof to the magistrate charged with the public ministry near the tribunal of First Instance, in order that prosecutions be instituted without delay; and if, on the occasion of the discussions that shall have taken place, the slave shall declare before the Tribunal that the traces or marks which he bears on his body are the effect of such illegal chastisement, and after having been duly and carefully examined by the Tribunal, he proves, by a precise, detailed, and probable account, all the circumstances that have attended the said illegal correction, then and in each of those cases, although the slave cannot be deemed a competent witness according to the clauses of the present ordinance, the owner, manager, overseer, or any other person having power and authority over the said slave, shall be bound to prove by oath, either that the correction, the marks and traces of which are apparent, has not been inflicted by him, or by his order, or with his knowledge and consent, or that such correction was a legal and allowable punishment according to the present ordinance, and was inflicted in the presence of the competent witnesses, as it is required by the foregoing clauses: in default of proofs upon oath, the owner, manager, or overseer shall be convicted and adjudged guilty of the offence that may have given cause to the accusation.

The Tribunal, however, whatever may be the result of the depositions upon oath that shall be made to it by all the witnesses summoned to depose, whatever also may be the nature of the declarations insisted upon by the owner, manager, overseer, or

article stands, the slave may bring forward his charge; the master may, to a certain extent, purge himself by an oath; but it is in all cases left open to the Court to attach such weight as the circumstances of the cases may justify, either to the story of the slave, on the one hand, or the declaration of the master, on the other.

This has appeared to the Council to be the most likely method of arriving at the truth of each particular case.

other person, may take, in respect to the guilt or innocence of the accused, such determination as equity may require. It is moreover ordered, that the magistrate charged with the public ministry in the First Instance shall not discontinue the pursuits he may have instituted at the suit of the Protector and Guardian of Slaves, except in virtue of a written order bearing the signature and seal of the Governor or Acting Governor.

The public ministry are forbidden to discontinue pursuits, without a written order bearing the Governor's signature.

### ARTICLE XXIII.

All individuals in a state of slavery may contract marriage. To this effect they are to apply to the Protector and Guardian of Slaves, or to the Civil Commissaries of Quarters, to whom they are to produce the written consent of the owners, managers, or overseers. In the event of the owner, manager, or overseer of the two slaves, who may be desirous of marrying, or one of them only, refusing to give to the said marriage his written consent, then and in such case the Protector and Guardian of Slaves, to whom information shall be given of the refusal, shall issue a summons, bearing his signature and seal, to the owner, overseer, or person having the direction of the said slaves, to appear before him in person, or by his attorney, at the time and place fixed upon. That time shall not be more remote than fourteen days, from that on which the demand of the slaves shall have been presented to the Protector and Guardian. If the owner, manager, or overseer, or any other person having the direction of the said slaves, after receiving the summons above-mentioned, shall refuse to appear before the Protector and Guardian of Slaves; or else, if on appearing, he does not shew sufficient proof that the intended marriage is contrary to the welfare of the slaves, or manifestly injurious to the master's interest, then and in each of those cases the Protector and Guardian shall authorise the marriage, by a declaration bearing his signature and seal, and the marriage shall be celebrated with the formalities prescribed for validating the marriage between free persons.

Marriages between slaves. Forms to be used in such a case.

An alteration has been introduced into this article, in compliance with the wishes of the inhabitants, as expressed in their observations. It gives to the Guardian a power of opposing marriage between slaves, in cases where they would be manifestly prejudicial to the interests of the masters.

The latter part of the article, which gives to the parents, upon the marriages, the power of recognizing their natural children, is a consequence of the law which permits the celebration of marriages, and is thought likely to prevent the confusion which might otherwise take place in determining the members of a family.

Children of slaves become legitimate by right, through the marriage of their parents.

In case of the marriage between slaves, who shall have had children from previous connection, such children shall by right become legiti-

mate, after the Protector and Guardian shall have previously ascertained that there exists no fraud in the declaration which the parents of the said children shall have made.

#### ARTICLE XXIV.

Defence of selling children without their parents.

It is forbidden to seize or sell, even in execution of any ordinance, sentence, or decree of any Court of Justice in this Island, any slave having a wife or legitimate children, or natural ones, the latter until the age of twelve for boys, and of fifteen for girls, and belonging to the same person or persons, unless the said husband, wife, or children, legitimate or natural, be sold together to the same person or persons; and if in execution of any ordinance, sentence, or decree, any slave shall be sold separately from his wife or children, whether legitimate or natural, then and in that case it is ordered, that the sale shall by right be declared null and void.

Explanatory clauses relative thereto.

It is moreover ordered, that in the cases when a slave having a wife, or legitimate or natural children of the age above determined, shall be seized or sold, without the said wives and children being included in the said seizure or sale, the seizure in such case shall be, by right, considered as comprising the husband, wife, and children.

The alterations herein introduced are intended to give more effect to the spirit of it.

#### ARTICLE XXV.

The slave may have a stock. He may acquire and possess moveable and immoveable property. Clauses relative to the action, that may take place in consequence of the faculty given to the slave by the present article.

The slave is declared competent to have a stock of his own, and to buy, acquire, and possess moveable and immoveable property; to alienate and dispose of them, with the united concurrence of the Master, and the Protector and Guardian. Any action that may take place, in consequence of the faculty given to the slave by the present article, must be brought in the name of the Master, and in case of refusal by the Protector and Guardian; and in case the pretensions of the slave shall not be admitted in a Court of Justice, his property shall be answerable, as in ordinary affairs, for the costs and damages to which the action may have given rise.

Upon this clause the Council feel it to be their duty to refer to the observations of the inhabitants, some of which appear to desire the consideration of His Majesty's Government. The Council are of opinion, that some of the evils therein pointed out would be likely to occur; but whether these evils would be of such paramount weight as to induce His Majesty's Government to forego the advantages which are anticipated from the measure, they do not presume to conjecture.

If His Majesty's Government should be disposed to encourage the good disposition which the inhabitants have evinced, and consult their wishes on this subject, so far as to introduce a partial and gradual measure, instead of effecting a sudden, immediate, and fundamental change, it is suggested that many of the ap-

## OBSERVATIONS.

prehended inconveniences would be avoided, by declaring, as it is provided in the accompanying draft, that no slave should acquire *lunded* property without the consent of his master, and that actions should be brought in the name of the master, or, in the event of his refusal, in the name of the Guardian. It seems only just, that the property of a slave bringing an action should be liable to costs. A clause is introduced to this effect.

## ARTICLE XXVI.

Establishment  
of Savings'  
Banks.

Savings' Banks shall be established in this island, for the better preservation of the property of slaves.

Clauses relative to that establishment and to the deposit of sums therein lodged by the slaves.

The funds that may be deposited therein, shall bear an interest of five *per cent per annum*. Whatever may relate to that interest, and its application, shall become the object of private regulations, which it is left to the Governor or acting Governor to publish as often as he may think proper. Any slave making a deposit of money in Savings' Banks, shall be allowed to declare in what manner he wishes, that, in the event of his death, the funds belonging to him shall be paid and distributed, and to name the person or persons to whom its delivery or distribution is to be made. This declaration of the slave shall be registered in a book kept for that purpose in the Savings' Banks, and at the death of the slave, it shall be considered as his last will, if there does not exist some other subsequent declaration from him. In case the said slave shall happen to marry after having made the said declaration, the marriage shall be deemed as a legal revocation of it. If the slave shall die *intestate*, and without having made the foregoing declaration, then, and in such case, the property of the slave shall devolve to the person or persons who, according to the laws which regulate successions in the colonies, shall be entitled to the said property. Lastly, if the slave shall leave neither wife nor children nor any relation in the degree, whether natural or legitimate, requisite for giving a claim to succeed to his property, that property shall devolve to his master.

The object of the changes made in this clause is to provide that intestate estates shall follow the French law of succession instead of the English statute of distributions.



## ARTICLE XXVII.

The Savings' Banks shall be under the authority of the Protector and Guardian of Slaves.

The Governor shall form a commission to carry on the Savings' Banks.

The Governor shall issue the necessary regulations for carrying on the Savings' Banks.

The Savings' Banks that shall be established at Mauritius, shall be under the authority and inspection of the Protector and Guardian of Slaves. The Governor or acting Governor is authorised to name such persons as he may deem most proper for forming a commission to carry on the Savings' Banks, and such persons as shall be employed in the service of those banks. The Governor or acting Governor is also authorised to make such regulations as shall appear suitable to secure order and correctness, and prevent the misapplication of the sums deposited therein. These regulations shall be submitted without delay for the approbation of His Majesty through the channel of one of his principal secretaries of state.

The slight alterations made herein are with reference to the observations of the inhabitants.

## ARTICLE XXVIII.

Regulation ordered to be adopted in respect to deposits exceeding two pounds sterling.

Clauses relative to the means to be adopted for receiving into the Savings' Banks any deposits exceeding two pounds sterling.

No deposit of money shall at any time be received in the said Savings' Banks from any slave when the deposit shall exceed the sum of two pounds sterling, unless the slave shall produce the written consent of the master, manager, or overseer; and in case the slave who shall be desirous at any period or any particular time whatever, to make a deposit of money exceeding the said sum of two pounds sterling shall meet from the manager, master, or overseer a refusal to give his written consent, then, and in such case the Protector and Guardian of Slaves, when he shall have been informed of the refusal of the master, manager, or overseer, is ordered to send him a summons, bearing his signature and seal, to make him appear before him, either in his own person or through his attorney, at the time and place determined upon; and if the said owner, manager, or overseer shall not appear, or if when he appears he does not assign valid grounds to shew that the deposit should not be effected, then the Protector and Guardian of Slaves shall issue an order, under his signature and seal, to the director of the Savings' Banks to receive and register the amount of the deposit. On the first of each month, the director of the bank shall ascertain the state of the deposits made in the preceding month, and make it

It has been thought expedient to reduce the amount of deposit to 10 dollars, equal to £2.

Theft is so prevalent a vice in this colony, that it is feared, that if the sum were not reduced there would be great danger of the privilege of depositing being abused to a great extent. As a further precaution it has been provided, that a report should be published every month of the names of the slaves depositing, and the amount of their deposits, so that masters may be informed of the sums which their slaves have amassed, and thereby have opportunity of satisfying themselves whether the savings have been acquired by honest industry or by any unlawful means.

Publication to be made every month of the state of the deposits made in the preceding month.

public through the government gazette.

### ARTICLE XXIX.

Manumission of slaves.

The manumission of any slave, or the registering of any act of manumission, shall no longer be subject henceforward to any duty or tax of any kind, with the exception, however, of a duty not exceeding 20s., to be paid to the registrar for registering the slaves, by the Protector and Guardian, who shall be reimbursed from the public revenue of the colony; and if contrary to the above clause any person in this island shall take, ask, or receive in future any duty or tax, always excepting the duty allowed to the registrar for registering the slaves, such person shall suffer a penalty not exceeding £50 sterling, nor less than £10 sterling.

Exemption of all duty or tax, excepting a duty to be paid to the registrar for registering the slaves, and which shall not exceed 20s.

Penalty against any one who shall infringe the present Article.

In respect to this clause, the Council have transmitted a copy of the ordinance lately passed for regulating enfranchisements. The object of this law, founded upon the old Colonial Regulations, is, on the one hand, to give as much facility as possible to enfranchisements, due regard being had to the rights of creditors; and, on the other, to take precautions to prevent the enfranchised person from becoming a burden to the Colony.

Appendix B.

The number of this class who have no visible means of employment, and who consequently subsist either by charity or by dishonest practices, is very considerable; and there is much of individual distress and misery to be found amongst them. Too proud to work, they would rather starve or steal than submit to what they consider the degradation of letting themselves out for manual labour; this is one of the evils of slavery, that it seems to make labour and industry disgraceful. There is however, another cause which is to be found in the indolence and inactivity produced by the climate, and which it is to be feared, will always operate as a check to any thing like free labour for agricultural purposes.

Appendix C.

The state of the Caisse de Bienfaisance, sent herewith, will shew the number of persons at present receiving pecuniary relief, and the return of enfranchisements that have taken place since the passing of the last ordinance, being to those which took place before, on an average of 190 to 84 annually, or in the proportion of  $2\frac{1}{4}$  to one, which will shew that there exists no real obstacle to the obtaining of liberty under the present law.

Appendix D.

Appendix E.

### ARTICLE XXX.

#### Articles xxx & xxxi.

It is ordered by the present article, that in case any slave in the island of Mauritius and its dependences shall wish to obtain his liberty by redeeming from slavery his own person, or the person of his wife, of his child or children, of his father, mother, legitimate or natural brothers or sisters, by also purchasing their free-

The slave may purchase the freedom of himself, his wife, children, parents, brothers or sisters.

Course directed to be pursued in respect to this clause.

This and the following clauses relative to compulsory emancipation, have excited the same strong apprehensions here that they seem to have drawn forth in other colonies.

The remarks of the inhabitants upon them are pretty much in the same spirit, and to the same effect as those which were submitted to Earl

## OBSERVATIONS.

Form to be adopted in case of the master's refusal, or of his being prevented from consenting, as also in case the master shall demand an extravagant price for the slave's redemption.

dom; and also in the case of the female slave being desirous of availing herself of the same privilege in respect to her husband, children, parents, legitimate or natural brothers or sisters, by purchasing their freedom, the said redemption from slavery shall be permitted to the slave, provided he proves to the satisfaction of the Protector and Guardian, that he has lawfully acquired the property which he destines to that object; and if the owner of the slave shall refuse to consent to the manumission, or shall be really prevented from consenting to it, whether owing to a mortgage or any other incumbrance affecting the said slave, and giving any right whatever over him to a third person, whether from the interest vested in a minor, a woman under her husband's controul, or owing to a prohibitory decree, or from any law-suit pending before a court of justice concerning the right of property in the said slave, or any right to his services, whether also owing to the extravagant price demanded by the owner for the redemption of the slave, then, and in each of the cases just named, the Protector and Guardian of slaves shall repair to the Chief Judge of the colony, who, upon the report made to him, shall send a summons bearing his seal and signature, to order to appear in his presence, either personally or by his attorney, at the time and place fixed for that purpose, the owner, manager, or overseer of the said slave, or any other person having the said slave under his charge. The Protector and Guardian of slaves shall, on his part, cause to be published in three successive Government Gazettes, a notice declaring the time and place fixed upon by the Chief Judge, and having for its object to give intimation to all persons having rights or claims to exercise over the slave whose manumission has been applied for, whether in their own name, or as guardians, attorneys, trustees or executors, that they should present themselves and exhibit their titles and pretensions.

Certificate to be produced by the slave, in case the funds tendered for his liberty should not be the produce of his labour.

In case the funds which the slave should offer for his liberty should not proceed from his labour or industry, but should arise from any other cause, in such case, and in order to enjoy the benefit of liberty, the slave shall bring a certificate from

Bathurst by the Court of Policy at Demerara; and as the Council have now before them the answers which were returned by my Lord Bathurst in his letter to Sir B. D'Urban, it would be presumptuous in them, even if they were so disposed, to offer any comments upon the provisions contained in them. The Council have no means of comparing the moral state of the slaves in this island, with that of the negroes in the West India Islands, and of forming an opinion whether the former are equally ripe for the reception of the boon, which it is proposed to grant to them. It is certain however, that in this colony, much ignorance, and much consequent immorality prevails, and it is greatly to be feared, that the danger pointed out in the observations of the inhabitants on this part of the ordinance, is far from imaginary.

If the Council felt themselves at liberty to propose any modification of these clauses, they would be inclined to recommend that the principal measure; viz. the giving power to a slave to purchase his own freedom, *invito domino*, should be postponed to a more distant period, and in the meantime, and by way of experiment to try how far the stimulus would have the effect of encouraging industrious habits, and promoting good behaviour.

That slaves should have the power of purchasing their wives and children under the age of puberty.

If, notwithstanding the objections raised, this part of the ordinance should pass into a law, it will be necessary to provide the same guards and securities which have been introduced into the Demerara Order. (Clauses to that effect are added.)

his master, attesting his good conduct during a period of five years.

Forfeit of the power of purchasing his liberty, during a certain time, with respect to any slave convicted of robbery, larceny, or other offences.

The slave convicted of robbery, larceny, or other offences, having for their object to procure him by unlawful means, any stock whatever, is by the present article declared to have forfeited the power of purchasing his freedom, for the period of five years for the first offence, and ten years in case of relapse.

### ARTICLE XXXI.

Clauses directed to be enforced by the present article.

At the period fixed upon by the summons of the grand judge, and in the presence of the Protector and Guardian of Slaves, and of the owner of the slaves whose manumission shall be under consideration, as well as in the absence of the said owner, if it be duly proved that the latter, or any other person has been regularly appraised by the notice published in the Government Gazette, the Chief

Form of proceeding on the part of the Chief Judge.

Judge shall summarily give hearing to what may be said by the Protector and Guardian of Slaves, and by the owner, and any other person pretending to any right over the slave whose manumission is applied for ;

Cases foreseen and for which appraisers and an umpire shall be appointed.

or in case the parties or any of them shall refuse to effect the manumission, or it shall appear to the Chief Judge that such a manumission cannot be effected through a voluntary or amicable understanding between the parties ; or in case that it shall be demonstrated to the Chief Judge, that the owner of the said slave or the person having any right over him is a minor, or a woman under the controul of her husband, or an individual interdicted from disposing of him, or that the real owner or person having any right over the slave is absent from the Colony, without having any one to represent him, or that any suit is pending before a court of justice concerning the right of property in the said slave, or any right to his services, or in case it shall appear to the Chief Judge that there exists some difference of opinion between the Protector and Guardian of the slaves and the owner of the slave to be manumitted in respect to his real value, then and in each of those cases above-mentioned, the Protector and Guardian of Slaves, and the owner of the slave to be manumitted, shall each name an appraiser : an umpire shall

Oath to be taken by the appraiser and umpire.

Appraisement of the slaves by the appraisers.

Act of appraisement to be approved by the Chief Judge, and enrolled in the office of the Protector and Guardian of Slaves, and in the registry office.

be appointed by the Chief Judge. The appraiser and umpire, after having taken an oath in the hands of the Chief Judge, binding them to proceed equitably, and to the best of their knowledge and belief, to the appraisement of the slave whose manumission shall be demanded, shall jointly, within seven days of their taking the oath, make the appraisement, which is the only object of the duty entrusted to them. For this purpose, the slave to be appraised shall be brought before them by the Protector and Guardian. Within the same period of seven days, the appraisers and umpire shall deliver to the Chief Judge their act of appraisement, under their hands and seals; and this act after being approved by the Chief Judge shall be deemed as Law by the parties, and be enrolled in the office of the Protector and Guardian of slaves, and in the registry office.

#### ARTICLE XXXII.

Sum proceeding from the appraised value of the slave, to be deposited in His Majesty's Treasury.

Declaration of the Chief Judge that the forms required by Law have been complied with.

The slave declared free, after the forms shall have been complied with.

The sum proceeding from the appraised value of the slave shall be deposited in His Majesty's Treasury in this Island, and the treasurer shall deliver a receipt of it which shall be enrolled in the registry office; this receipt must be accompanied by a declaration of the Chief Judge, which is to certify that the forms required by Law for the manumission of the said slave have been complied with; by means of which the slave shall be free, and enjoy the advantages attached to that condition.

#### ARTICLE XXXIII.

Delivery to the owner of the slave of the funds proceeding from the manumission. Clauses in case the funds shall not be immediately applied for.

The funds deposited shall give a title to the exercise of any right which a person might have exercised over the slave himself before his manumission.

The funds proceeding from the manumission of any slave shall, after authority obtained from the Chief Judge, be delivered by the Treasurer to the person or persons having right to the same. In case no claim shall be immediately made, they shall remain in the Treasury. In such case they shall bear an interest of six per cent per annum; this interest to be drawn out of the public revenues of the colony, shall form with the capital a property belonging to the person or persons intitled legally to claim it. It will give a title to the exercise of any right which a person might have exercised over the slave himself pre-

#### OBSERVATIONS.

The only alteration made in this article is allowing the full value to be paid into the Treasury without deducting the expense of the appraisement, and which appears to be only just, as the master would not otherwise receive the full value of his slave.

Six per cent is substituted for five; the legal rate being nine.

viously to his manumission. The definitive delivery of the sums forming such deposit, can in no case be made by the Treasurer except by the Chief Judge's authority.

#### ARTICLE XXXIV.

Course which is to precede any voluntary manumission.

Previously to the manumission of any slave, and when the master shall have determined to effect it of his own free-will, the latter must give notice of it in writing to the Protector and Guardian, who, on behalf of the slave to be manumitted, shall ascertain if the owner is possessed of a proper title, and if the means of support will be sufficient to guard against the slave's being at any time a burden to the colony. When the information shall be satisfactory, the Protector and Guardian of Slaves shall draw up, without any charge or fee, the act of manumission, which, independently of the signature of the Protector and Guardian, shall bear that of a witness called in for that purpose. The act of manumission shall, within the period of one month from its date, be transcribed and deposited in the Registry Office, under pain against the Protector and Guardian of Slaves of a penalty not to exceed pounds sterling, nor less than pounds sterling.

The Protector and Guardian to draw up the act of manumission without charge or fee.

Forms to be attended to on the occasion. Deposit of the act of manumission in the registry office, under pain of a penalty against the Protector and Guardian.

With respect to this article, the council beg to refer to the note to Article 29, relative to enfranchisements.

#### ARTICLE XXXV.

Certificate to be transmitted to the Civil Commissaries of Quarters, by every minister or priest duly authorised by Government, for the purpose of attesting the religious instruction of slaves.

Every clergyman of the established church of England, every minister of the kirk of Scotland, and every priest professing the Roman Catholic religion in this island, and every person duly authorised by the government as a public teacher of religion in the island of Mauritius, and Dependencies, shall transmit to the Civil Commissary of the quarter in which he may be resident certificates, setting forth the name and place of dwelling of any slave, who, in his opinion, shall be sufficiently instructed in his religion to know the nature and obligation of an oath. The Civil Commissary in each quarter shall transmit those certificates, within eight days from the day of his receiving them, to the Protector and Guardian of Slaves, who shall register them in a book kept by him for the purpose, with an insertion therein of the date of the certificate, the name and place of residence of the person who shall

Those certificates to be addressed to the Protector and Guardian of Slaves, who is to register them in a book kept by him for that purpose.

No alteration.

have delivered it, and the name of the slave to whom the certificate shall apply.

No minister or clergyman not acknowledged by Government can deliver such certificates, without having obtained special leave, as stated in this article.

It is to be well understood, that no minister, clergyman, or other person, being a public teacher of religion in this island, who shall not be also a minister or clergyman of the churches of England or Scotland, shall be entitled to give the certificates just mentioned, unless His Majesty's Principal Secretary of State for the Colonial Department, or the Governor, or Acting Governor of the Island of Mauritius, shall have granted to such minister, clergyman, or other aforesaid person, a permission in writing, authorising him to deliver such certificates; and the said leave, before it can have effect, must be enrolled in the office of the Protector and Guardian of Slaves.

#### ARTICLE XXXVI.

The evidence of a slave shall henceforth be admitted in a Court of Justice, if it be proved, by the certificate of the Protector and Guardian, that the said slave sufficiently understands the nature and obligation of an oath.

This certificate should be delivered by the Protector, without charge or fee, to any person applying for it.

The slave cannot give evidence in any law-suit, in which his master may be directly interested.

The Tribunals are, nevertheless, maintained in the power of admitting the evidence of slaves in certain cases.

No person shall henceforth be considered incompetent to give evidence before a Court of Civil or Criminal Justice in this Island, by reason of his or her being in a state of slavery, if such person so called upon to give evidence, shall produce and exhibit to the Court the certificate of the Protector and Guardian of Slaves, declaring that the name of the witness is inscribed, as required by law, in the book kept by him for the purpose. The Protector and Guardian must also, without any charge or fee whatever, deliver to any person demanding it, a certificate, that the slave called upon as a witness has, or has not, been registered in the said book. It is, however, to be well understood, that the evidence of no slave can be received in any lawsuit in which his master might be directly interested.

Nothing that is contained in this article can be interpreted in such a way, as to destroy or diminish the power and authority which any Criminal Court in this Island already possesses, of admitting, in certain cases, the evidence of slaves, and of rendering it as valid as if it were given by free persons.

#### ARTICLE XXXVII.

The salary of the Protector and Guardian of Slaves, is to be in lieu of all fees and emoluments.

The salary of the Protector and Guardian of Slaves, such as it shall be regulated and determined, shall

As the corresponding clause of the Trinidad Order would operate as a restriction upon the Law of this Colony, it does not seem advisable to the Council to introduce any new regulations in this particular. The article has therefore been drawn out in conformity with the present Law.

No alteration is made in the substance of this article.

Fine against the Protector, and dismissal from his office, in case of infringement of the present article.

be to him in lieu of all fees and emoluments whatever. In case the Protector and Guardian shall demand or receive, directly or indirectly, any fees or emoluments, others than those fixed for his salary, and so receive it for any act or duty of his office, he shall suffer a penalty double the amount he may have unlawfully received, and be declared incapable of filling any longer the functions of Protector and Guardian.

### ARTICLE XXXVIII.

Report to be presented twice a year by the Protector and Guardian of Slaves.

The Protector and Guardian of Slaves shall make a report in writing to the Governor, or Acting Governor, on the first Monday after the 25th of December, and the first Monday after the 24th of June, in each year.

Details which the report shall contain.

This report shall specify the manner in which the duties of that office shall have been fulfilled, during the six months preceding the date of the report; the number of actions and lawsuits in which the Protector shall have acted in that capacity; the date and result of the suits; the details of all the reports that shall have been made to him by the Civil Commissioners of the different quarters of the Island; the names of the persons against whom he may have instituted any criminal suit, in consequence of inhuman treatment of the slaves; the names of the slaves who shall have been pointed out to him as competent to give evidence in a court of justice; the number of permissions granted by the Protector and Guardian for the marriage of slaves; the number of marriages celebrated in virtue of such permissions; the amount of the sums deposited in any savings' bank; lastly, the names of all the slaves manumitted, in virtue and under the authority of the present ordinance.

Oath to be taken by the Protector before the Governor.

The Protector and Guardian of Slaves shall make oath before the Governor, or Acting Governor, that his report contains the truth, and nothing but the truth, on all the points therein recited; and when that oath shall have been taken, the Governor, or Acting Governor, shall deliver to the Protector and Guardian of Slaves an order on His Majesty's Treasurer in this Island, for the amount of the portion of the additional salary allowed to him in that capacity, due for the six months preceding the date of the report; which order shall

Order to be delivered to the Protector, after he shall have made oath, for the amount of the portion of the additional salary allowed to him, due for the six months preceding the date of the report.

The only difference between this and the clause in the Trinidad Order is, that the prohibition to the Governor to order the payment of the salary of the Guardian, is made to apply only to the increased salary which the Procureur-General is to receive; leaving his salary, as Procureur-General, to be paid monthly, as it is at present.



be transmitted by the Governor, or Acting Governor, on the first favourable opportunity, to His Majesty's Principal Secretary of State for the Colonial Department.

### ARTICLE XXXIX.

Punishment decreed against any person guilty of the serious offences mentioned in this article.

In case the Protector and Guardian of Slaves, or any Civil Commissary of a district, or any other person, shall vountarily or fraudulently make any erasure or interlineation in any of the books, registers, or reports, mentioned in this ordinance, wilfully falsify any of the said books, registers, or reports; wilfully insert, or cause to be inserted, any false entry in any of the said books, registers, or reports; voluntarily and fraudulently burn, cancel, or obliterate the said books, registers, or reports, or merely one, or any one of them, or any part of them, then and in each such case they shall have been guilty of a serious offence; and the guilty, after due correction, shall suffer such punishment as is hereinafter directed.

Articles XXXIX. XL. XLI. & XLII.

Are the same as the Trinidad Order, with the alteration which His Majesty's Instructions direct to be made in the 42d Article.

### ARTICLE XL.

Clauses relative to the oath to be taken by persons called Quakers.

In case any of the people called Quakers, residing in the Colony, shall be required to take one of the oaths enjoined by the present ordinance, it is ordered, that the solemn affirmation of such person shall stand in lieu of such oath; and if such person making, as a Quaker, such solemn affirmation, shall be convicted of affirming falsely, he or she shall have incurred such punishment as the laws of the Colony pronounce against persons guilty of corrupt perjury.

### ARTICLE XLI.

Punishment against any person convicted of any of the offences named in the present ordinances. Nature of the punishment.

Any person convicted of any of the offences named in the present ordinance, if a free person, shall incur a penalty not exceeding                   pounds sterling, nor less than                   pounds sterling, or suffer an imprisonment not exceeding six months, nor less than one month; or even suffer both penalty and imprisonment, if the Tribunal shall think fit so to order it. In case any person shall be convicted of inhuman treatment of any slave, the Tribunal shall declare that such person has forfeited all his rights over the slave, who shall be

Competency of the ordinary Tribunals of the Colony, to hear and try the causes in the cases above mentioned. Penalties, how to be applied.

declared confiscated to His Majesty. The trials which the above offences shall give rise to, shall be heard and tried by the ordinary Tribunals of the Colony. One-half of the penalties pronounced shall be lodged in His Majesty's Treasury; the other half shall devolve to the Caisse de Bienfaisance.

#### ARTICLE XLII.

In case any person shall be convicted, for the second time, before a Court of Justice, of having inflicted, or caused to be inflicted upon any slave, a treatment of a cruel and inhuman nature, such person, independently of the punishment he shall have incurred, shall be declared by the Tribunal as incompetent, for the future, to be owner, manager, or overseer of any slave, in the Island of Mauritius, and its Dependencies; and all Slaves, of whom the said person shall be owner at the time of such second condemnation, shall be confiscated to His Majesty. There is no alteration made, however, in the existing laws, in what concerns the power possessed by the Tribunals of ordering the confiscation and sale of slaves, towards whom the masters shall have exercised any inhuman treatment.

Article relating to a relapse, in respect to the inhuman treatment of a slave.

Punishment decreed in such a case.

The Tribunals maintained in the power they possess of ordering, in certain cases, the confiscation and sale of slaves.

#### ARTICLE XLIII.

Whenever difficulties shall arise in consequence of the present ordinance, with respect to the different degrees of relationship between slaves, the Protector and Guardian shall have recourse to the records kept by the registrar for registering slaves, whose certificate shall be deemed valid, either before the Tribunals, or before any other competent authority.

In case of difficulty with respect to the different degree of relationship between slaves, recourse to be had to the records kept by the Registrar for registering the slaves.

This is an addition to the Trinidad Order: the object of it is to make a reference to the slave registry books conclusive proof of kindred. It is apprehended that, unless some such medium of proof be established, there will be constant disputes and litigations, for it is a common custom amongst the blacks to call one another brothers, sisters, and cousins, which only implies a greater degree of intimacy and friendship with certain persons, than with the rest of their comrades. These appellations would give rise to claims of property, and it would be extremely difficult for any Court, upon the mere oral testimony of such witnesses as would be called to prove the fact, to decide what degree of relationship might subsist between the claimant and the intestate.

## ARTICLE XLIV.

Correctional punishment against the slave who shall have brought an unfounded complaint against his master.

In case of any unfounded complaint of a slave against his master, the Protector and Guardian, or the tribunal before which the said complaint shall have been carried, shall determine, in respect to the said slave, such correctional punishment as shall be inflicted upon upon him.

It is thought advisable to introduce this clause to prevent, as far as possible, those unfounded complaints which slaves frequently make against their masters.

A true Copy,  
(Signed) W. N. LEITCH,  
Clerk to the Council.

## ARTICLE XLV.

This ordinance to be published, enrolled, and carried into execution within the time prescribed by the present article.

The present ordinance shall be published, in order that no person may plead ignorance of it; it shall be enrolled in the tribunals, and carried into execution in the island of Mauritius, and in its dependencies within the period of one month after the Governor or acting Governor shall have received the instructions of the Right Honourable His Majesty's Secretary of State for the Colonial Department.

All clauses of anterior laws maintained in force, in so far as they do not militate against the present ordinance.

All other clauses of anterior laws and regulations are maintained in full force, in so far as they do not militate against the present ordinance.

God save the King!

Given at Port Lewis, Island of Mauritius, at the Government House, the 1st of September, 1827.

(Signed) G. LOWRY COLE.

By order of his Excellency the Governor,

(Signed) ARCH. W. BLANE,  
Chief Secretary to Government.

By order of Council,

(Signed) W. N. LEITCH,  
Clerk to the Council.

A true Copy,

(Signed) W. N. LEITCH,  
Clerk to the Council.

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Appendix No.1 *Observations sur l'Ordre en Conseil de 10 Mars 1824, sur la possibilité de son adoption à l'Ile Maurice, sur les avantages et les inconvénients qui en résultent, et sur les moyens de parvenir sans violence et sans danger à concilier ses dispositions avec les intérêts Coloniaux.*

L'ORDRE en Conseil du 10 Mars 1824 a été fait spécialement pour l'Ile de la Trinité. Cependant il résulterait des actes du Gouvernement mis sous les

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(TRANSLATION.)

*Observations on the Order in Council of the 10th March 1824, with respect to the possibility of its adoption in the Island of Mauritius, the advantages and inconveniences resulting from it, and the means of conciliating its clauses with the Colonial interests, without violence or danger.*

THE Order in Council of 10th March 1824 was specially intended for the Island of Trinidad; nevertheless it would appear from the measure of Govern-

yeux du Parlement, que cette loi doit servir en quelque sorte, de type à toutes celles qui seront faites et publiées dans les Colonies de Sa Majesté, afin d'améliorer le sort des esclaves.

Il est à remarquer que la Trinité est de toutes les Colonies Anglaises, celle où l'on peut avec le moins d'inconvéniens, adopter des mesures qui dans toute autre Colonie, seraient intempestives et par cela même dangereuses.

En effet, on voit par l'Ordre en Conseil, lui-même, que tout son effet est de donner, dans cette Ile, force de lois à des usages déjà existants, ainsi par exemple :

La disposition qui permet aux esclaves de posséder des propriétés et d'ester en jugement, n'y est pas une innovation législative, mais seulement la confirmation d'un droit qu'ils ont possédé de tous temps.

En second lieu, le climat de la Trinité, les dispositions naturelles des ses habitans, cette indolence caractéristique qui y a été implantée par ses premiers possesseurs, et que l'on rencontre, au même degré, dans les deux populations, rassurent assez sur les conséquences funestes de la création d'un droit nouveau entre le maître et l'esclave.

Ainsi ce sont deux vérités incontestables que, pour la Trinité, la loi ne fait que confirmer ce qui existait déjà, et que là seulement elle a pu être publiée sans danger.

Il faut maintenant examiner ses rapports avec les réglemens Coloniaux de Maurice, les innovations qu'elle présente, les conséquences qu'elles entraîneront, et les moyens que l'on aurait de concilier les choses, de manière à parvenir graduellement sans trouble et sans danger à une législation qui consacre et conserve à la fois les droits des propriétaires et ceux de l'humanité, selon les vues de Sa Gracieuse Majesté.

Clauses 1<sup>er</sup>, 2<sup>e</sup>, 3<sup>e</sup>, 4<sup>e</sup>, 5<sup>e</sup>, 6<sup>e</sup>, and 7<sup>e</sup>, relatives à l'établissement d'un Protecteur des Esclaves à la Trinité à ses attributions et à ses devoirs.

Rien de plus louable et de plus éminemment colonial que de répandre l'instruction religieuse dans toutes les classes de la société. Les habitans de Maurice en ont toujours reconnu l'impérieuse nécessité. Mais privés eux-mêmes, dans plusieurs quartiers de l'Ile, des secours de la religion, ils ne peuvent qu'exprimer le vœu de voir cesser un pareil abandon. Ils demandent et accueilleront avec reconnaissance des pasteurs, comme ils en comptent un si petit nombre, qui animés d'un véritable esprit de pitié, s'occuperont avec autant de zèle que de désintéressement de répandre et fortifier les saintes doctrines qui lieut les sociétés chrétiennes.

Sa Majesté a jugé convenable de donner aux esclaves un Patron ou Protecteur spécialement chargé de la conservation de leurs droits et de leurs intérêts.

Nos loix coloniales y ont déjà pourvu, et c'est un des premiers magistrats du pays, le Procureur-Général, qui est chargé de poursuivre sans frais devant les tribunaux, la repression de tous les torts qui pourraient leur être faits.

Les lettres patentes données par Louis XV. en Décembre 1723, pour les Iles de France et de Bourbon, s'expriment en ces termes :

Art. 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 ces 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."

Les registres des tribunaux font foi du zèle qui les officiers du ministère public ont toujours apporté à protéger les esclaves contre tout abus d'autorité, et de la protection dont les magistrats les ont environnés.

Toutes les fois qu'un esclave est poursuivi pour un délit quelconque, il est pourvu d' office d'un défenseur qui l'assiste sans frais.

D'après les dispositions du droit civil qui régit la Colonie, l'homme détenu comme esclave et qui se prétend libre est pourvu d'un patron spécial nommé

ment laid before Parliament, that this Law is intended to serve as it were for a type of all those to be drawn up and promulgated in His Majesty's Colonies, for the purpose of improving the condition of slaves.

It is to be observed, that Trinidad is of all the English Colonies the one in which, with least inconvenience, those measures may be adopted, which in any other Colony would be inapplicable and therefore dangerous of adoption.

It appears indeed by the very Order in Council, that all its object is to give the force of Law in that Island to customs already prevailing there; thus for example:

The clause which allows slaves to possess property and to appear in a Court of Justice is no legislative innovation there; but merely the confirmation of a right they have always enjoyed.

In the second place, the climate of Trinidad, the natural disposition of its inhabitants, that characteristic indolence implanted there by its early occupiers, and which is to be discovered in an equal degree in both populations, are a sufficient guarantee against the fatal consequences to be apprehended from the establishment of a new right between master and slave.

It is therefore an incontestable truth that, in respect to Trinidad, the Law only confirms what was already in existence, and equally true that in that Island alone could it be promulgated without any danger.

We must now examine its application to the colonial regulations of Mauritius, the innovations it contemplates, the consequences resulting from them, and the means there are of conciliating matters, so as gradually, and without disturbance or danger, to adopt a mode of legislation which will sanction and preserve the owners' rights, together with the rights of humanity, agreeably to His gracious Majesty's intentions.

Clauses 1, 2, 3, 4, 5, 6, and 7 relative to the establishment of a Protector of Slaves in Trinidad, his attributions and duties.

Nothing can be more laudible or more truly colonial in its spirit, than the intention of spreading religious instruction through all classes of society. The inhabitants of Mauritius have always admitted its imperative necessity; but being themselves deprived of the assistance of religion in many quarters of the island, they can only express the wish that such a privation may soon cease. They anxiously desire to be supplied with ministers, their numbers being so limited, and will gratefully receive pastors who, animated with the true spirit of piety, will zealously and disinterestedly endeavour to extend and impress among the people the holy doctrines that bind christian societies together.

His Majesty has thought proper to give to the slaves a Guardian and Protector specially charged to preserve their rights and interests.

Our colonial laws have already provided for this object, and one of the first magistrates of the island, the Procureur-General is entrusted with the duty of bringing actions before the tribunal for the repression of all injuries that might be done to them.

The letters patent issued by Louis XV. in December 1723 for the islands of France and Bourbon, contain the following passage.

Art. 19. "The slaves who shall not be fed, clothed, and maintained by their masters, may lodge an information with the Procureur-General of the said councils, who is also our Procureur, and place their *memorials* in his hands, whereupon and even *in virtue of his office*, if he should receive concurring proof from other quarters, the masters shall be prosecuted at his suit, and free of expense, which course we also direct to be pursued in respect to crimes, and any barbarous and inhuman treatment of slaves by their masters."

The records of the tribunals attest the zeal which the officers of the public ministry have always displayed in protecting slaves against every abuse of authority, and the protection which the magistrates have at all times extended to them.

Whenever a slave is prosecuted for any offense, he is officially provided with council to assist him free of any expense.

According to the clauses of the civil law which regulates the Colony, a man detained as a slave, but who claims to be free, is specially provided with a

par le magistrat. Ce patron est tenu de soutenir la demande et le fait sans pouvoir répéter ses dépenses.

On en a de nombreux exemples sous les yeux, notamment depuis la promulgation de la dernière loi sur les recensements.

Un évènement qui a coïncidé avec la publication de cette loi, l'arrivée en cette Colonie des Commissaires d'Enquête de Sa Majesté, a beaucoup contribué à faire naître des réclamations de cette nature, et démontre avec combien de circonspection il faut procéder aux changemens dans les lois relatives à l'état des esclaves.

Les Commissaires d'Enquête étaient attendus avec une sorte d'appréhension par la plupart des propriétaires qui par suite de cette familiarité permise à leurs esclaves, avaient eu l'imprudence de s'entretenir en leur présence, des craintes qu'ils pourraient concevoir.

Les plus anciens parmi eux se sont souvenus que dans l'année 1796 des Commissaires de la Convention Nationale étaient arrivés dans la Colonie, porteurs du décret de leur émancipation générale. Il n'en fallait pas d'avantage pour leur faire concevoir les plus folles espérances.

Mais d'un autre côté, ils se voyaient appelés à une nouvelle vérification, à un nouveau recensement qui ne leur présageait pas le changement qu'ils espéraient.

Dès lors il y en eut un grand nombre qui conçurent le projet de se soustraire à cette mesure en se prétendant libres. Ils ont été chacun pourvus d'un patron: tous ont été entendus, ils ont reçu toute la protection qu'il était possible de leur accorder, et si la faveur pouvait influencer sur les décisions de la justice on pourrait dire qu'elle a été pour eux.

Ainsi qu'elle nécessite de donner un nouveau Protecteur aux Esclaves qu'en ont un déjà si puissant et si zélé dans le Procureur-Général, qui en trouvent un dans chaque magistrat, dans chaque membre du barreau qui leur doit son assistance gratuite, dans chaque homme libre qui doit accepter à ses frais, le patronnage qui leur est confié par le juge.

La mesure serait donc surabondante et inutile. Il y a plus, elle serait extrêmement dangereuse.

D'abord, peu d'ésprits comprendront que, par le fait, le nouveau Protecteur n'aura pas d'autres devoirs à remplir que ceux imposés au Procureur-Général, quant à cette partie de son office.

On verra en lui, non pas le Défenseur des droits de l'esclave, mais son Protecteur aveugle, son ami, et conséquemment l'ennemi de l'esclavage, l'ennemi de nos institutions, l'ennemi de la Colonie.

Etranger à la Colonie, à laquelle il lui est défendu de tenir par aucun lien, pour laquelle même la plus froide indifférence lui semble commandée, étranger à nos lois, plus étranger encore aux mœurs locales des deux populations, il est impossible qu'il ne débute pas par quelque maladresse.

Son inexpérience sera attribuée à la malveillance que sera ce donc s'il agit avec les préventions qui existent en Europe contre les Colonies.

Si l'arrivée des Commissaires d'Enquête a suffi pour exciter des espérances chimériques, pour causer l'indiscipline dans un grand nombre d'ateliers, des désertions, des plaintes presque toutes jugées malfondées, que ne devons nous pas craindre d'un homme dont la mission sera toute spéciale, dans lequel les uns verront un ennemi, les autres un ami dévoué ?

L'on se dira avec raison que les esclaves ayant déjà un Protecteur, il était inutile de leur en créer un autre, s'il ne devait pas avoir des droits plus étendus et si cette création nouvelle n'était pas une première atteinte au droit de propriété.

Le Protecteur nouveau, objet de la méfiance des colons, cause indirecte sans doute, mais cause infaillible de désordres qu'on ne pourra prévenir, sera bientôt en butte à la prévention qui ne raisonne pas, et conséquemment à la haine qui la suivra, de près. Y sera-t-il insensible ? La chose n'est pas probable, ainsi nous le verrons dans un état d'hostilité avec la Colonie, et son parti sera celui des noirs !

Il y aurait donc le plus grand danger à faire, sous ce rapport, le moindre changement aux lois actuelles.

Guardian appointed by the magistrate. This Guardian is bound to support the demand, and the fact asserted without any fresh charge or fee.

There are many examples of this, especially since the promulgation of the last law respecting the census.

The arrival in this colony of His Majesty's Commissioners of Inquiry, an event which coincided in point of time with the publication of that law, has greatly contributed to raise claims of this nature, and has shown with what degree of circumspection any changes should be made in the laws relative to the condition of slaves.

The commissioners of inquiry were expected with a kind of apprehension by the greater part of the owners, who, in consequence of the familiarity allowed to their slaves, had been so imprudent as to converse together in their presence on the subject of the fears they might have to entertain.

The oldest amongst them recollected that, in the year 1796, some commissioners of the national convention had arrived in the colony with a decree for their general emancipation. This was quite enough to fill their minds with the most extravagant hopes.

On the other hand, however, they found themselves called to a new species of verification, to a new census which was no presage to them of the change they expected.

From that moment a great number formed the plan of evading that measure by pretending they were free. Each of them was provided with a Guardian; they were all heard, all received the protection which it was possible to allow them, and if favor could ever influence the decisions of justice, it might be said to have been all on their side.

What necessity, therefore, can exist for giving a new Protector to the slaves who already have a powerful and zealous one in the Procureur-General, who find one in each magistrate, in each member of the law who is bound to give them gratuitous assistance, in each free man who is bound to accept at his own cost the guardianship confided to him by the judge.

The measure would therefore be superfluous and useless. It would be much more than this, it would be fraught with danger.

In the first place few people will understand that the new protector will not, in reality, have any other duties to perform than those devolving upon the Procureur-General, with respect to that part of his official functions. He will be considered not as the defender of the rights of the slave, but as his blind protector, his friend, and consequently the opponent of slavery, of our institutions, of our colony.

A stranger to the colony to which he is forbidden to attach himself by any tie, for which even the most perfect indifference appears enjoined to him, a stranger to our laws, a still greater stranger to the local habits of the two populations, it is impossible he should not begin by some false step.

His inexperience will be attributed to malevolence; what will it be, then, if he acts with the prejudices existing in Europe against the colonies.

If the arrival of the Commissioners of Inquiry has been sufficient to raise chimerical hopes, to cause insubordination in many workshops, desertions, complaints mostly discovered to be unfounded; what have we not to apprehend from a man whose mission will be quite of an exclusive nature, who will be considered by some as an enemy, by others as a devoted friend?

It will be said, and with justice, that the slaves having already a Protector, that it was useless to establish another, unless he were to have more extensive rights, and unless this new creation were intended to be a first inroad upon the right of property.

The new Protector who will be an object of mistrust for the colonists, and an indirect cause no doubt, but still an infallible cause of unavoidable disorders, will soon be exposed to the prejudices which always take the plea of reason, and consequently to hatred which will soon follow after them. Will he be insensible to those impressions? This is very improbable; we will therefore see him arrayed in opposition to the Colony with the blacks for his auxiliaries!

There would therefore be the utmost danger in making on that subject the smallest alteration in the existing laws.



Sa Majesté veut que les esclaves de ses Colonies soient pourvus d'un Protecteur : ce Protecteur existe à Maurice. La volonté royale est donc accomplie. Il serait impolitique d'aller plus loin.

CLAUSE 8<sup>eme</sup>.

*Qui établit les Commandans de Quartiers Assistans du Protecteur.*

Les Commandans de Quartiers sont placés sous l'inspection immédiate du Procureur-Général, chargé de la haute police.

CLAUSE 9<sup>eme</sup>.

*Qui confie au Protecteur le droit d'assister les esclaves dans les procès qui les concernent.*

Les loix coloniales ont pourvu suffisamment comme nous l'avons dit plus haut, à ce qui est prévu par cette clause de l'Ordre en Conseil, sauf cependant ce qui concerne le droit de propriété accordé à l'esclave, droit qui étant une innovation pour la Colonie sera examiné à la clause que l'établit.

CLAUSE 10<sup>eme</sup>.

*Qui régle le marché du Dimanche.*

Il parait effectivement convenable que le marché du Dimanche soit soumis à de certaines restrictions commandées par les localités, les besoins de la ville, et l'intérêt même des esclaves.

Dans l'île de la Trinité le marché n'est permis que jusqu' à dix heures du matin. Au Cap de Bonne Espérance il est restreint à certaines provisions de nécessité première, qui cependant ne pourront être exposées en vente pendant le service divin.

Cette dernière restriction ne peut-être établie à Maurice, où presque tous les colons sont catholiques ; or, pour eux, le service divin commence au lever du soleil et finit à dix heures. Pour les protestans le service commence à onze heures et finit à une heure. Ce n'est donc qu' à cette dernière heure que le marché auroit lieu, ce qui est tout-à-fait impracticable.

Tous les propriétaires de la ville ne peuvent s'approvisionner qu'au marché, et s'il était prohibé, ils en seraient réduits à être privés le Dimanche, de lait, de légumes, et de viande fraîche, provisions que le climat ne permet pas de conserver du jour au lendemain.

Beaucoup de familles pauvres ne vivent que de la vente journalière de légumes et de lait et éprouveraient une grande perte par l'abolition absolue du marché.

Enfin c'est Dimanche que les noirs vont au marché vendre les animaux qu'ils élèvent et les divers objets de leur industrie qu'ils ont fabriqués pour leur compte.

Ainsi en fixant l'heure du marché jusqu' à dix heures sans autre restriction tous les intérêts seront reconciliés.

CLAUSE 11<sup>eme</sup>.

*Qui régle les travaux du Dimanche.*

L'Article 4 des lettres patentes de 1723, et l'Article 5 de l'Ordonnance du 6 Septembre 1767 défendent impérieusement de faire travailler les esclaves au jour de *Dimanches et fêtes annoncées par le curé* depuis l'heure de minuit jusqu' à l'autre minuit, à la culture de la terre, à peine d'amende et de

It is His Majesty's pleasure that the slaves in his colonies should be provided with a Protector; such Protector exists in the island of Mauritius. The royal will has therefore its full effect. It would be the height of impolicy to go a step further.

#### CLAUSE 8.

*Which establishes the Commanders of Quarters as Assistants to the Protector.*

The commanders of quarters are placed under the immediate inspection of the Procureur-General, entrusted with the high police.

#### CLAUSE 9.

*Which confides to the Protector the right of assisting the Slaves in the Law-suits which concern them.*

The colonial laws have sufficiently provided, as we have stated above, for what is determined by this clause of the order in Council, with the exception of what concerns the right of property granted to the slave, a right which, being an innovation for this colony, will be examined when we come to the clause establishing it.

#### CLAUSE 10.

*Which regulates the Market on Sundays.*

It seems proper, in fact, that the market on Sundays be submitted to certain restrictions, such as local circumstances, the wants of the town, and the interest of the slaves themselves may require.

In the island of Trinidad, the market is only allowed until ten o'clock in the morning. At the Cape of Good Hope it is confined to certain indispensable provisions, which cannot however be exposed for sale during divine service.

The latter restriction cannot be established in Mauritius, where nearly all the colonists are catholic; for them divine service commences at sun-rise, and terminates at ten o'clock. For protestants the service commences at eleven, and finishes at one. The market could not therefore be held until the latter hour, a thing altogether impracticable.

All the residents in town are precluded from obtaining their provisions otherwise than in the market; and if this were prohibited to them, they would be deprived, on Sundays, of milk, vegetables, and fresh meat, provisions which the climate will not admit of being preserved from one day to another.

Many poor families only live by the daily sale of vegetables and milk, and would suffer a severe loss from the absolute abolition of the market.

Lastly, it is on Sundays that the blacks go to market for the purpose of selling the animals they rear, and the different articles of industry which they have manufactured for their own account.

By fixing, therefore, the hour of market until ten o'clock, without any other restriction, the interest of every one will be consulted.

#### CLAUSE 11.

*Regulating labour on Sundays.*

Article 4 of the letters patent of 1723, and article 5 of the ordinance of 6 September 1767, strictly forbid the compelling slaves to work *on Sundays and on the holydays notified by the priest*, from the hour of midnight until the following midnight, at the cultivation of the ground, under pain of a penalty

punition arbitraire contre les maîtres, et de confiscation des esclaves qui seront surpris au travail.

Pouvant néanmoins les maîtres envoyer leurs esclaves au marché, et en cas de nécessité urgente les faire travailler après en avoir demandé la permission au curé de leur paroisse, ou au juge de police qui l'accorderont s'il y a lieu."

L'Ordre en Conseil ajoute bien peu de choses à ces dispositions, et les habitans de Maurice ne mettront aucune opposition à des réglemens qui, en donnant plus de repos à l'esclave ne portent aucune atteinte au droit de propriété.

Mais il est juste aussi que la prohibition ne s'étende qu' au travail du labeur.

Il est aussi convenable que, dans les cas de nécessité urgente et justifiée, le maître puisse employer ses noirs le Dimanche en les endemisant. Comme par exemple, pour une récolte à faire lorsqu' on est dans la saison des coups de vent, pour abattre les têtes du manioc lorsque le temps menace d'une tempête, comme aussi lorsque le feu a passé dans un champ de cannes, lorsqu'il s'agit d'arrêter un incendie ou une inondation.

Il doit en être de même lorsqu'on est forcé de continuer un travail pressant au delà de l'heure fixé pour sa cessation.

#### CLAUSE 12<sup>eme</sup>.

*Qui défend de porter le fouët, soit pour exciter au travail, soit comme emblème de commandement.*

Les commandeurs, dans la Colonie, portent toujours un fouët ou un bâton, comme emblème du commandement, et non pas comme on le croit en Europe pour exciter les noirs au travail.

C'est une coutume que l'on ne peut abolir brusquement sans inconvéniens. Ceux qui connaissent les noirs savent combien les maîtres ont de la peine à obtenir qu'ils ne se frappent pas entr'eux, parce qu'ils le font avec une brutalité extrême. Il est très rare qu'il n'y ait pas dans les hôpitaux quelques noirs entrés pour mauvais traitement exercés par leurs camarades.

Rien n'est plus commun que d'en voir mourir des suites des coups qu'ils ont reçus. Aussi est il expressément défendu aux commandeurs qui sont choisis parmi ceux dont le physique impose le plus de frapper les noirs placés sous leurs ordres.

S'ils n'étaient pas munis d'un fouët, (dont au surplus il ne leur est pas permis de se servir sans ordre du maître) ils imposeraient moins aux autres que leur manqueraient de respect, ce qui exiterait entr'eux de nombreuses rixes.

Au surplus plusieurs habitans ont presque aboli l'usage du fouët sur leurs habitations. Leur exemple sera suivi par les autres, et le temps viendra où, par la seule force des circonstances, on aura obtenu une amélioration qu'une loi expresse ne ferait que retarder.

C'est une vérité dont le Gouverneur actuel a acquis l'expérience, que l'on obtient plus dans la Colonie, des bons exemples et des bons conseils, que des loix les plus sévères. En effet, sans aucune loi nouvelle, le sort des noirs a été plus amélioré en quelques années qu'il ne l'auroit été par des mesures strictement obligatoires.

#### CLAUSE 13<sup>eme</sup>.

*Qui régle les corrections qui peuvent être ordonnées par le maître.*

" On ne pourra infliger dans un jour plus de vingt-cing coups de fouët à un esclave mâle."

La loi coloniale défend d'excéder trente coups.

Habitans qui ont toujours été les premiers à modérer les châtimens doivent le faire encore dans cette circonstance.

" Une nouvelle correction ne pourra être infligée tant qu'il existera des marques non cicatrisées d'un précédent châtiment."

Cette disposition est sage et humaine.

Il est impossible d'exiger que le châtiment soit infligé par une personne libre.

Il faudroit d'abord, que le maître eut une personne libre à son service ce qui n'arrive pas toujours. Il faudroit ensuite que la personne libre consentit à

and of arbitrary punishment against the masters and confiscation of the slaves found at work. The masters are however allowed to send their slaves to market, and in case of pressing necessity to make them work, after asking permission of the parish priest or of the Judge of police, who are to grant it if the request be reasonable.

The order in council adds very little to these clauses; and the inhabitants of Mauritius will throw no obstacle in the way of these regulations, which, whilst they procure more rest for the slave, do not infringe the right of property.

It is however just also that the prohibition should only apply to works of labour.

It is likewise proper that in case of pressing and of well proved necessity, the master should employ his slaves on a Sunday, he indemnifying them for their work, such for instance as a crop to attend to, during the season of hurricanes, cutting the tops of the *manioc* when the weather is threatening, as also when a fire has extended over a sugar-cane field, and when it is necessary to stop the progress of a fire or of an inundation.

This should also be the case when a work absolutely requires to be carried on beyond the hour fixed for its duration.

#### CLAUSE 12.

*Which forbids the carrying a whip, whether to stimulate to work, or as an emblem of authority.*

In the colony the commanders always carry a whip or a stick as an emblem of authority, and not as is imagined in Europe, to stimulate the slaves to work.

This is a custom which cannot be suddenly abolished without inconvenience. Those who know the blacks must be aware how difficult it is for the masters to prevent their striking each other, which they do with the utmost brutality. It generally happens that there are blacks sent to the hospitals owing to ill-usage received from their comrades. Nothing is more common than to see some of them dying from the consequences of the blows so inflicted upon them. The commanders, therefore, who are selected amongst those whose physical strength is likely to command respect, are expressly forbidden to strike the blacks placed under their orders. If they were not provided with a whip (which however they are not allowed to use without the master's leave), they would receive less attention from others, who would be wanting in respect to them, and thus many quarrels would spring up amongst them.

Many inhabitants, however, have nearly abolished the use of the whip, upon their plantations. Their example will be followed by others, and the time will come when, by the mere force of circumstances, an amelioration will have been obtained which an express law would only have the effect of retarding.

It is a truth of which the present Governor has acquired the experience, that now is obtained in a Colony from good examples and good advice, than from the severest Laws. In fact, without any new Law, the condition of the blacks has undergone greater improvement in a few years than it could have obtained by measures purely of a binding nature.

#### CLAUSE 13.

*Regulating the corrections that may be ordered by the Master.*

"No greater punishment shall be inflicted on a male slave in one day than twenty-five lashes."

The Colonial Law forbids to exceed thirty lashes.

The inhabitants who have always been the first to moderate corrections of their own accord, will necessarily pursue the same course in the present circumstances.

"No fresh correction can be inflicted whilst the wounds of a previous correction shall not yet be healed."

This clause is equally wise and humane.

It is impossible to require that the correction be inflicted by a free person.

It would first of all be necessary that the master should have a free person in his service, which is not always the case; also that the free person should

infliger la correction, ce que l'on ne pourra obtenir. On n'a jamais pu porter un mulâtre par exemple, à remplir un pareil office. Il existe chez eux, à cet égard, un préjugé qu'on aura de la peine à vaincre.

Ce serait donc imposer aux colons une obligation à laquelle il leur serait impossible de se soumettre et qui d'ailleurs leur semblerait une vexation non méritée.

Il est des répugnances qu'il faut respecter. Autrement il en résulterait que les uns s'habituerait ainsi à infliger des châtimens qu'il ne leur en coûterait pas plus de répéter souvent, et que d'autres ne pouvant s'y habituer, causeraient chez eux, un relâchement de discipline qui aurait des conséquences funestes.

Il est encore plus impossible d'exiger que la punition soit infligée en présence d'une tierce personne libre. Quel est celui qui abandonnerait ses occupations pour aller chez son voisin assister à un spectacle pénible.

Comment ferait celui dont le plus proche voisin demeure à deux lieues de sa propriété?

Comment ferait encore celui qui, ce qui est assez commun, est mal avec ses voisins?

On ne voit pas le motif qui fait exiger que le châtiment ne soit infligé que vingt-quatre heures après le délit. Est ce pour qu'il ne soit pas l'effet d'un mouvement d'humeur? Voilà qui est sage en théorie. Mais ne sait-on pas que c'est un nouveau supplice, pour un condamné, que d'attendre si long temps l'heure du châtiment? Qu'arrivera-t-il d'ailleurs? c'est qu'il faudra s'assurer de la personne du coupable, en le mettant en prison, ainsi voilà deux peines au lieu d'une, et une perte de travail pour le maître. S'il ne prend pas cette précaution, le coupable s'évadera, voilà un homme devenu plus coupable qu'il ne l'était, et une nouvelle perte de journées de travail pour le propriétaire.

#### CLAUSE 14<sup>eme</sup>.

##### *Qui régle les corrections quant aux femmes.*

Il ne faut pas abolir brusquement le châtiment à l'égard des femmes. Il en est qui sont plus indisciplinées que les hommes. Elles ont généralement un grand ascendant sur eux dans un pays où il y a beaucoup plus d'hommes que de femmes. N'ayant plus la crainte d'un châtiment corporel, elles les exciteront à la désobéissance et les assisteront dans les vols qu'ils commettent si souvent.

Il serait donc très sage de n'agir, sous ce rapport qu'avec beaucoup de précautions et peut-être d'attendre qu'une juste proportion s'établissant entre les deux sexes; les femmes perdent un peu de la grande influence qu'elles ont en ce moment sur les hommes.

On pourrait d'abord (comme il a été fait au Cap de Bonne Espérance), modifier le châtiment, exiger qu'il soit infligé par une femme, et hors de la présence des hommes.

D'ailleurs il est très rare aujourd'hui qu'une négresse soit punie du fouët; et la loi n'aurait d'autre effet que de détruire le sentiment de la crainte, qui peut encore les contenir.

#### CLAUSES 15<sup>eme</sup>, 16<sup>e</sup>, 17<sup>e</sup>, 18<sup>e</sup>, 19<sup>e</sup>, and 20<sup>e</sup>,

##### *Relatives à la tenue d'un Régistre d'Habitation.*

La tenue d'un régistre d'habitation est d'une exécution absolument impossible. Il est beaucoup de propriétaires qui ne savent pas écrire. Tels sont la plupart de ces mulâtres que dans les quartiers on appelle noirs libres, tous les affranchis, beaucoup d'Indiens, enfin beaucoup de blancs.

Si cette disposition, ainsi que quelques autres étaient mises en vigueur, les Tribunaux ne suffiraient pas pour prononcer sur les contraventions qui leur seraient dénoncées.

Les obligations imposées par les Clauses 16<sup>eme</sup>, 17<sup>e</sup>, 18<sup>e</sup>, and 20<sup>e</sup>, sont les conséquences de celle portée en la 15<sup>e</sup>, et d'une exécution tout aussi impossible.

consent to inflict the punishment, which will not be obtained of them. No mulatto, for example, could ever be induced to perform that office; they have in this respect a prejudice which it will not be easy to remove.

It would therefore be imposing upon the colonists an obligation to which they could not submit, and which besides, would appear to them an unmerited, vexatious proceeding.

There are certain feelings of repugnance which ought to be respected. From the contrary course it would follow, the same would thus accustom themselves to inflict corrections, which they would no longer have a difficulty in often repeating, and that others unable to acquire the habit, would expose themselves to the pernicious consequence of a relaxation of discipline.

It is still more impossible to require that the correction should be inflicted in the presence of a third free person. Who is the man who would give up his domestic occupations to go and witness in his neighbour's house, so painful a sight?

How is the man to do whose nearest neighbour resides at the distance of two miles from his property?

How is the same man to do, who, as is often the case, is not on terms with his neighbours?

It is not easy to discover the motive which has suggested that the correction should only be inflicted twenty-four hours after the offence. Is it to prevent its being the effect of a moment of ill-humour? This is very wise in theory. But is it not well known that it is adding to the sufferings of a criminal that he should have to wait so long for the hour of punishment? what, besides, will be the consequences? it will be necessary to secure the person of the culprit, by throwing him into prison; thus he suffers two punishments instead of one, and there is a loss of work to the master. If he does not take that precaution, the culprit will escape; the man becomes more guilty than he was before, and the owner suffers a fresh loss of several days work.

#### CLAUSE 14.

##### *Regulating the Corrections in respect to Women.*

It would be unwise suddenly to abolish corrections in respect to women. Some are more undisciplined than the men. They generally have a great ascendancy over them, in a country where there are many more men than women. If they no longer fear any bodily correction, they will excite them to disobedience, and assist them in the robberies they so often commit.

It would, therefore, be extremely proper to act in this respect with the utmost circumspection, and perhaps to wait until an exact proportion shall exist between both sexes; which will have the effect of making the women lose a part of that powerful influence they now exercise over the men.

It would be well at first (as was the case at the Cape of Good Hope) to moderate the correction, and require it to be inflicted by a woman, and out of the presence of the men.

It is, besides, a very rare occurrence at present for a woman to be flogged; and the law would have no other effect than to destroy the sense of fear, which can yet have the effect of restraining them.

#### CLAUSES 15, 16, 17, 18, 19, and 20.

##### *Relative to keeping a Plantation Record Book.*

The keeping of a plantation record book is absolutely impossible; many owners do not know how to write. This is the case with the greater part of those mulattoes who go in the several quarters by the name of free blacks, with all manumitted slaves, many Indians, and even many whites.

If this Clause, as well as some others, were to be enforced, the tribunals would not be adequate to the task of pronouncing upon the infringements that would be denounced to them.

The obligations imposed by Clauses 16, 17, 18, 19, and 20, are consequences of Clause 15, and quite as impracticable.

CLAUSE 21<sup>e</sup>.

*Qui règle la forme de procéder quant un noir se plaint de mauvais traitemens exercés sur sa personne.*

Cette disposition ne contient rien de plus sévère que nos loix coloniales, mais elle est trop absolue, en ce qu'elle met toujours la preuve à la charge du maître.

Voici le texte des loix coloniales à ce sujet :—

*Lettres Patentes de 1723, Article 23.*

.... Ne pourront aussi les esclaves être témoins tant en matière civile que criminelle, à moins qu'ils ne soient témoins nécessaires, et seulement à défaut de blancs ; mais dans aucun cas ils ne pourront servir de témoins pour ou contre leurs maîtres.

Article 34, de l'arrêté du 1<sup>er</sup> Brumaire, an 14 :—

Au nombre des témoins admissibles aux termes de l'Article 251 du Code pour l'instruction du divorce, les esclaves pourront être admis, sauf au Tribunal à avoir à leurs dépositions tel égard que de raison.

Ils ne seront néanmoins appelés qu'à défaut de tous témoignages de personnes libres, et lorsque le Tribunal l'aura jugé nécessaire.

Article 13, de l'arrêté du 20 Juillet 1808 :—

Les esclaves pourront être entendus en témoignages, mais seulement comme témoins nécessaires, et sauf à avoir tel égard que de raison à leurs dépositions.

Article 14 :—

Ils seront assignés dans la personne de leurs maîtres, ou actuel détenteur, qui sera tenu de les faire comparaître sous les peines portées par les Articles 263 et 264 (du Code de Procédure).

Il arrive souvent qu'un noir commet un vol hors de chez son maître, il est arrêté par des gardiens qui se vengent, en le fustigeant très sévèrement.

Ce noir ne dira pas, où il a été ainsi traité parcequ'il faudroit avouer son vol, et si alors il lui prend fantaisie d'accuser son maître de cette correction excessive, comment fera ce dernier pour se disculper. Sera-t-il puni, faute de rapporter une preuve impossible, lorsque le noir seul est coupable.

Il est donc plus sage, en donnant au noir le droit de se plaindre, d'accorder plus de latitude au juge.

Ainsi, l'on pourrait laisser au maître la ressource du serment.

D'ailleurs on n'a pas encore eu d'exemple qu'un maître ait échappé à la peine, lorsque le noir s'est présenté avec les marques d'un châtiment excessif.

Cette clause de l'Ordre en Conseil ne parle pas de la peine encourue par l'esclave qui accuse mensongèrement son maître, et il est de la dernière importance qu'il ne soit pas assuré de l'impunité dans un cas semblable.

Il faut donc en même temps que l'on établit une peine contre le maître injuste et inhumain, en créer une contre l'esclave colonniateur de son maître sous ces deux rapports la loi coloniale a tout prévu.

## CLAUSE 22.

*Relative au mariage entre les esclaves.*

Voici ce que prescrivent les lettres patentes de Décembre, 1723.

Art. 6. Les solemnités prescrites par l'Ordonnance de Blois et la déclaration de 1639, pour les mariages, seront observées tant à l'égard des personnes libres que des esclaves, sans néanmoins que le consentement du père et de la mère de l'esclave y soit nécessaire, mais celui des maîtres seulement.

Art. 7. Defendons très expressément aux curés de procéder aux mariages des esclaves, s'ils ne font apparoir du consentement de leurs maîtres ; defendons

## CLAUSE 21.

*Regulating the Form of Proceeding when a Slave complains of personal Ill-treatment.*

This Clause does not contain any thing more severe than our Colonial Laws; but it is too absolute in its enactments, inasmuch as that it always throws the burden of proof upon the master.

The following is the text of the Colonial Laws on this point:—

*Letters Patent of 1723, Article 23.*

The slaves cannot be received as witnesses either in a civil or in a criminal suit, unless they be deemed indispensable witnesses, and merely in default of white men; but in no case can they be used as witnesses for or against their masters.

Article 34, of the decree of 1st Brumaire, year 14:—

Slaves may be allowed as admissible witnesses, according to the terms of Article 251, of the Code for Proceedings in cases of Divorce; but the Tribunals are allowed to give to their evidence such attention as to them may appear most proper.

They shall, nevertheless, be called upon only in default of all evidence from free persons, and when the Tribunal shall have deemed it necessary:—

Article 13, of the decree of 20th July 1808:—

Slaves may be heard in evidence, but merely as necessary witnesses; but their evidence is only to receive such attention as reason will justify.

Article 14:—

The summons for their appearance shall be lodged with their masters, or the person who has actually charge of them; and who shall be bound to make them appear, under pain of the penalties borne in Articles 263 and 264 (of the Code of Proceeding).

It often happens, that a black commits a robbery out of his master's premises; he is stopped by the guards over the property, who revenge themselves by giving him a severe flogging.

This black will not tell where he has been so treated, because he would then have to confess the robbery; and if he then takes it into his head to accuse his master of that excessive correction, how is the latter to disprove it? Will he be punished, in the absence of an impossible proof, when the slave is the only guilty person?

It is wiser, therefore, when allowing to a slave the right of complaint, to grant a greater latitude of conduct to the judge.

The master should therefore be allowed the resource of making oath.

There is not, besides, any example of a master having escaped punishment when a slave has presented himself with marks of excessive correction on his body.

This clause of the order in Council makes no mention of the punishment incurred by the slave who falsely accuses his master; and it is of the utmost importance that he should not be assured of impunity in such a case.

It is necessary, therefore, when a punishment is laid down against an unjust and inhuman master, to establish another against the slave who calumniates his master. On both heads the colonial law has provided every thing necessary.

## CLAUSE 22.

*Relative to marriages between slaves.*

The following are the injunctions contained in the letters patent of December, 1723.

Art. 6. The solemnities prescribed by the ordinance of Blois, and the declaration of 1639, in respect to marriages, shall be observed as well with regard to free persons as to slaves; without there being any necessity, however, for the previous consent of the father and mother of the slave, but merely that of the master.

Art. 7. We expressly forbid all clergymen to proceed to solemnize any marriages between slaves, unless they exhibit the consent of their masters; we also



aussi aux maîtres d'user d'une contrainte sur leurs esclaves pour les marier contre leur gré.

Il résulte bien de ces dispositions que les esclaves peuvent se marier, et que le maître ne peut les marier contre leur gré.

Il n'est jamais arrivé qu'un maître ait refusé à ses esclaves une permission de mariage. Il est d'ailleurs très rare qu'ils se marient.

Dans l'état actuel il est important que les esclaves ne puissent pas se marier sans le consentement de leurs maîtres, sur tout lorsque le couple n'appartient pas au même propriétaire.

En effet un bon sujet ayant déjà un pécule peut-être entraîné à épouser un très mauvais sujet qui ne manquera pas de le ruiner et de le corrompre.

Il faut laisser au maître sur ses esclaves, le droit, que comme chef de famille il a sur ses enfans. Il faut que son expérience puisse être utile à tous ceux que la nature et les lois ont placés sous sa dépendance et confiés à ses soins. Il a intérêt à ce que ses esclaves soient heureux. Il faut donc entretenir et resserrer ce premier lien, au lieu de le rompre en forçant le maître à devenir indifférent à un acte duquel dépend le sort et peut-être la vie d'un esclave qu'il affectionne.

Ainsi la loi coloniale peut-être maintenue sans inconvéniens.

#### CLAUSE 23<sup>me</sup>.

*Qui établit que le mari, la femme, et les enfans, seront vendus en un seul lot.*

Cette clause rappelle en d'autres termes l'article 42 de lettres patentes du mois de Decembre, 1723.

Il serait cependant convenable de déterminer l'âge des enfans, et de fixer à dix ans comme on l'a fait au Cap au lieu de quatorze.

Mais ce qu'il y a de plus important c'est de ne pas accorder la faveur de la disposition au père naturel.

Il en résulterait les plus grands inconvéniens, parceque.

1. Une a très souvent plusieurs enfans de plusieurs pères différens.
2. Souvent une négresse après avoir déclaré que tel noir est le père de son enfant en indique ensuite un second, un troisième.
3. Plusieurs noirs peuvent se présenter en même temps, comme père d'un même enfant.
4. Si la mère vient à mourir à qui s'en rapporter pour la paternité?
5. On voit des créoles donner pendant toute leur vie le nom de père à tous les noirs qui ont cohabité avec leur mère.
6. On ne peut accorder aux esclaves le droit de rechercher la paternité, lorsque par nos loix, cette recherche est sévèrement prohibée aux personnes libres.
7. Si la paternité naturelle a les mêmes effets que si elle était légitime, les esclaves persisteront à ne pas vouloir se marier légitimement.

Quant au baptême des esclaves, il est impérieusement commandé par les loix coloniales, et tous les créoles sont baptisés, même dans les quartiers où il n'y a pas d'église. C'est pour leurs parens un jour de fête dont la plupart des maîtres font les frais.

#### CLAUSE 24<sup>e</sup>.

*Qui accorde aux esclaves le droit de posséder des meubles et des immeubles.*

L'Article 21 des lettres patentes déjà citées, défend expressément aux esclaves de rien posséder. Cependant l'article 22 permet aux maîtres de leur abandonner un pécule.

Ces dispositions n'ont jamais subi d'altération. Cependant il est sans exemple que le maître se soit jamais rien approprié de ce qui appartenait à l'esclave qui a toujours eu la liberté d'en disposer suivant sa volonté.

Permettre légalement aux esclaves de posséder, c'est leur créer un droit nouveau, c'est conséquemment faire une innovation qui ne saurait être introduite sans de grandes précautions.

Il serait imprudent de leur faire trop de concessions en même temps, quand

forbid the masters to exercise any compulsion towards their slaves in order to make them marry against their inclination.

It is very clear, from these clauses, that slaves may marry, and that the masters cannot compel them to marry against their will.

It has never happened that a master has refused granting to his slaves a permission to marry. It is besides very rare that they marry at all.

It is important at the present time, that slaves should not be allowed to marry without their masters' consent, especially when the couple do not belong to the same owner.

In fact, a good subject having already a little stock of his own, may be induced to marry a very indifferent one, who will not fail to ruin and corrupt him.

It is proper to leave to the master that right over his slave which, as head of a family, he has over his children. The benefit of his experience should extend over all those whom nature and the laws have placed under his controul, and confided to his care. It is his interest that his slaves should be happy. This first tie ought therefore to be kept up and rendered more binding, instead of breaking it by compelling the master to become indifferent to an act on which may perhaps depend the fate and even the life of a slave for whom he has an affectionate regard.

There can therefore arise no inconvenience from upholding the colonial law.

#### CLAUSE 23.

*Establishing that the Husband, Wife, and Children are to be sold in the same lot.*

This clause revives, in other words, article 42 of the letters patent of the month of December 1723.

It would however be proper to determine the age of the children, and to fix it to ten years, as it has been done at the cape instead of fourteen.

But what is of most importance is not to allow the favour of the child's disposal to the natural father. The greatest inconvenience would result from this, because,

1st. One female often has many children from as many different fathers.

2dly. A negress after declaring that such a black is the father of her child, will often point out a second and a third person as the father.

3dly. Several blacks may present themselves at the same time as the fathers of the same child.

4thly. If the mother should happen to die, who is to be fixed upon as the father?

5thly. Creoles are known to give during their whole lives the name of father to all the blacks who have cohabited with their mother.

6thly. Slaves cannot be allowed the right of ascertaining who is the father, when according to our laws, that right is severely prohibited to free persons.

7thly. If the natural father is to have the same right as a legitimate father, the slaves would persist in not contracting lawful marriages.

With respect to the baptism of slaves, it is strictly enjoined by the colonial laws; and all creoles are baptised even in those quarters where there are no churches. It is for their parents a day of rejoicing, the expense of which is generally borne by the masters.

#### CLAUSE 24.

*Granting to Slaves the right of possessing moveable and immoveable property.*

Article 21 of the letters patent already adverted to expressly forbid the slaves to hold any property. Nevertheless, article 22 permits the masters to allow them a small stock.

These clauses have never suffered any alteration. It is however quite unexampled that any master should have appropriated to himself what belonged to the slave, who has always been allowed to dispose of it as he thought proper.

To permit slaves, by a law, to possess any property is to create for them a new right, and consequently to introduce an innovation which ought never to be suffered without the utmost circumspection.

It would be imprudent to grant them too many concessions at one time

ils seront une fois en possession de tous les droits civils que leur restera-t-il encore à désirer ? Ils n'auront plus qu'un pas à faire pour parvenir à une entière liberté. Ils auront acquis tout-à-coup les mêmes droits que leurs maîtres, tandis qu'ils sont encore incapables de les apprécier et d'en user convenablement.

Dans le premier moment, ils voudront singer les blancs, et rivaliser avec les mulâtres qu'ils détestent, emportés par la vanité qui est malheureusement innée dans le créole, ils feront de folles dépenses et dissiperont en un quart d'heure un pécule péniblement amassé.

Pour ceux qui les connaissent, il est facile de dire quel est le premier emploi qu'un jeune noir fera de la succession de son père. Avant de songer à se racheter de son maître, voudra se donner une montre, un fusil, un cheval, et ils auront tout dissipé en un moment.

D'autres voudront faire des affaires, et ne sachant, ni lire, ni écrire, Dieu sait combien de gens spéculeront sur leur ignorance. Ce sera tous les jours une foule de procès, et de contestations, des absences continuelles pour aller plaider, tantôt au civil, tantôt en police correctionnelle, car pour eux, pas de discussions qui ne finissent par un combat.

On ne peut accorder aux Noirs le faculté de posséder sans créer en même temps un code de droit civil, qui leur soit spécialement applicable.

Un Noir pourra-t-il entrer en procès contre son maître ? Pourra-t-il le faire interroger, l'appeler à serment ? que de causes de ressentiment excités entre le maître et l'esclave.

Comment se régleront les successions chez ce peuple où il n'existe pas deux unions légitimes ?

Comment plaideront-ils les uns contre les autres ? Qui fera les frais de leurs contestations, lorsque toute la succession du défunt ne serait pas même suffisante pour payer le jugement qui réglera les droits des héritiers.

Ne serait-il pas convenable que le maître fut investi d'une sorte de magistrature ; et qu'au lieu de le considérer comme l'opresseur de ses esclaves, on vit enfin en lui un chef de famille chargé de prévenir et de calmer, en bon père, les discussions qui peuvent s'élever contre les personnes dont le sort lui est confié.

Ne serait-il pas convenable que l'esclave ne put posséder certaines choses qu'avec le consentement du maître, qui, ainsi l'aiderait de son expérience et l'empêcherait de faire de mauvaises spéculations.

En procédant de cette manière on les habituerait peu à peu à la propriété, à l'ordre, à l'économie, et l'on marcherait graduellement, toujours appuyé sur l'expérience vers le but que l'on veut atteindre.

Agir différemment c'est se jeter dans une épouvantable confusion, s'exposer à retrograder au lieu d'avancer, car encore une fois : quelle règle suivra-t-on dans cette nouvelle situation, comment pourra-t-on s'y maintenir, comment même en sortir ?

Il serait donc sage, et dans l'intérêt même de l'esclave, de commencer à limiter sa propriété à certaine chose, de s'instruire selon les cas qui se présenteront des règles qu'il convient d'établir.

D'essayer d'une certaine magistrature civile qui résiderait d'abord dans le maître, comme chef de toute la famille, pour les contestations entre les esclaves attachés à la même propriété. De lui confier dans les autres cas, le soin d'exercer les droits et actions de son esclave dont il serait ainsi le premier protecteur.

De cette manière on établirait entre eux une sorte d'unité d'intérêts, une confiance profitable à l'un et à l'autre, tandis que le système contraire ne causerait que méfiance et division.

When they shall once be in possession of all civil rights, what will they have to desire next. There will be but one step more for them to take for obtaining complete liberty. They will suddenly have acquired the same rights as their masters, whilst yet incapable of appreciating or of making a proper use of them.

At first they will attempt to mimic the whites, and to emulate the mulattoes, whom they detest: carried away by the feeling of vanity, which is unfortunately innate in a creole, they will run into extravagant expences, and squander in a quarter of an hour their hard-earned property.

For those who know them, it is easy to tell what is the first use that a young black will make of his father's succession. Before ever dreaming of purchasing his freedom from his master, he will think of purchasing a watch, a gun, a horse; and he will thus have squandered all away in a moment.

Others will attempt to do business, and as they do not know how to read or write, it is impossible to say how many will speculate upon their ignorance. There will be nothing but lawsuits, disputes, continual absence for the purpose of pleading, whether in a civil court or in a court of correctional police; for no discussion arises amongst them that does not terminate in a fight.

It is impossible to allow the blacks the faculty of possessing property without creating at the same time a code of civil law specially applicable to them.

Can a black institute a suit against his master? Can he have him questioned in court, or put upon his oath? How many causes of resentment will thus be created between master and slave?

How are successions to be regulated between these people, when there are scarcely two legitimate marriages to be found amongst them?

How are they to plead one against another? Who is to be at the expense of their disputes, when the whole succession of the deceased would be inadequate to pay the judgment that may establish the rights of inheritance?

Would it not be proper that the master should be vested with a kind of magisterial authority, and that instead of being considered as the oppressor of his slaves, he should at least be viewed as the head of a family, entrusted with the duty of preventing and allaying, as a kind father, the disputes that may arise between the persons whose fate is confided to him?

Would it not be proper that the slaves should be unable to possess a certain description of property, except by the consent of the master, who would thus afford him the aid of his experience, and prevent him from engaging in bad speculation?

By proceeding in this manner, they would gradually come into the habit of acquiring property, order, and economy; and a gradual advance would take place, with the aid of experience, towards the object in contemplation.

To act otherwise would be to run headlong into a frightful state of confusion, and to incur the risk of retrograding instead of going forward; for, let it be repeated, what rule will be adopted as a guide in so novel a position,—how will it be possible to maintain that position, or how draw back when once engaged in it?

It would therefore be equally prudent, and in the slave's own interest, to begin by limiting his property to certain defined articles, and to fix upon the rules to be established, according to the suggestions which each case may present. To try at first a kind of civil magistracy, residing in the master as head of the whole family, for all disputes between slaves attached to the same property. To confide to him, in other cases, the care of following up the rights and suits of his slave, of whom he would, by these means, become the first protector.

In this manner there would be established between them a sort of community of interests, a confidence beneficial to both, whilst the contrary system would only be productive of disunion and mistrust.

CLAUSE 25<sup>e</sup>.*Relative à l'établissement d'une Banque Economique.*

On ne voit aucun inconvénient à l'établissement d'une banque dans laquelle les esclaves déposeraient leur pécule.

Seulement au lieu d'en mettre les intérêts à la charge des revenus généraux, la banque pourrait placer à un intérêt de 10 ou 12 par cent. et très sévèrement les fonds déposés.

Il est bon que les esclaves puissent disposer de leurs biens par testament, mais en cas de décès, *ab intestat*, il semble aussi convenable que la succession, soit répartie entre les parens les plus proches légitimes ou naturels.

Il serait bon aussi qu'entre collatéraux il y eut une préférence pour ceux appartenans au même maître. Autrement on s'exposerait à bien des procès car chaque, propriétaire voudra favoriser son esclave.

CLAUSE 26<sup>e</sup>.*Qui place la Banque sous l'inspection du Protecteur.*

Il serait plus convenable que la banque fut administrée par un comité de colons nommés par le Gouverneur sur une liste qui lui serait présenté par les habitans. Ces administrateurs agiraient gratuitement, et chaque habitant aurait le droit de prendre connaissance des opérations de la banque.

CLAUSE 27<sup>e</sup>.*Qui détermine la forme du Dépôt à la Banque et sa quotité.*

Il sera bon qu' aucun dépôt de quelque somme qu'il soit ne puisse être fait sans le consentement du maître.

Autrement l'esclave pourra déposer sans même qu'il le sache, la somme la plus considérable, en ayant soin d'aller tous les jours en verser une petite portion, et ce serait encourager le vol et le brigandage.

CLAUSE 28<sup>e</sup>.*Qui abolit les Taxes sur les affranchisemens.*

Les habitans ne se refuseront jamais à tout ce qui peut favoriser les affranchisemens. Il n'est pas de colonie où, proportion gardée, il s'en fasse autant qu'à Maurice.

Mais il faut convenir aussi qu'il en résulte de grands inconvéniens. Ici le noir n'envisagera la liberté que comme la cessation de tout travail.

Aussi l'affranchi cherche-t-il rarement à s'employer? Privé de ressources il devient bientôt vicieux; il est constant que presque tous deviennent tôt ou tard les receleurs des vols de leurs anciens camarades, et les plus mauvais sujets du pays.

Aussi en favorisant les affranchisemens serait-il juste de garantir la société des abus qui en résultent?

Ainsi les affranchis devraient être astreints, pendant un certain nombre d'années, à justifier de leur moyens d'existence ou d'un emploi quelconque. Ils préfèrent voler, ou mourir de faim et misère, plutôt que d'entrer, moyennant salaire, au service domestique.

On trouve maintenant à se procurer les domestiques blancs ou Indiens, mais on ne trouverait à n'importe quel prix, un domestique mulâtre ou affranchi. Il serait bon cependant, pour eux comme pour tout le monde, qu'ils puissent vaincre ce préjugé. Il y aurait beaucoup moins de vagabonds, de voleurs, de receleurs, et la ville rendrait beaucoup de bras à l'agriculture.

## CLAUSE 25.

*Relative to the establishment of a Savings' Bank.*

No inconvenience can be found in a savings' bank in which the slave should deposit his earnings.

With this exception, however, that instead instead of imposing the payment of the interest upon the general revenue, the bank might place out at an interest of 10 or 12 per cent. the several deposits.

It is right that slaves would be allowed to dispose of their property by will; but in case of their dying *intestate*, it appears proper that the succession should be divided between the nearest legitimate or natural relations.

It would be proper also that of the collateral relations, a preference be given to those belonging to the same master; otherwise there would be a danger of lawsuits, as each owner would be desirous of favouring his own slave.

## CLAUSE 26.

*Placing the Bank under the Inspection of a Protector.*

It would be more proper that the bank were managed by a committee of colonists selected by the Governor from a list to be presented to him by the inhabitants. The directors would give their services gratuitously, and every inhabitant would have a right to take cognizance of the bank's proceedings.

## CLAUSE 27.

*Determining the manner of depositing in the Bank, and the quantum of the Deposit.*

It will be proper that no deposit, to any amount whatsoever, should take place without the master's consent.

In the contrary case the slave might deposit, without his knowledge, a sum to any amount, be it ever so considerable, by taking care to go and lodge a small portion of it every day; and this would be the means of encouraging robbery and plunder.

## CLAUSE 28.

*Abolishing Taxes upon Manumissions.*

The inhabitants will never oppose what may be calculated to promote manumissions. There is no colony in which, every thing taken into consideration, so many manumissions occur as in the Mauritius.

It must however be acknowledged, that they are productive of serious inconvenience. With us the slave will only consider liberty in the light of a total cessation from all work.

Accordingly, the manumitted slave seldom endeavours to seek for employment. Being wholly deprived of resources, he soon becomes vicious; and it is quite notorious that the greater part end, by being sooner or later the receivers of the thefts of their old comrades, and the very worst subjects of the Colony.

In favouring manumission, therefore, it would be but just to guarantee society against the abuses which they are likely to occasion.

Manumitted slaves ought, accordingly, to be required, for a certain number of years, to give proof of their means of subsistence, or of their having some employment. They prefer robbing, or dying of hunger or misery, rather than engage in any domestic service with regular wages.

White or Indian servants may at this moment be procured; but it would be impossible to obtain any mulatto or manumitted one, at any price whatever. It would, nevertheless, be for their interest, and for the advantage of all, that this prejudice on their part should be overcome. The consequence would be a diminution in the number of vagrants, robbers, and receivers of thefts; and the town would thus be enabled to restore many people to the labours of the field.

Une loi sévère contre les gens sans aveu, sans propriété, sans emploi, sans industrie; gens dont les affranchis augmentent tous les jours le nombre, devient de plus en plus indispensable. On ne voit pas pourquoi, on les protégerait ici, lorsque partout ailleurs ils sont traités avec la rigueur qu'ils méritent.

#### CLAUSE 29<sup>e</sup>.

*Qui permet à l'esclaves de se racheter, invito Domino.*

Admettre cette seule clause c'est proclamer la destruction des Colonies. Elle attaque le droit de propriété, et consacre la spoliation du maître.

Les loix coloniales défendent impérieusement au propriétaire de maître un prix au bienfait de la liberté. Un pacte semblable paraît immoral au législateur, parcequ'il encourage les noirs au vol et au brigandage. Art<sup>e</sup> 49<sup>e</sup> des Lettres Patentes de 1723.

Ce motif qui était il y a cent ans déjà fondé sur l'expérience demeure consacré à jamais, par les faits qui se sont passés depuis cette époque, et par ceux dont nous sommes tous les jours témoins.

Comme il y a loin de cette prohibition commandée par la surété de la Colonie, à la disposition qui non seulement permet à l'esclaves de s'acheter avec le consentement de son maître, mais encore *invito Domino!*

Quels motifs ont donc pu faire proposer une mesure pareille? En aurait-on fait l'essai dans quelque Colonie! Serait-ce une théorie fondée sur l'expérience? Non, c'est simplement l'expression d'un vœu en faveur de l'humanité, consacré par une disposition législative. Dès lors la premier pas est fait.

Le même motif fera proclamer l'emancipation générale.

En effet quelle considération si puissante a porté, jusqu'à présent, le Gouvernement et la Législature à repousser les vœux inconsidérés des abolitionnistes absolus. C'est le premier de tous les principes de justice—le respect dû à la propriété. Tout mesure qui attentéra à ce droit sacré est donc injuste, vexatoire, et arbitraire.

Il est impossible de ne pas reconnaître ces caractères à la loi qui permet à un esclave de contraindre son maître à souffrir le rachat de sa personne.

Quittons un instant les Colonies, et portons-nous au sein de la cité la plus libre. Nous y voyons un grand nombre d'apprentis qui se sont engagés pour un certain nombre d'années au service d'un maître ouvrier. Ont ils le droit de quitter ce service tant que le contract existe? y a-t-il une autorité assez puissante pour porter atteinte à leur engagement, contre la volonté du maître, alors même que l'apprenti offrirait de l'indemniser? Non: allons plus loin: est-il des cas, où dans aucun pays du monde un homme puisse être contraint de vendre sa propriété, lorsqu'il préfère de la garder? Non, sans doute pourquoi donc imposer cette loi arbitraire et tyrannique aux colons? Ne sont-ils pas Anglais? N'ont-ils pas tous les mêmes droits à la protection des loix de l'Angleterre? leur propriété est-elle moins sacrée? Ne l'ont-ils pas acquise légalement et avec l'assistance et les encouragemens des loix de leur pays? Peut-on changer à ce point les premières règles du droit civil, qu'un contrat qui ne peut exister que par la volonté libre des parties, puisse cependant être imposé à l'une d'elles?

La disposition est donc en elle même une violation du droit de propriété, et ce seul motif suffirait pour le faire rejeter.

Mais les conséquences sont autrement graves, si on les considère, par rapport au propriétaire, aux esclaves eux-mêmes, enfin aux Colonies en général.

C'est ici le lieu de dire que malgré la prohibition de la loi tous les jours les esclaves se rachètent de leur maître.

C'est ordinairement un pacte qui demeure secret entr'eux, mais qui n'en a pas moins ses effets.

On en éprouve les inconvéniens; parceque ce ne sont pas toujours les bons sujets qui se rachètent; mais les plus adroits ou les plus heureux à cacher les vols qu'ils ont commis.

Ces individus augmentent le nombre des vagabonds et des gens dangereux. Mais la loi n'a jamais pu reprimer cet abus.

A severe Law against vagrants, people without any property, employment, or trade, whose numbers are daily increased by manumitted slaves is becoming more and more indispensable. There appears no just reason for protecting them in this Island, when every where else they are treated with the severity they so well deserve.

#### CLAUSE 29.

*Allowing a slave to purchase his freedom invito Domino.*

To allow this clause to stand, is tantamount to proclaiming the destruction of the Colonies. It invades the right of property, and sanctions the spoliation of the master.

The Colonial Laws strictly forbid the owner to set a price upon the benefit of liberty. Such a bargain is viewed by the legislator as immoral, because it encourages the blacks to rob and plunder. Article 49 of the letters patent of 1723.

This motive, which a hundred years ago was founded upon experience, is for ever borne out by the facts that have occurred since that period, and by those which we are daily witnessing.

As there is an immeasurable distance between that prohibition which the security of the Colony required, and the clause which not only allows the slave to purchase his freedom with his master's consent, but even *invito domino*, we ask, what can have suggested the adoption of such a clause? has the experiment been tried in some other Colony? could it be a theory founded upon experience? not at all; it is no more than the expression of a wish on behalf of humanity, which is sanctioned by a legislative enactment. The first step has therefore been taken.

The same motive will be urged for proclaiming a general emancipation.

What, in fact, is the powerful consideration which has hitherto induced the Government and the Legislature to resist the injudicious wishes of the absolute abolitionists? It can be nothing else than the first of all principles of justice, the respect due to private property. Any measure calculated to invade this sacred right is, therefore, unjust, vexatious, and arbitrary.

It is impossible not to discover those characters, in a law which allows slaves to compel their masters to permit of their redeeming their freedom.

Let us turn our eyes for a moment from these colonies, and fix them upon the freest city in the world. We see there a great number of apprentices who have engaged, for a certain term of years, in the service of a master workman. Have they any right to quit that service so long as the contract is still in existence? Is there any authority sufficiently powerful to interfere with their engagement, against the masters' will, even when the apprentice should offer to indemnify him for the loss of his services? Let us go further: is there any country in the world where a man can be compelled to sell his property, when he prefers retaining it in his own hands? Assuredly not. Why then should so arbitrary and tyrannical a law be imposed upon Colonists? Are they not English subjects? Have they not all an equal claim to the protection of the laws of England? Is their property less sacred than any other? Have they not acquired it lawfully, and in consequence of the assistance and encouragement offered to them by the laws of their country? Is it possible to alter the first rules of the civil law to such an extent, that a contract, which can only exist by the free-will of the parties, should nevertheless be made binding upon one of them?

The clause is therefore, in itself, a violation of the right of property; and this motive ought to be sufficient for its rejection.

But the consequences are infinitely more serious, if considered with reference to the owners, to the slaves, and generally to all the colonies.

It is proper to remark in this place, that notwithstanding the prohibition enjoined by the law, slaves daily purchase their freedom from their masters.

It generally proceeds from a secret agreement between them, which is strictly carried into effect.

The inconvenience of it is severely felt; because it is not always deserving slaves that purchase their freedom, but the most cunning, or the most successful in concealing the robberies they have committed. These slaves increase the number of vagrants and of dangerous people. The law, however, was never able to repress their abuse.



Examinons donc d'abord ce qui résultera, quant au maître de la loi projetée. Il faut savoir que sur une habitation qui possède deux cents esclaves, il y en a à peine cent qui travaillent ; les autres ne gagnent pas ce que l'on dépense pour leur entretien. Tels sont les vieillards et infirmes des deux sexes et les enfans. On les appelle les charges ; les autres qui sont effectifs travaillent pour les nourrir.

On sent bien que ce ne sont pas les vieillards et les infirmes que songeront à se racheter, puisque sans travailler ils obtiennent tous les secours que leurs sont nécessaires.

Les esclaves effectifs en auront donc seuls les moyens et la volonté.

Parmi eux, les plus précieux sont, 1. Les commandeurs, choisis parmi les plus capables : ils sont en général de bons cultivateurs, et ont la confiance du maître. 2. Les ouvriers, qui sont très estimés à raison de leur capacité et de leur talents. 3. Les *sucriers*, ou ceux qui font le sucre. 4. Les noirs, qui cultivent le sol. 5. Les domestiques, qui sont choisis parmi les plus intelligens, et qui ont pour le maître *un prix d'affection*.

Les commandeurs, les ouvriers, et les domestiques sont ceux qui ont le plus ordinairement les moyens de se racheter.

Les commandeurs, parcequ'ils reçoivent souvent des récompenses de leurs maîtres, élèvent beaucoup d'animaux, font même des récoltes pour leur compte.

La certitude de devenir libres, quand ils en auront les moyens, les portera à rançonner leur camarades dans beaucoup de cas, et à se faire payer pour ne pas dénoncer les fautes qu'ils verront commettre, &c.

Les ouvriers ont, sur toutes les habitations, le temps de travailler pour leur compte, et se forment promptement un pécule. Ils auront un intérêt bien puissant à travailler le moins qu'ils pourront pour leurs maîtres, à soustraire beaucoup de matières premières, à se déprécier eux-mêmes, enfin à paraître vicieux pour être vendus à meilleur marché.

Les domestiques déjà enclins au vol, le seront bien autrement encore, puisque la confiance obligée qu'il faut avoir en eux, leur en donne, à toute heure, l'occasion. Ils ont ordinairement plus d'aisance que les autres, à cause des récompenses qu'ils reçoivent, et de ces bénéfices que font toujours les cuisiniers et les maîtres d'hotel sur les provisions du ménage.

Ces trois classes d'esclaves étant les plus intelligens et les plus rusés mettront tout en œuvre pour se racheter. La première difficulté étant d'avoir de l'argent, ils feront tout pour s'en procurer, et aucun scrupule ne les arrêtera dans les moyens qui se présenteront à eux. Quand il faudra voler on rester esclaves, ils voleront, heureux encore s'ils ne vont pas plus loin !

Mais ce n'est pas tout que d'avoir de l'argent, il faut fixer un prix. Or l'intérêt de l'acheteur est toujours de payer le moins qu'il peut. Si le maître tient à l'esclave par un motif d'affection, l'esclave saura bientôt le détruire, en devenant ingrat et vicieux, car son intérêt le veut ainsi. Si le maître tient à l'esclave à cause de ses talens, l'esclave ne fera que de mauvais ouvrage, et voudra paraître mauvais ouvrier parceque son intérêt le veut.

Ainsi voilà un maître bientôt forcé, ne fut ce même que pour son repos et sa sûreté personnelle, de vendre ses esclaves les plus précieux.

Et où en trouvera-t-il d'autres ? pourra-t-il avec le même prix en acheter de pareils ? mais d'abord ce qui arrive chez lui, arrivera chez les autres qui ne seront pas soucieux de vendre des hommes qu'ils ne pourroient plus remplacer. En second lieu, ce sera pour recommencer, car l'inconvénient subsistera toujours.

Voilà donc des habitations privées de commandeurs et d'ouvriers, c'est-à-dire, des individus qui en sont l'âme. Voilà donc le colon d'un côté depouillé d'une propriété qu'il ne peut remplacer, de l'autre, avec un bien dont la valeur est

Let us then first inquire into the result with which the contemplated law will be attended with respect to the master.

It should be observed, that upon a plantation possessing two hundred slaves, there are scarce one hundred engaged in labour; the others do not earn the cost of their maintenance; these are the old and infirm of both sexes, and children. They are called dead weights; the others, who are effective, labour to support them.

It is clear that the old and infirm never dream of purchasing their freedom, since they procure, without working, every assistance they stand in need of.

The effective slaves will therefore be the only ones, having either the will or the means to purchase their freedom.

The best amongst them are, 1. The commanders, chosen out of the ablest slaves; they are generally good husbandmen, and possess the master's confidence. 2. The workmen; who are greatly valued owing to their capacity and talents. 3. The sugar-bakers, or those who manufacture the sugar. 4. The blacks who till the ground. 5. The servants, who are selected amongst the most intelligent, and who possess a value greatly enhanced by the regard which the master has for them.

The commanders, workmen, and servants are generally those who have the means of purchasing their freedom.

The commanders, in consequence of their frequently receiving rewards from their masters, rear a great number of animals, and even frequently gather in harvest for their own account.

The certainty of becoming free, when they shall have the means at command, will induce them, in many cases, to redeem their comrades, and to extort money in order not to denounce any faults which they might have witnessed.

The workmen have a time allowed them, upon every plantation, to work for their own account; and they soon raise a small stock. They will have a very powerful interest to work as little as they possibly can for their masters, to avoid attending to any important business, to lower their own value, in short to appear unserviceable in order that they may be parted with at a lower price.

The servants already inclined to thieve, will become much more so, since the compulsory confidence still reposed in them affords them daily opportunities of being dishonest. They are generally better off than the rest, in consequence of the rewards they receive, and the profits always accruing to cooks and stewards upon the provisions for the family.

These three classes of slaves being the most intelligent and the most cunning, will use every means for obtaining their freedom. As the first difficulty is that of procuring money, they will exert every endeavour towards accomplishing this object; no scruple will arrest them in the opportunities which they may find; when the choice is between robbing and remaining slaves, they will not hesitate to rob; it will be well indeed if they do not go farther.

But it is not enough to have the command of money; a price is to be fixed for his freedom. Now, it is always the interest of the purchaser to pay as little as possible; if the master is attached to the slave from a motive of affection, the slave will soon succeed in breaking that tie, by turning ungrateful and wicked; for his interest prompts him to this course. If the master is attached to the slave in consequence of the talent he displays, the slave will take care to work badly, and will endeavour to appear an indifferent workman, for his interest advises him to appear so.

Thus a master is soon compelled, for the sake of his personal comfort and safety, to sell his most valuable slaves.

Where can others be found to supply their place? Can he procure the like at the same price? but what happens in his case will also happen with his neighbours, who will not be over anxious to sell people whom he could no longer replace. Again, if he did so, he would have to go over the same ground; for the inconvenience will never be removed.

Thus we have plantations deprived of commanders and workmen, or in other words, of people who are the very life and soul of it. The colonist is on the one hand deprived of a property which he can no longer replace, and finds

reduite à rien, puisque les *charges* sont restées les mêmes tandis que les moyens productifs auront disparu.

Indépendamment de ce que la mesure tend à ruiner le propriétaire, elle est encore immorale.

En effet qui ne voit pas qu'elle fera maître la fraude, et les vices les plus odieux.

Nous allons en donner des exemples : Un colon possède un ouvrier habile, il convient à son voisin de le debaucher. Ce dernier dira à l'esclave de se racheter, et lui en fournira les moyens ; en même temps il passera avec lui un acte par lequel il engagera ses services pour un certain nombre d'années, et par cette fraude un propriétaire sera frustré de son bien.

De jeunes filles seront tous les jours achetées par des hommes immoraux, pour satisfaire la caprice d'un moment.

Les jeunes négresses se livreront à la prostitution, puisque la prostitution sera le prix de leur liberté.

Chaque esclave se dira, si tu veux être libre, sois voleur et vicieux ; voleur, parceque tu auras de l'argent, vicieux parceque tu seras d'un prix médiocre.

Ainsi tandis que la loi accorde la prime de la liberté au vol, à la paresse, au mensonge, à la lubricité, à l'ivrognerie ; que fera le maître, objet de cette odieuse conspiration ? Vivra-t-il sans ressentiment ? Aura-t-il la bonté d'un ange, et la resignation d'un saint au milieu de tant d'horreurs ? Non, sans doute ; dans chaque esclave il verra un ennemi : plus de repos pour lui et pour sa famille. Il devra craindre tous les genres d'attentats ; irrité, menacé dans sa propriété, exaspéré par une conspiration constante, il deviendra lui-même injuste et méchant. Ainsi tous les élémens de trouble seront sur les propriétés. L'homme dans le désespoir est bien prêt à se faire justice à lui-même. Que de maux ! que de crimes ! Et cependant quel service aura-t-on rendu aux esclaves rachetés. Ils seront libres, mais pervers, c'est-à-dire indignes de cette même liberté à laquelle ils seront offerts corrompus.

Il n'est pas douteux que cette mesure accélérera le moment de l'émancipation générale. Mais aussi elle aura fait colour le sang, elle aura engendré tous les vices, elle aura provoqué les esclaves au crime ; elle les aura rendus les plus méchantes gens du monde.

Tandis qu'en suivant l'ordre naturel des choses, en se bornant à des améliorations, dont le colon lui-même doit donner la première idée, on serait parvenu, sans trouble à cette époque, que l'on ne peut déterminer, mais qui est la conséquence de l'abolition de la traité ; époque où dans les Colonies tous les hommes seront libres.

Les clauses 30, 31, et 32, étant les conséquences de la précédente sont susceptibles des mêmes objections.

#### CLAUSE 33<sup>me</sup>.

*Qui soumet à l'examen du Protecteur les affranchissemens volontaires.*

C'est le Procureur-Général qui est chargé dans la Colonie de vérifier les affranchissemens volontaires.

#### CLAUSE 34<sup>me</sup>.

*Relative à l'affranchissement des enfans et des vieillards.*

Cette clause ne présente aucun inconvénient ; les lois Coloniales exigent même d'avantage du maître.

himself on the other hand, possessed of a property absolutely valueless, since the dead weights upon it have not diminished, whilst the productive means have entirely disappeared.

Independently of the measure having a tendency to ruin the owner, it is, moreover, immoral in its nature.

Who does not see, in fact, that it will give rise to fraud and to the worst of vices.

We will illustrate what we say by a few examples: a colonist possesses a clever workman; it is the interest of his neighbour to bribe him away. He will tell the slave to purchase his freedom, and will afford him the means of doing so; he will at the same time agree with him to engage his services for a certain number of years; and by this species of fraud, the owner will be deprived of his property.

Young girls will be purchased every day by immoral men, in order to gratify the caprice of a moment.

The young negresses will give themselves up to prostitution, since this course will be the price of their liberty.

Each slave will say to himself: if it is thy desire to be free, thou needest only become a thief and a wicked man; a thief, as the means of getting money; wicked, because this will greatly reduce thy value.

Thus, therefore, whilst the Law grants the premium of liberty to theft, to laziness, to lying, to prostitution, to drunkenness, what resource is left to the master who is the victim of such an odious conspiracy? Is it expected that his mind shall remain proof against the feelings of resentment? Is he to display the goodness of an angel, or the resignation of a saint in the midst of so many horrors that surround him? unquestionably not; each slave will be viewed by him as an enemy to his personal comfort and that of his family. He will have to apprehend every kind of criminal attempt, subjected to every species of threat and vexation on his own property, goaded on by an unrelenting conspiracy, he will himself become wicked and unjust. Thus every element of discord will spread over the properties of the Colony. A man in despair is not far from taking justice in his own hands. What evils, what crimes may be the consequence! And yet how far would any service have been rendered to the redeemed slaves? They will be free but wicked men; in other words they will be quite unworthy of that very liberty which they will have obtained in a corrupt moral condition.

This measure will no doubt accelerate the moment of general emancipation. But it will have occasioned bloodshed, and every species of vice; encouraged the slaves to the commission of crime, and rendered them the most perverse of human beings.

Whereas by following the natural course of things, by merely adopting measures of improvement, which the colonist himself should be the first to suggest, the anticipated period would be gradually reached without any convulsion; a period which cannot now be fixed, but which is the consequence of the abolition of the slave trade, and is to secure freedom to all who inhabit the Colonies.

Clauses 30, 31, and 32, being consequences of the preceeding one, are liable to the same objections.

#### CLAUSE 33.

*Which submits to the examination of the Protectors all voluntary manumissions.*

The Procureur General is the person charged in the Colonies with the duties of examining all voluntary manumissions.

#### CLAUSE 34.

*Relative to the manumission of children and aged people.*

This clause is liable to no objection. The Colonial Laws require even more from the master.

CLAUSE 35<sup>e</sup>.*Relative à l'instruction religieuse.*

Les habitans invoquent eux-mêmes toutes les mesures qui tendront à répandre l'instruction religieuse parmi les esclaves.

CLAUSE 36<sup>me</sup>.*Relative aux droits de porter témoignage en justice.*

D'après les lois coloniales les esclaves ne peuvent déposer ni pour ni contre leur maître. Dans les autres cas les juges ont un pouvoir discrétionnaire.

Ainsi la clause de l'Ordre en Conseil consacre les dispositions des lois déjà existantes.

Les clauses 37. 38. 39. 40. 41. 42. rentrent dans les objections générales.

## OBSERVATIONS GENERALES.

Les lois qui auront pour but l'amélioration du sort des esclaves seront toujours bien accueillies dans une Colonie où les mœurs sont généralement douces et les habitans d'un caractère humain.

Leur effet sera certain, si toute fois elles réunissent deux conditions essentielles, et sans lesquelles elles ne pourront être considérées que comme des lois arbitraires imposées par la force.

La première est qu'elles n'altèrent en rien le droit de propriété.

La seconde qu'elles soient l'effet d'une concession volontaire des colons—concession qu'il est bien facile d'obtenir.

Si la propriété n'est pas reconnue inaltérable, si on y apporte une première modification, il ne reste plus de garantie pour les colons, puisque cette garantie ne repose que sur le principe de l'inviolabilité de la propriété.

S'il est au monde un motif assez puissant pour diminuer la propriété, le même motif permettra de l'ôter entièrement. De l'attentât à la propriété, à l'attentât contre la personne il n'y a qu'un pas, et pour rendre quelques esclaves libres, on aura traité les maîtres en esclaves.

Le jour, par exemple, où l'esclave pourra posséder des meubles et des immeubles sans distinction, et se racheter *invito Domino*, annoncera, on peut le dire sans prévention, ni passion, la fin et la ruine des Colonies. L'esclave aura des intérêts qui lui rendront sa liberté plus chère encore ; il aura des intérêts tout à fait en opposition à ceux de son maître ; il considérera ce dernier comme le seul obstacle à son bonheur ; la méfiance, s'établira entre le maître et l'esclave, la source des bienfaits, des bons offices réciproques sera tarie, la haine succédera à la méfiance, et le plus sage des colons sera celui qui partira à temps pour conserver le seul bien qui lui restera, la vie. Il faut considérer que dans notre Colonie, la discipline est très relâchée, et la police des campagnes à peu près nulle, que les esclaves dépourvus de toute espèce d'instruction religieuse, ne sont retenus par aucun frein moral, que la moindre concession sera pour eux-mêmes un présent funeste, puisque incapables de l'apprécier ils en abuseront ; que le nombre des esclaves vicieux, abrutis par le libertinage et l'ivrognerie est immense, qu'ils sont presque tous enclins au vol, que sur cent ou en compte à peine deux qui soient dignes de confiance.

Ce n'est pas dans cet état qu'il faut les offrir à la liberté. Ce serait la déshonorer.

Il faut donc commencer par reformer leurs mœurs, leur donner des sentimens religieux, leur apprendre que ce n'est pas seulement la loi des hommes qui défend les mauvaises actions, mais que c'est avant elle la loi de Dieu. Il faut leur apprendre à connaître leurs devoirs.

Ainsi les premières lois devront veiller à ce qu'ils soient bien nourris, vêtus, logés, et soignés en santé, comme en maladie, quelques sevéres qu'on les fasse, elles devront être exécutées, parceque c'est le droit de l'esclave, c'est la condition de la propriété.

En même temps il faut encourager ou plutôt créer l'instruction religieuse,

## CLAUSE 35.

*Relative to religious instruction.*

The inhabitants anxiously solicit the adoption of all measures calculated to extend religious instruction amongst slaves.

## CLAUSE 36.

*Relative to the right of giving evidence in a Court of Justice.*

According to the colonial laws, the slaves cannot give evidence either for or against their masters. In all other cases, a discretionary power is vested in the judges.

The clause of the order in council is, therefore, a sanction of the enactments of existing laws.

Clauses 37, 38, 39, 40, 41, 42 come within the general objections.

## GENERAL OBSERVATIONS.

All laws having for their object the improvement of the condition of slaves will be hailed in a colony the manners of which are generally characterised by mildness, and the inhabitants of a humane disposition.

They will always be attended with a sure effect provided they are found to combine two indispensable requisites, without which they can only be considered as arbitrary laws imposed by force.

The first condition is that they should in no manner affect the right of property.

The second is that they should proceed from a voluntary concession on the part of the colonists, a concession which it is very easy to obtain.

If property is not acknowledged as sacred, if the smallest inroad be made upon it, there is an end to all further guarantee to the colonists since it only rests upon the principle of the inviolability of property.

If there exists any motive sufficiently powerful for diminishing property, the same motive will allow of its being taken away altogether. From an attempt upon property to an attempt upon persons the distance is short; and in order to give freedom to a few slaves the masters will have been treated as slaves.

For example, it may be asserted without prejudice or passion, that whenever the slave is allowed to possess moveable and immoveable property indiscriminately, and to purchase his freedom *invito domino*, from that day we may date the end and ruin of the colonies. The slaves will have interests which will render his liberty still more dear to him; he will have interests wholly opposed to those of his master; he will consider the latter as being the only obstacle to his happiness; mistrust will arise between master and slave; the stream of benefits and of mutual good offices will be drained; hatred will follow mistrust; and the wisest of the colonists will be he, who will leave the colony in time to secure his only remaining property, his life. It must be considered that in our colony discipline is very relaxed, and the country police almost null; that the slaves deprived of all kind of religious instruction are repressed by no moral restraint, that the least concession will be a fatal present to themselves, since incapable as they are of appreciating its value, they will abuse it; that the number of wicked slaves debased by lewdness and drunkenness is exceedingly great, that they are nearly all inclined to thieving, that out of one hundred there are hardly two that are deserving of being trusted.

This is not the condition in which they are fit for the liberty offered to them. This would be disgracing liberty.

It would therefore be necessary to begin by reforming their morals, giving them religious feelings, teaching them that bad actions are not only forbidden by human laws, but long before these by divine laws. They must be taught to know their duty.

The first laws to be enacted, therefore, are those which enjoin their being properly fed, cloathed, lodged, and taken care of in health, as well as in sickness; however severe they may be, they ought to be carried into full effect, but they are the right of the slave, and the condition under which all property is held.

It will be necessary at the same time to encourage, or rather to create

en donnant des églises, et des pasteurs à chaque quartier ; en exigeant des maîtres qu'ils y envoient leurs esclaves ; et des ecclésiastiques qu'ils s'occupent de les éclairer, chose qui n'a pas été faite jusqu'à présent.

Ensuite s'occuper de modérer les châtimens devenus moins nécessaires, et prévenir tous les abus de pouvoir de la part du maître.

Instituer dans les quartiers une police active et vigilante ; car plus le Gouvernement diminue l'autorité du maître, plus il est tenu de veiller au maintien de l'ordre et de la tranquillité. C'est une compensation nécessaire.

C'est en procédant de cette manière qu'on parviendra sans trouble et sans secousse au but que l'humanité se propose.

Il est très important, nous l'avons dit, que les colons ne soient pas étrangers à toutes les lois qui tendent à l'amélioration du sort des esclaves.

Il est à remarquer, en effet, que toutes les lois qui ont été publiées à ce sujet, ont produit un mauvais effet, tandis que de simples avis, donnés pour ainsi dire en confidence, ont été accueillis avec reconnaissance et exécutés ponctuellement.

C'est que, dans le dernier cas la chose paraît un acte de la volonté du maître, une concession de sa part, un bienfait dont il semble avoir tout le mérite, tandis que dans le premier cas l'esclave peut considérer la chose comme imposée à son maître, et comme une concession qui lui est arrachée contre sa volonté. Aussi on peut le dire ; la première impression produite par une loi de cette nature, lorsqu'elle est inattendue, est de déconcerter le colon, et de donner une sorte de jactance aux noirs.

De cet état au mécontentement il n'y a pas loin. Et voilà déjà un germe de méfiance aussi nuisible à l'esclave qu'au maître lui-même.

Si au contraire les colons concouraient à ces lois nouvelles, étaient consultés, les connaissent à l'avance, elles ne produiraient aucune impression fâcheuse, parceque chacun croirait avoir fait une concession volontaire.

Il faut considérer dans le propriétaire et les esclaves une seule et même famille, intéressée à la conservation et au bonheur de chacun de ceux qui la composent ; et bien se garder conséquemment d'y rien introduire qui puisse causer de la division.

Le maître appelé à la confection des lois favorables à l'esclavage considère chaque amélioration comme un bienfait de sa part, il l'annonce d'avance, il en parle ; il se soumet sans peine à une loi qu'il considère comme son ouvrage ; et tandis qu'il se complait lui-même dans l'idée du bien qu'il a fait, il acquiert des droits à la reconnaissance de ses esclaves.

Agir différemment, c'est établir dans chaque propriété un état d'hostilité continuel, dont il ne sera plus temps d'arrêter les effets, lorsqu'ils seront devenus plus généraux.

Il est une vérité bien grande c'est que les lois les plus humaines ont toujours été proposées, par les colons et que souvent ils ont enfreint, en faveur de leurs esclaves, des prohibitions absolues.

Tels, par exemple, les réglemens somptuaires qui n'ont jamais été maintenues dans l'intérieur des familles, et que l'autorité a été ainsi forcée de laisser tomber en désuétude ; les lois qui défendaient aux esclaves de se racheter ; de travailler pour leur compte hors de chez leur maîtres de vivre en état de manumission ; les réglemens qui défendent la pêche au flambeau, &c.

Combien sous le rapport de l'esclavage, Maurice ne l'emporte-t-elle pas sur la majeure partie des Colonies par l'humanité, la douceur, la complaisance, et on peut le dire la faiblesse des maîtres ? Les noirs y sont à tous égards bien plus heureux que dans les Colonies de la Martinique, de la Gaudeloupe, et de Bourbon ; pour ne citer que les Colonies Françaises. Et s'il faut en croire les voyageurs après les Iles Espanoles on n'en voit pas où les noirs soient traités avec plus de douceur.

religious instruction, by giving churches and ministers to each quarter, by requiring of the masters that they should send their slaves there, and of the clergy that they should attend to enlighten their minds, an object which has not hitherto engaged attention.

The next object will be to moderate the corrections which will be thenceforward less called for, and to prevent all abuses of power on the part of the master.

To institute in the several quarters an active and watchful police, for the more the government will diminish the authority of the master, the more bound will he be to watch the maintenance of order and of tranquillity. Such a compensation is necessary.

By proceeding in this manner, the object which humanity has in view will be attained without disturbance or agitation.

We have said that it was highly important for the colonists not to be strangers to the several laws tending to the improvement of the condition of slaves.

It is, in fact, to be observed that all the laws published on that subject have produced a bad effect, whilst mere notices, given as it were in confidence, have been gratefully received and punctually carried into effect.

The cause of this is, that in the latter case the act seemed to proceed from the master's free will, appears to be a concession on his part, a benefit of which he receives all the credit; whilst in the former the slave may consider the act as forced upon his master, and as a concession wrested from him against his will. It may therefore be said that the first impression produced by such a law, when it is unexpected, is to disconcert the colonist, and to make the black assume a boasting tone.

From that state to a state of discontent the distance is not great. Thence arises a germ of mistrust as pernicious to the black as it is to the master himself.

If, on the contrary, the colonists were to concur in these new laws; if they were consulted, and were made acquainted with them before hand, they would create no disagreeable impression, because each one would think he had made a voluntary concession.

The owner and the slaves should be considered as belonging to one and the same family, interested in the support and happiness of each of its members; and therefore care should be taken not to introduce any cause of disunion amongst them.

The master, when called upon to assist in the drawing up of laws enacted on behalf of slaves, considers every improvement as a benefit which he confers; he announces it beforehand; he dwells upon it; he readily yields obedience to a law which he considers as his own work; and whilst he feels a degree of self-satisfaction at the idea of the good he has done, he acquires fresh claims to the gratitude of his slaves.

To act otherwise would be to establish in each property a perpetual state of hostility, of which it would be too late to arrest the consequences when they would have had a free range.

It is a manifest truth, that the most humane laws have been proposed by the colonists, and that they have infringed actual prohibitions on behalf of their slaves.

Such, for example, as the sumptuary regulations, which have never been kept up in the interior of families, and which the public authority has therefore necessarily allowed to fall into disuse; the laws forbidding slaves to purchase their freedom, to work for their own account and away from their master's plantation, to live in a state of manumission, the regulations forbidding to fish by torch-light, &c.

The Island of Mauritius has greatly the advantage over many of the colonies in respect to slavery, by the humanity, the mildness, the consideration, it may well be added, the weakness of the masters.

The blacks are much happier in this island than in the colonies of Martinico, Guadaloupe, and Bourbon, to confine ourselves to the French colonies. And, if we are to credit the accounts of travellers, there are none, excepting the Spanish islands, where the blacks are treated with greater mildness.



Il existe à Maurice beaucoup de choses de pure tolérance qui l'on peut ériger en lois. Il est des améliorations très précieuses que les localités permettent et que les colons seuls peuvent indiquer.

Il faut reconnaître qu'un noir est trop précieux, maintenant que la traite est abolie, pour que le maître ne porte pas le plus grand soin à sa conservation.

Enfin, il est une dernière considération c'est que si l'on s'occupe d'améliorer le sort des esclaves, il faut aussi s'occuper de l'amélioration de celui des colons.

Ils peuvent bien demander à leur tour un peu plus de liberté, concourir à la répartition des charges que leur sont imposées, et à la confection des lois.

Aspirer pour eux et pour leurs enfans, aux emplois publics, dont l'accès leur est fermé. Ils ont besoin de lois criminelles, d'un meilleure police, surtout dans les campagnes.

Ce sont de justes compensations qui ne peuvent leur être refusées.

Les mulâtres viennent d'obtenir des franchises nouvelles ; les esclaves sont tous les jours mieux traités ; et les colons seuls, perdant chaque jour de leur autorité et de leur influence, ne reçoivent aucun des bienfaits auxquels ils peuvent prétendre.

Il serait donc juste et raisonnable que les droits d'une population ne fussent jamais augmentés au détriment de l'autre.

Que la discipline du maître ne put être affaiblie qu'autant qu'il trouverait dans les mesures de l'autorité de nouvelles garanties du maintien de sa propriété et de sa sécurité.

Que l'on procédât graduellement, avec beaucoup de prudence et de ménagement aux changemens dans les lois de l'esclavage, afin d'être à même de s'arrêter s'ils produisaient de mauvais effets ; enfin d'éviter tout ce que pourrait établir la méfiance et la division entre les blancs et les noirs.

(Signé) LUCAS, Président de l'Assemblée.

(Pour copie conforme.)

(Signé) ARCHD. W. BLANE, Secrétaire

(Signé) A. D'EPINAY, Secrétaire. en Chef du Gouv<sup>t</sup>. *par interim*.

*Extrait de la Délibération du 31<sup>e</sup> Mai, 1827.*

Il a été arrêté,

Que le comité portera une surveillance particulière au soit des esclaves dans la colonie, et emploiera tant les moyens de persuasion que tous autres qui paraîtront nécessaires pour remédier aux abus qui pourraient encore exister. Qu'en conséquence les membres du comité résidant dans les campagnes sont spécialement chargés d'exercer une stricte surveillance dans leurs quartiers respectifs, et de correspondre avec le comité sur tout ce qui tient à l'amélioration du sort des esclaves.

(Pour Extrait conforme)

(Signé) A. D'EPINAY.

(Pour Copie conforme)

(Signé) ARCHD. W. BLANE,  
Secrétaire en Chef *par interim*.

There are many regulations merely tolerated in Mauritius which might be erected into laws. There are certain improvements of great value which the local authorities permit, and which the colonists alone can point out.

It must be admitted that a slave is far too valuable at present, since the slave-trade is abolished, for the master ever to neglect bestowing the greatest care towards his preservation.

Lastly, there is a final consideration to be attended to; which is, that if the object to be attended to is the improvement of the condition of slaves, it will also be necessary to attend to improving the condition of the colonists.

They may on their part demand a greater extension of liberty, a concurrence in the imposition of taxes levied upon them, and in the formation of laws.

They may ask for themselves and their children to be eligible to the public places, the access to which is closed to them. They stand in need of criminal laws, and of a more efficient police, especially in the country part of the island.

Those are just compensations, which cannot be denied to them.

The mulattoes have recently obtained a grant of new immunities; the slaves are every day better treated; and the colonists alone, losing every day their authority and their influence, receive none of those advantages to which they have a right to lay claim.

It would therefore be equally just and reasonable that the rights of a part of the population should never be augmented to the prejudice of the other part; that the discipline of the master should never be weakened, unless the measures of the public authority should afford him new guarantees for the protection of his property and for his personal security; that the alterations in the slave laws should be effected gradually and with the utmost prudence and circumspection, so as to be able to arrest their course if they should be productive of ill effects; to avoid, in short, whatever may be calculated to create mistrust, and to sow the seeds of dissension between the white and black population.

(Signed) LUCAS, President of the Assembly.

(A true Copy.)

(Signed) ARCHD. W. BLANE,  
Acting Chief Secretary to Government.

(Signed) A. D'EPINAY, Secretary.

*Extract from the Deliberation of the 31st May, 1827.*

It has been decreed,

That the committee shall exercise a special superintendance over the condition of slaves in the colony, and employ every means of persuasion and others that may be deemed necessary for remedying the abuses that might still prevail. That in consequence, the members of the committee who reside in the country are specially entrusted with the duty of exercising a strict superintendance in their respective quarters, and of corresponding with the committee on all matters connected with the improvement of the condition of slaves.

(A true Extract.)

(Signed) A. D'EPINAY, Secretary.

(A true Copy.)

(Signed) ARCHD. W. BLANE,  
Acting Chief Secretary.

## A.

Extrait des Lettres Patentes de 1723, connues sous le nom de Code Noir.

“ Art. 2.—Interdisons tout exercice d'une religion que de la catholique, apostolique et romaine ; voulons que les contrevenans soient punis comme rebelles et désobéissans à nos commandemens ; défendons toutes assemblées pour cet effet, lesquelles nous déclarons conventicules illicites et séditeuses, sujettes à la même peine, qui aura lieu même contre les maîtres qui les permettront ou souffriront à l'égard de leurs esclaves.”

(Pour extrait conforme.)

(Signé)

ARCHD. W. BLANE,  
Secrétaire en chef, *par interim.*

(Translation.)

## A.

Extract from the Letters Patent of 1723, known under the name of the Black Code.

“ Art. 2.—We forbid the exercise of any other than the roman catholic and apostolic religion ; we desire that all infringers be punished as rebellious subjects who have disobeyed our commands ; we forbid all meetings to that effect, and declare them to be illicit and seditious conventicles, subject to the same punishment which will even extend to the masters who shall permit or suffer them in respect to their slaves.”

(A true extract.)

ARCHD. W. BLANE,  
Acting Chief Secretary.”

## B.

No. 21. *ORDINANCE of His Excellency the Governor in Council.*

Title.

For amending, by certain modifications, the Laws and Regulations relative to Emancipations at the Island of Mauritius and its Dependencies ; and for establishing, by a fixed Regulation, and in one and the same Ordinance, all that regards such Emancipations.

Preamble.

WHEREAS upon a revision of the several Laws and Regulations relative to Emancipations in the Island of Mauritius and its Dependencies, and more particularly the Proclamation of 30th December, 1814, it results, that such Laws and Regulations require certain modifications, the necessity and equity of which experience has demonstrated ; and whereas, to effect the end proposed, it is deemed expedient and desirable that the said Laws and Regulations should be embodied in a single Ordinance ;

His Excellency the Governor, by virtue of the Powers and Authority conferred upon him by His most Gracious Majesty, has been pleased, in Council, to order :—

1.

Emancipations.  
Manner of proceeding  
thereto.

No slave shall be emancipated in the Island of Mauritius and its Dependencies without the permission of His Excellency the Governor, which permission must be solicited by petition to His Excellency. This petition must contain the motives of emancipation ; and if the same be favourably received, the Petitioner will be required to fulfil the formalities hereinafter mentioned.

## 2.

The name and profession of the master, the name, sex, cast, and age of the slave to be emancipated, shall be thrice published, from week to week, in the Government Gazette; these advertisements having for object the prevention of any emancipation prejudicial to the rights of creditors or to public order, all persons are to notify to the Procureur-General the grounds of opposition which, to their knowledge, may exist against the intended emancipations; oppositions arising from objections subject to litigation shall be determined by the ordinary courts, as summary causes.

Three advertisements of an intended emancipation to be made in the Government Gazette. Operations to be notified to the Procureur-General.

## 3.

In the eight days following the third advertisement (which, together with the two first, must be certified by a declaration of the government printers), and upon a certificate of the Procureur-General that there exists no opposition to the intended emancipation, the master shall make known in writing to His Honor the Chief Judge and Commissary of Justice, the means which he purposes placing at the disposal of the slave he wishes to emancipate, whether such means consist in a piece of ground susceptible of culture, in slaves, or in other objects likely to ensure the means of subsistence, in order that the person emancipated may not become a burden to the Colony. If it results from the decision of His Honor the Chief Judge, upon the report of the Procureur-General, that such means are sufficient, the master shall assure the property in the same to the person emancipated by notarial act: the master shall, moreover, be bound to pay into the Caisse de Bienfaisance the sum of £5 sterling for every slave he would emancipate, of whatever age the said slave may be. This sum shall be applied to the wants of the poor.

Means of subsistence. Manner of assuring the same to emancipated slaves.

Sum to be paid into the Caisse de Bienfaisance for the use of the indigent.

## 4.

Children under the age of seven years, born of a slave who shall be emancipated, are to follow the lot of the mother; in this case the master must add to the means of subsistence, in such proportion as may be regulated by His Honour the Chief Judge, on the report of the Procureur-General.

Children under seven years of age emancipated *de jure* on the emancipation of their mother.

## 5.

When the following formalities and obligations have been complied with, the master must present a second petition to His Excellency the Governor, for the purpose of obtaining a confirmation of the emancipation. This petition must be accompanied by,

Manner of proceeding to obtain the confirmation of the Government to an emancipation.

1st. The certificate of the insertion of the advertisements in the Government Gazette.

2d. The certificate of the Procureur-General that no opposition exists to the emancipation.

3d. The decision of His Honour the Chief Judge and Commissary of Justice as to the means of subsistence.

4th. A copy of the notarial act assuring the means of subsistence to the emancipated person.

5th. And lastly, the receipt of the treasurer of the Caisse de Bienfaisance for the sum of £5 sterling for the use of the poor.

## 6.

The confirmatory act of emancipation shall be delivered gratis, and it shall be registered, free of expence, in the registry of the Court of First Instance, at the civil commissariat of the quarter where the emancipated person shall reside, at the police office at Port Louis, and wherever else occasion may require. The papers relative to the emancipation shall be taken to, and deposited in the Registry Office.

Act confirmatory of an emancipation to be delivered and registered free of expence.

## 7.

All emancipations under wills must be confirmed by His Excellency the Governor, and the formalities and obligations set forth in the present ordinance

Emancipations by will. Dispositions relative thereto.

complied with and fulfilled. His Excellency nevertheless may grant certain exemptions, with reference to the estate of the deceased, the services of the slave, or any other circumstance.

8.

Emancipations by marriage. Dispositions relative thereto.

In the event of the marriage of a free black or emancipated negro with his slave, this latter shall be emancipated *de jure*; in like manner, on the marriage of a free woman of colour, or emancipated negress with her slave, such slave shall be emancipated *de jure*. In either of the above cases, the free man of colour, or emancipated negro, free woman of colour, or emancipated negress, shall not be required to deposit the sum of £5 sterling to the Caisse de Bien-faisance, as is directed by Article 3 of the present Ordinance. To obtain the confirmation of a like emancipation, they must justify,

1st. The three advertisements in the Gazette.

2d. The certificate of the Procureur-General, that no opposition exists to such emancipation.

3d. A certificate of the chief commissary of police in the town of Port Louis, or of one of the civil commissaries in the several quarters, verifying that the free man of colour or emancipated negro; free woman of colour or emancipated negress, have sufficient means of subsistence.

9.

Masters to give a surname to slaves emancipated.

Masters, in emancipating a slave, shall give to him a surname, which shall ever after serve as a family name to be borne by such slave and his children.

10

Repeals all anterior laws and regulations contrary to the dispositions of the present Ordinance.

All anterior laws and regulations contrary to the dispositions of the present Ordinance, are and remain repealed.

Present ordinance to be read and registered in the courts.

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.

God save the King!

*Given at Port Louis, in the Island of Mauritius, the 27th January 1827.*

(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.

## C.

*Liste des personnes qui reçoivent des secours de la Caisse de  
Bienfaisance.*

	Per mensem.			White Population.	Population of Colour.
	Dollars.	Cents.			
<b>A.</b>					
Arragon .. .. .	4		Population blanche		
Adelaide Hercule .. .. .	5		— de couleur		
Antoine Pascal Ve .. .. .	4		— —		
Aldermat Dme .. .. .	5		— blanche		
Angelique Bouvier .. .. .	3		— de couleur		
Arsenne Frappier .. .. .	4		— —		
Auré Dlle .. .. .	6		— blanche		
Antoine Joseph Ve .. .. .	2	50	— de couleur		
Antoinette Mouke .. .. .	3		— —		
Aza Porphir .. .. .	5		— —		
Angélique Laglaine .. .. .	4		— —		
Auguste Mongla .. .. .	4		— —		
Anna .. .. .	3		— —		
Anna infant Gauvin .. .. .	5		— —		
Angigot Mathurin .. .. .	3		— blanche		
Anglebert Pierre .. .. .	3		— —		
<b>B.</b>					
Baptiste Poissy .. .. .	6		— de couleur		
Bougillard Dme .. .. .	8		— blanche		
Bayon .. .. .	6		— —		
Berthelot de .. .. .	5		— —		
Betsy Groudin .. .. .	3		— de couleur		
Bailou Ve .. .. .	6		— blanche		
Barbe Ve .. .. .	8		— —		
Boisbland Ve .. .. .	8		— —		
Baxon Ve .. .. .	5		— de couleur		
Bolas Min <sup>rs</sup> .. .. .	9		— blanche		
Bontant Ve .. .. .	8		— —		
Barrague f <sup>se</sup> .. .. .	2		— de couleur		
Brigittee L <sup>se</sup> Elisabeth .. .. .	1	50	— —		
Brigitte Luir .. .. .	2		— —		
<b>C.</b>					
Carel Ve .. .. .	6		— blanche		
Carpentier Ante .. .. .	6		— —		
Coulbo, J. B. .. .. .	6		— —		
Chateauneuf .. .. .	8		— —		
Charlotte, Jacqueline .. .. .	3		— de couleur		
Caret .. .. .	5		— blanche		
Charlette, Amie .. .. .	5		— de couleur		
Capieux .. .. .	5		— blanche		
Cangie, Ve .. .. .	6		— de couleur		
Clogueree .. .. .	6		— blanche		
Chastang, De .. .. .	10		— —		
Chouan, Ve .. .. .	3		— —		
Clette .. .. .	2		— de couleur		
Celini, Poussin per enfant Thérèse .. .. .	3		— —		
Chevalier, Ve .. .. .	6		— blanche		
Constance, Bourien .. .. .	5		— de couleur		
Chevillon .. .. .	6		— blanche		
Clarisse, Virginie .. .. .	3		— de couleur		
Clement, De .. .. .	6		— blanche		
Carosin, Ve .. .. .	10		— —		
				26	24

## MAURITIUS.

	Per mensem.		White Population.	Population of Colour.
	Dollars.	Cents.		
			26	24
<b>D.</b>				
Dudoit, Ve .. .. .	6		Population blanche	
Ducotter .. .. .	5		— —	
Descreux, De Fortier .. .. .	8		— —	
Dupas, De .. .. .	6		— —	
Deruni, Ve Jacques .. .. .	6		— de couleur	
Daniel, Periman .. .. .	5		— —	
Daniel, Jean .. .. .	5		— —	
Descreux, De Laurent .. .. .	6		— blanche	
Dumoulin, Ve .. .. .	8		— —	
Demianneé, Ve .. .. .	8		— —	
Druce, Ths (Chelin) .. .. .	5		— —	
<b>E.</b>				
Emilie, Janvier (Enfans De) .. .. .	5		— de couleur	
<b>F.</b>				
Figiac .. .. .	6		— —	
Fabre, Be. . . . .	6		— blanche	
Frechelet, Ve .. .. .	6		— —	
Fleury, De .. .. .	10		— —	
Flore, Catherine .. .. .	6		— de couleur	
Fse Felicité Pichon .. .. .	6		— —	
Fse Fraire .. .. .	4		— —	
Fabry, Dlle .. .. .	8		— blanche	
<b>G.</b>				
Gordon, Je .. .. .	3		— de couleur	
Généviève, a L. .. .. .	6		— —	
Gauthier, Dme .. .. .	6		— blanche	
Germain, Lefebure .. .. .	3		— de couleur	
Garrèque, Ve .. .. .	5		— blanche	
Gally, Dme .. .. .	10		— —	
Girardot .. .. .	5		— —	
Gerard, Delle .. .. .	10		— —	
Guillot .. .. .	6		— de couleur	
Gebert, Ve .. .. .	6		— blanche	
Gentil, Minors .. .. .	5		— de couleur	
<b>H.</b>				
Harrin, Dme .. .. .	6		— —	
Harcher .. .. .	10		— blanche	
Héloïse (par ses frères et sœurs) .. .. .	4		— de couleur	
Herisson, Fs .. .. .	5		— blanche	
Hector, Mittard Ve .. .. .	2	50	— de couleur	
Henriette, Teychere .. .. .	3		— —	
Haumont, Ve .. .. .	6		— blanche	
<b>I. J.</b>				
Julie, Laurette .. .. .	5	50	— de couleur	
Jeanneton, Chauvau .. .. .	2		— —	
Joséphine, Aly .. .. .	2		— —	
Jégou .. .. .	5		— blanche	
Jean, Fs Marjolin Ve .. .. .	6		— de couleur	
Jean, Félicité .. .. .	6		— —	
Jeany, Fabre .. .. .	4		— —	
<b>L.</b>				
Le Baron Père .. .. .	5		— blanche	
Le Baron Fils .. .. .	2		— —	
			50	47

## MAURITIUS.

363

	Per mensem.			White Population.	Population of Colour.
	Dollars.	Cents.			
La Fitte, J. B. .. .. .	5		Population blanche	50	47
Le Gier .. .. .	6		—		
Latour, Ve .. .. .	10		—		
Le Gentil Andrine .. .. .	6		—		
Latour, Dlle Molly .. .. .	5		—		
Larchantel, Dme .. .. .	15		—		
Lacour, Dme .. .. .	10		—		
Liberge, Ve Paire .. .. .	8		—		
Lucille, Peltier .. .. .	6		— de couleur		
Laffitte, Dme .. .. .	5		— blanche		
Le Bigot .. .. .	5		—		
Layarde, Jean .. .. .	4		—		
L'Habitant .. .. .	5		—		
Le Large, Dme .. .. .	4		—		
Louis, Felix .. .. .	5		— de couleur		
Luke, Atton .. .. .	4		—		
Luco, Dme .. .. .	10		— blanche		
Lavault, Ve .. .. .	8		—		
Laffon, Dme .. .. .	5		—		
Laffitte, Dlle Marianne .. .. .	6		—		
M.					
Marie, Joseph .. .. .	3		— de couleur		
Marie, Anne .. .. .	2		—		
Marie, Thomasse .. .. .	3		—		
Mélanie, Pauline .. .. .	3		—		
Michaut, Ve .. .. .	5		—		
Marie, Teycheire .. .. .	5		—		
Marie, Jeanne .. .. .	3		—		
Marie, Finette .. .. .	3		—		
Marie, Louise L'Etinuiz .. .. .	6		—		
Meness, Ve Antoine .. .. .	3		—		
Michelle, Roger Dme .. .. .	6		— blanche		
Marie, Joseph Dominique .. .. .	6		— de couleur		
Morey, Dme Angélique .. .. .	9		— blanche		
Marguerette, Elizabeth .. .. .	5		— de couleur		
Mimi, Viltrow .. .. .	4		—		
Marie, Thérèse Masné .. .. .	2		—		
Mariedite, Marie Jeanne .. .. .	2		—		
Meunier, Dme .. .. .	6		— blanche		
Marie, Thérèse .. .. .	5		— de couleur		
Mancel, Dme .. .. .	5		— blanche		
Maurice, Victor .. .. .	4		— de couleur		
N.					
Nayna, Pre .. .. .	4		—		
Noël, Lajoie Minrs .. .. .	3		—		
Numa, Enfant de R. Tonnet .. .. .	5		—		
O. H.					
Pelletier, Ve .. .. .	8		— blanche		
Pierre, Augustin .. .. .	2		— de couleur		
Paserim, Dm .. .. .	6		— blanche		
Pierre, Ve .. .. .	3		— de couleur		
Petricher, Ve .. .. .	6		— blanche		
Pampusa, Ve .. .. .	8		—		
Pezet, Ve .. .. .	6		—		
Potein, Dme .. .. .	8		—		
Oceanna .. .. .	8		—		
Olivier, Dme Rosée .. .. .	8		—		
Peinturier .. .. .	8		—		
Petit, Corps .. .. .	3		—		
Parisot, De Ve .. .. .	9		—		



	Per mensem.		White Population.	Population of Colour.
	Dollars.	Cents.		
R.			82	72
Roger, Dme .. .. .	3		Population blanche	
Rogier, Jn .. .. .	5		— —	
Reine, Catherine.. ..	4		— de couleur	
Rambert .. .. .	5		— blanche	
Roffigue .. .. .	3		— de couleur	
Rozan, De .. .. .	8		— blanche	
Ramzane .. .. .	2		— de couleur	
S.				
Sophie, Ve Ls Mouton .. ..	4		— —	
Sampson .. .. .	6		— blanche	
Soupe .. .. .	3		— de couleur	
Sheek, Manou .. .. .	2	50	— —	
Suzanne, Abraham .. .. .	5		— —	
Salomon, J. Fs .. .. .	4		— blanche	
Sardon, pour 4 Orphelins .. ..	5		— —	
T.				
Tancrel, Ls .. .. .	14		— —	
Tendria, Ve .. .. .	2		— de couleur	
Turmel, Ve .. .. .	8		— blanche	
Tassy, Minrs .. .. .	9		— —	
Toinette, Galabert (Enfans de)..	6		— de couleur	
Tavoo, Fleurian .. .. .	5		— —	
Trouche .. .. .	10		— blanche	
Thomas .. .. .	3		— de couleur	
Throu, De .. .. .	5		— blanche	
Thisbey .. .. .	3		— de couleur	
Thévenot .. .. .	3		— blanche	
V. W.				
Wooley .. .. .	4		— —	
White, De .. .. .	8		— —	suspended
Williams, Enfans de Chiffoune ..	5		— de couleur	
Victoire, Quétel .. .. .	3		— —	

*Indigens recevant chez le Sindic du Faubourg de l'Est.*

			Population de couleur	
Suzaure, Minrs Rayepa .. .. .	4		— —	
Ve Pre Mauris .. .. .	4		— —	
Marie Texier .. .. .	3		— —	
Simon Thévaux .. .. .	3		— —	
Edouard Zéline .. .. .	3		— —	
Minrs Maudry .. .. .	3		— —	
Paul Lagrappe .. .. .	2		— —	
Périne Mangini .. .. .	2		— —	
Catherine Marandé .. .. .	2		— —	
Modeste Aveugle .. .. .	2		— —	
Flore Meunier .. .. .	1	60	— —	
Julie Levieillard .. .. .	1	50	— —	
Nigue et Bonhomme .. .. .	1	40	— —	
M <sup>l</sup> Ve Balagire .. .. .	1	40	— —	
				97
				100

## MAURITIUS.

365

*Indigens recevant chez le Syndic du Faubourg de l'Ouest.*

	Per mensem.		White Population.	Population of Colour.
	Dollars.	Cents.		
Louis Dorval .. .. .	5		97	109
Jeanne Laponjade .. .. .	4			
V <sup>e</sup> Olivier .. .. .	4			
V <sup>e</sup> Cupidon .. .. .	4			
Mins <sup>rs</sup> Blanche .. .. .	4			
Mins <sup>rs</sup> Papillon .. .. .	4			
J <sup>n</sup> Blasy .. .. .	4			
Alsire Hulot .. .. .	4			
Femme Boite .. .. .	3			
Joseph Cato .. .. .	3			
M <sup>rs</sup> Dominique .. .. .	3			
M <sup>rs</sup> Manique .. .. .	3			
Rose Azie.. .. .	2			
Population de couleur				
			97	113

A true Copy. (Signed) ARCHIBALD WILLIAM BLANE,  
Acting Chief Secretary.

## D

*List of Enfranchisements granted since the promulgation of the Ordinance of His Excellency the Governor in Council of 27th January, 1827.*

No.	1827.	Number Enfranchised.
1.—7	Févr. Pierre Collet, en faveur de Rosalie Perrine, par mariage	1
2.—9	— Jacques Egretand, en faveur de Rosetti Rose	1
3.—13	— Mr. Icery, en faveur de Denise Sevré, et de son fils Arthur	2
4.—19	— Cupidon Magon, en faveur de Lucile et ses enfans, Nathalie, Lucile, Noëmi, and Furey, par mariage	5
5.—7	Mars. Jean François Bequinot, en faveur d'Azor Matharin, par testament	1
6.—6	— Scipion, en faveur d'Ophélie Lafleur, par mariage	1
7.—17	— Jeanne Euphrosine, dite Michelle, en faveur de Joson Le-coq, par mariage	1
8.—26	— Alexandre Richemond, en faveur de Lafleur	1
9.—30	— Esope Donand, en faveur de Joséphine Rose, par mariage	1
10.—31	— Baptiste Allet, en faveur de Jonas, par mariage	1
11.—31	— Bien Aimé, en faveur de Claire & son fils Paul Ferdinand, par mariage	2
12.—2d	Avril Lucile, en faveur de Paul Capitaine, par mariage	1
13.—	— Baptiste Martin, en faveur de Alzire Tochy, par mariage	1
14.—6	— Auguste Marianne, en faveur de Charlette et ses enfans Honoré et Colas, par mariage	3
15.—10	— Pierre Laguette, en faveur de Adeline Rose et ses enfans, Thérèse, Cécilia, & Adelaide, par mariage	4
16.—25	— Jean Edouard Durup, en faveur de Casimir	1
17.—26	— Pierre René Rivalland, en faveur de Félix Brutus	1
18.—16	Mai. Prosper Boudret, en faveur de sa sœur Delphine Boudret	1
19.—19	— M. Antoine Couve, en faveur de Louise Antoine	1
20.—22	— Joseph Moutia, en faveur de Narcisse Laviolette	1
21.—21	— Joseph Allard, en faveur d'Euphrasie Legras	1

Carried forward 32

## MAURITIUS.

No.	1827.		Brought forward	Number Enfranchised
				32
22.—23	Mai.	J. B. Aimé Dormeuze, en faveur de Marie Amélie, Gertrude Rose D'amour, et Eugénie Amélie	- - -	3
23.—25	—	Jean Baptiste Langevin, en faveur de Lise Marie, par mariage	- - -	1
24.—25	—	Pedre Prioux, en faveur de Céline, par mariage	- - -	1
25.—26	—	Antoine Roussard, en faveur de Dauphine Vénus, par mariage	- - -	1
26.—28	—	Edouard Dagorn, en faveur de Coralie, par mariage	- - -	1
27.—28	—	Azor Orange, en faveur de Sidonie et ses enfans Eliza et Charles	- - -	3
28.—30	—	Violet pour Julie Aubert, en faveur de Lafleur, par testament	- - -	1
29.—30	—	Leonidas Noel, en faveur de Lolotte Marie	- - -	1
30.—13	Juin.	Felix Brutus, en faveur de Manon Bataille, par mariage	- - -	1
31.—14	—	Delphine Jolicœur, en faveur de Lafleur	- - -	1
32.—15	—	Baptiste L'aimable, en faveur de l'ami Farla	- - -	1
33.—	—	M. Aviraquet, en faveur de Coralie Félicia	- - -	1
34.—	—	Lafleur, en faveur D'Eugénie Dorine	- - -	1
35.—16	—	René Pierre, en faveur de Justine Marie, par mariage	- - -	1
36.—26	—	Le Gouvernement, en faveur d'Euphémie et ses enfans, Bé-lise; Rosalie, et Philogène, délaissés par Ramise	- - -	4
37.—28	—	Jean Comera, en faveur de Papy Ladouillette et ses enfans, Charles et Jean François, par mariage	- - -	3
38.—28	—	Marie Louise Dauphini Varrière, en faveur de ses enfans Augustin Joseph et Zéline Marie	- - -	2
39.—30	—	François Sylvestre Azie, en faveur de Flore Rose Azie, et ses enfans, Phanor, Edouard, Anseline, Nicole, Evesnor, et Celine	- - -	7
40.—3	Juil.	Zémire Annette, en faveur de sa fille Léocadie Marie Louise	- - -	1
41.—5	—	Henry Cartier, en faveur de Mélanie Louise	- - -	1
42.—7	—	Lubin, en faveur de Nina, par mariage	- - -	1
43.—7	—	Honoré le Comte, en faveur de Victorine Jeanneton	- - -	1
44.—7	—	François Thomassin, en faveur de Hypolite Thiou	- - -	1
45.—16	—	M. Key, en faveur de Josephine	- - -	1
46.—17	—	Etienne Aubry, en faveur de Caroline	- - -	1
47.—17	—	Claude Villemain, en faveur de Maria Laïda	- - -	1
48.—23	Aôut.	Louis Jouan, en faveur d'Olivette, L'Olive, et des enfans, Adélaïde, Delphine, et Saint Louis, par mariage	- - -	4
49.—23	—	Dominique Rozar, en faveur de Toinette	- - -	1
50.—28	—	Pierre Pétries, en faveur de Louise Pétries et de ses enfans, Pierre et Charlotte, par mariage	- - -	3
51.—27	—	Jean Marie Chenel, en faveur de Babet Prudence et sa fille Amélie Prudence, par mariage	- - -	2
52.—26	—	Baptiste Dureau, en faveur de Marianne et ses enfans Théléfore et Philippe, par mariage	- - -	3
53.—28	—	Scheik Ramotalla, en faveur de Marie Françoise, par mariage	- - -	1
54.—28	—	Jenny Chaillet, en faveur de Vendredi Chaillet	- - -	1
55.—29	—	Julien Cancalla, en faveur de Pauline Paulinette, par mariage	- - -	1
56.—30	—	Jean Pierre Lajoie, en faveur de Louison Ladouce, par mariage	- - -	1
57.—30	—	Coroller, en faveur de L'Amour Coroller	- - -	1
58.—6	Sept.	Jean Lesué, en faveur de Félicité Jeanne, par testament	- - -	1
59.—6	—	Jean Marie Nadal, en faveur de Etienne Ladaube	- - -	1
60.—7	—	Jean Comera, en faveur de Antoine Comera	- - -	1
61.—8	—	Rosette David, en faveur de Front Levieux	- - -	1
62.—8	—	Cordé Collard, en faveur de Julien Charles	- - -	1
63.—10	—	Blains des Cormiers, en faveur de Jeannette Belisaire	- - -	1

## MAURITIUS

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No.	1827.	Brought forward	Number Enfranchised.
64.—10	Sept.	Devillaine par feu Boysard, des Seychelles, en faveur d'Adonis Dorise (énale)	98
65.—11	—	Marie Belle, en faveur de Contance dit Blaize, par mariage	1
66.—11	—	Thérèse Stafford, en faveur de ses enfans, Edouard, Jean Marie, Auguste, et Pierre	4
67.—12	—	Marcelle Jacques, en faveur de Pierre Louis	1
68.—12	—	Hein aîné, en faveur de Justine	1
69.—13	—	M. Robert, en faveur d'Annette et ses enfans, Ossian, André, Marie, et Emile, par testament	4
70.—13	—	Simon Rozet, en faveur de Rabbitte Lisette	1
71.—13	—	François Angélique, en faveur de Cathérine Angélique	1
72.—17	—	Josephine Coiffé, en faveur de Delphine et sa fille Aurélie	2
73.—18	—	M. Charles Morin, en faveur de Adele Latulipe et de ses enfans, Charlotte, Aînée, et Adélaïde	4
74.—18	—	Bouveir St. Resny, en faveur de Angélique Bouvier	1
75.—18	—	Bonhomme Azor, en faveur de sa mère Marie Jeanne Cathérine, et de ses soeurs Clara et Josephine	3
76.—19	—	Pierre Brissounet, en faveur de Justine Samson, et de ses enfans Marcelle et Aurélie, par mariage	3
77.—19	—	Marie Manique, en faveur de Zephir Va-de-Bon Coeur	1
78.—20	—	Marcelle Larose, en faveur d' Auguste Fraiseur.	1

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(Signé)

ARCHD. WM. BLANE,  
Secrétaire en chef, *par interim.*

## E.

*Statement shewing the number of slaves emancipated in each year since 1814 to the end of 1826, and the average number, annually, during that period; and further, the number emancipated since the promulgation of the last Ordinance relative to Emancipations, bearing date the 27th January 1827, with the average for twelve months, calculated upon the number already emancipated during the eight which have expired.*

In the year	1815,	number of slaves emancipated	28
	1816,	- - - - -	52
	1817,	- - - - -	97
	1818,	- - - - -	117
	1819,	- - - - -	107
	1820,	- - - - -	88
	1821,	- - - - -	172
	1822,	- - - - -	104
	1823,	- - - - -	52
	1824,	- - - - -	54
	1825,	- - - - -	40
	1826,	- - - - -	94
	Total for twelve years		1005
	Average for one year		84

Between 27th January, and 30th Sept. 1827, being eight months, number of emancipations	127
Average for one year	190

(Signed)

ARCH. W. BLANE,  
Acting Chief Secretary.

## No. 4.

SIR,

*Downing Street, 19th March 1828.*

I HAVE received, and have laid before the King, your dispatch of the 20th of October, enclosing the draft of an ordinance for the improvement of the condition of the slave population of the Mauritius; and I have received His Majesty's commands to make the following communication to you, with reference to that draft.

His Majesty is graciously pleased to express his approbation of the zeal which the Council of Government have manifested in carrying into effect his intentions in favour of the slave population of the colony. The questions remaining for consideration are comparatively few and unimportant.

His Majesty is not disposed to sanction the permanent union in the same person, of the offices of Procureur-General and Protector of Slaves. Admitting the weight of the arguments urged in favour of that measure, I yet apprehend, that both economy and general convenience will be best consulted by entrusting the offices of Protector and Registrar of Slaves to the same person. The duties of the two offices would, in many respects, coincide, and though the existing arrangements communicated, in my dispatch of the 11th of April 1827, may, for the present, prevent their being united, I have no reason to suppose, that at a future period, any serious difficulty would arise in finding a competent person, willing and able to discharge them both.

The draft which you have transmitted, does not declare the possession of a plantation, or of slaves employed in agriculture, incompatible in every case, with the office of protector. If the officer should acquire such property, it is proposed that the governor should make such arrangements as he might deem convenient. This is a relaxation of the general rule, which could not be permitted, and I am persuaded, that the Governor of Mauritius will be at all times best satisfied to be relieved from the invidious and irksome duty of deciding upon the claims of a Protector to retain his office under such circumstances.

The continuance of markets on Sunday, during the early part of the day, is permitted in this draft, not as a temporary regulation, required by present and transitory circumstances, but as a permanent rule. It must, however, be provided that this departure from the general principle of observing the Sunday as a day of rest, is to terminate so soon as adequate provision can be made for the religious instruction of the slaves.

Notwithstanding the remarks of the council, it is not thought fit to sanction the proposed enactment, that the driver, when superintending the labour of slaves, may carry a cane in his hand. I am aware that it might seem beneath the proper office of the legislature to descend to enactments upon a subject so apparently trivial as this; but as the cane would succeed, in appearance at least, to the whip, and as the driver who has been accustomed to use the whip as a stimulus to labour might very probably employ the cane for the same purpose, it is best to render the prohibition absolute and universal. It will not be difficult to devise some other emblem of authority, equally grateful to the feelings of the bearer, and equally impressive to the imagination of those under his charge.

The substitution of six slaves as witnesses of punishments, instead of one, can be permitted only when the owner may be able to prove that it was impossible to procure the attendance of a free witness.

The power of using the whip as the instrument for the correction of females, cannot be entrusted to the civil Commissaries, or even to the chief Commissary of Police. However well founded may be the opinion of the council respecting the moral character of the slaves, nothing, probably, could be more adapted to promote and perpetuate their vicious habits, than punishments so subversive of all feelings of self-respect. At least, until the experiment has been fairly tried, it would be premature to despair of reclaiming them by more gentle methods.

The want of education amongst the smaller proprietors may be an insuperable objection to imposing upon them the obligation of keeping records of punishments.

But the remedy suggested by the council would seem to meet the difficulty.

The very small remuneration for which it is stated that some of the principal inhabitants would undertake the duty of keeping the records of neighbouring estates, might very properly be afforded for that purpose. In proportion as the gang of slaves is less numerous, the necessity of such a registry of punishments would be the greater.

The draft would enable the owner to prevent the marriage of his slaves by proving that it would be injurious to his (the owner's) interests. The interest of the owner will of course be in general the same with that of his slave, and a connection really injurious to the one, will rarely be advantageous to the other. But if a real contrariety of interest should arise, it is not fit that on such a subject as that of marriage, the interest of the owner should be preferred. Nor, indeed, could such a rule have any beneficial operation. For, though the law may prevent a marriage which would be injurious to the owner, it could not prevent an illicit connexion, which would be at least equally injurious to him.

The separation of persons not legally married, but living together in a state of permanent concubinage, is not prohibited. I fear that, for the present at least, it may be necessary to afford a similar protection to connections of this nature.

The words of the intended law would seem to render the consent of the owner and protector necessary, not only to the acquisition and alienation of land, but, also, whenever the slave might acquire or alienate moveable property.

I apprehend, however, that the words do not in this respect, correspond with the real meaning. The restriction should clearly be confined to the case of immoveable property.

The language of the proposed act, would also seem inaccurate as extending only to the case of actions brought by slaves, and not comprising the case of actions defended by them, for the protection of their property.

Circumstances to which it is unnecessary to advert more particularly at present, have induced His Majesty's Government to postpone the further discussion of the question respecting the manumission of slaves in opposition to the will of the owner. I hope, however, shortly to revert to the consideration of that subject.

The projected law would prevent any voluntary manumission unless the Protector were satisfied that the slave had means of subsistence sufficient to prevent his becoming at any time a charge on the colony. It is obvious however, that such an enactment would prevent the emancipation of the most expert mechanic or domestic servant, unless the owner were both able and willing to make an adequate provision for his future subsistence. His Majesty's Government cannot sanction any other restraints on manumission, than those which have been expressly permitted by the instructions which you have already received.

It will be necessary to provide that no slave may be punished for preferring a complaint, unless he be distinctly convicted of the offence of having preferred a calumnious charge from improper motives, that conviction proceeding upon adequate and legal evidence.

The final clause of the proposed enactment would confirm every disposition of the former laws and regulations on the subject of slaves, which is not contrary to the proposed ordinance. It is very difficult to estimate correctly the effect of this general confirmation of the earlier slave code of the colony.

Many local ordinances appear to have been made on this subject, both before and since the conquest, which were never confirmed by His Majesty, or by the government of France, and some of which may probably be open to grave objections. This part of the intended act therefore cannot be sanctioned.

You will communicate this dispatch to the Council of Government, for their guidance in the revision of the draft which you have transmitted. When that draft shall have been corrected in the several particulars which I have noticed, you will cause it to be promulgated as law in the colony, in the usual manner, transmitting to me an authenticated copy of the law, which you may so promulgate.

I have, &c.

(Signed)

WM. HUSKISSON.

Lieut. Gen. Sir Lowry Cole,  
&c. &c. &c.

## No. 5.

SIR,

*Mauritius, 10th January 1828.*

I HAVE the honour to forward to you herewith an Ordinance, No. 28, which has passed the Council, and been promulgated in this colony, having for object to amend the old laws relating to the care and treatment of infirm slaves. The Ordinance in question so clearly shews the necessity which existed of amending the laws in these particulars, and so fully explains the alterations which have been made, that I trust the latter will meet with the sanction of His Majesty's Government, and that my having at once given effect to the provisions of this Ordinance will be approved of by you.

I have the honour to be,

Sir,

Your most obedient humble servant,  
(Signed) G. LOWRY COLE.

*The Right Hon. W. Huskisson,*  
*&c. &c. &c.*

*(No. 28.) Ordonnance de Son Excellence le Gouverneur en Conseil.*

Titre.

POUR modifier les dispositions de l'article 20 des Lettres Patentes, du mois de Décembre, 1723, et de l'article 15 de l'Ordonnance des Administrateurs-Généraux des Iles de France et de Bourbon, en date du 26 Septembre, 1767, comme aussi celles des articles 18 et 19 de l'Arrêté du 28 Avril, 1808.

Préambule.

Vu les dits articles qui disposent ainsi :

*Article 20, des Lettres Patentes.*

“ Les esclaves infirmes par vieillesse, maladie ou autrement, soit que la maladie soit incurable ou non, seront nourris et entretenus par leurs maîtres, et en cas qu'ils les eussent abandonnés, lesdits esclaves seront adjugés à l'hôpital le plus proche, auquel les maîtres seront condamnés de payer quatre sous par chaque jour, pour la nourriture et entretien de chaque esclave, pour le paiement de laquelle somme, ledit hôpital aura privilège sur les habitations des maîtres, en quelques mains qu'elles passent.”

*Article 15, de l'Ordonnance des Administrateurs-Généraux :*

“ Les esclaves infirmes par vieillesse ou autrement, soit que la maladie soit incurable ou non, seront nourris et entretenus par leurs maîtres ; et au cas qu'ils eussent abandonné les dits esclaves, ceux-ci seront adjugés à l'hôpital, auquel les maîtres seront obligés de payer six sous par jour, pour la nourriture et entretien de chaque esclave, pour le paiement de laquelle somme, l'hôpital aura privilège sur les habitations des maîtres, en quelques mains qu'elles passent.”

*Article 18, de l'Arrêté du 28 Avril, 1808 :*

“ Seront punis d'une amende de cinquante-un à cent francs, ceux qui, pour raison de leurs infirmités, ou toute autre cause, auront renvoyé leurs esclaves de chez eux, ou abandonné, ou les auront laissé libres de chercher leur nourriture ou un asile.”

*Article 19, du même Arrêté :*

“ Pourra, selon les circonstances, être prononcé la peine de détention, pendant huit jours au plus, contre les contrevenans à l'article ci-dessus.”

Considérant, qu'au cas d'abandon d'aucun esclave, ainsi qu'il est prévu par les lois existantes, la somme que le maître est obligé de payer par jour, pour la

(Translation.)

(No. 28.) *Ordinance of His Excellency the Governor in Council.*

FOR amending the dispositions of the article 20th of the letters patent of the month of December 1723, and the 15th article of the Ordinance des Administrateurs généraux of the islands of France and Bourbon, under date of 26th September 1767, as also the dispositions of the 18th and 19th, articles of the arrêté of 28th April 1808. Title.

Having had under consideration the aforesaid articles which are as follows : Preamble.

*Article 20th, des Lettres Patentes.*

“ Infirm slaves, whether from age, sickness or otherwise, be their disease curable or incurable, shall be kept and maintained by their masters; and in case these latter should abandon such slaves, the said slaves shall be adjudged to belong to the nearest hospital, to which hospital the master shall be condemned to pay four sols per day, for the food and maintenance of each slave; for the due payment of which sum the said hospital shall have a privileged lien upon the real estates of the said master, into whomsoever’s hands they may pass.”

*Article 15th, of the Ordinance of Administrateurs Généraux.*

“ Infirm slaves, whether from age, sickness, or otherwise, be their disease curable or incurable, shall be kept and maintained by their masters; and in case these latter shall abandon such slaves, the said slaves shall be adjudged to belong to the hospital, to which latter the master shall be compelled to pay six sols per day, for the food and maintenance of each slave; for the due payment of which sum the said hospital shall have a privileged lien upon the plantations of the master, into the hands of whomsoever such plantations may pass.”

*Article 18th, of the Arrêté of 28th April 1808.*

“ Shall be punished in a penalty of from 50 to 100 francs those persons, who, by reason of the infirmities of their slaves, or for any other cause, shall dismiss them from their home, or abandon them, or suffer them to seek an asylum and maintenance elsewhere.”

*Article 19th, of the same Arrêté.*

“ Under circumstances, offenders against the foregoing article may be punished by an imprisonment of eight days, but not longer.”

Whereas in the event of the abandonment of a slave the sum, as fixed by the



nourriture et l'entretien de chaque esclave abandonné, ne se trouve plus en rapport avec la valeur actuelle des objets de première nécessité ; et qu'en laissant subsister plus long-tems l'évaluation, ainsi qu'elle a été déterminée à une époque fort reculée, ce serait, en quelque sorte, encourager l'abandon des noirs infirmes par vieillesse ou autrement, pour mettre leur nourriture et entretien à la charge du Gouvernement.

En vertu de l'autorité et des pouvoirs conférés à Son Excellence le Gouverneur par Sa Très-Gracieuse Majesté, il a plu à Son Excellence en conseil d'ordonner.

## I.

Dispositions pénales.

Les maîtres qui auront abandonné des esclaves infirmes, par vieillesse ou autrement, soit que la maladie soit incurable ou non, seront poursuivis, à la requête du ministère public, devant le tribunal de police correctionnelle, et en cas de conviction, condamnés à une amende qui ne pourra être moindre de quatre livres sterling, ni excéder vingt livres sterling.

Les esclaves ainsi abandonnés, et à l'occasion desquels une amende aura été prononcée contre les maîtres, seront adjugés à l'hôpital, auquel les maîtres seront en outre, obligés de payer un shelling par jour, pour la nourriture et l'entretien de chaque esclave, pour le paiement de laquelle somme, l'hôpital aura privilège sur les propriétés immobilières des maîtres, en quelques mains qu'elles passent.

## II.

Recouvrement et application des amendes.

Le recouvrement des amendes fixées par l'article ci-dessus, se fera à la diligence du ministère public. Les amendes seront applicables à la caisse de bienfaisance. Le paiement de l'amende pourra se poursuivre par la voie de la contrainte par corps. Après trois mois d'emprisonnement, par l'effet de cette contrainte, le condamné, lorsque son absolue insolvabilité sera prouvée par les voies de droit, obtiendra sa liberté.

## III.

Dérrogation à toutes dispositions contraires à la présente Ordonnance.

Il est dérogé à toutes dispositions contraires à la présente Ordonnance.

Publication et enregistrement de l'Ordonnance dans les tribunaux.

Et afin que personne n'en prétende cause d'ignorance, la présente Ordonnance sera lue, publiée et enregistrée dans les tribunaux : copie en sera, à cet effet, présentée par le Procureur-General, à Son Honneur le Grand-Juge et Commissaire de Justice.

Vive le Roi !

*Donné au Port-Louis, Ile Maurice, le 9 Janvier 1828.*

(Signé) G. LOWRY COLE.

Par ordre de Son Excellence le Gouverneur,

(Signé) A. W. BLANE,

Secrét. en chef du Gouvernement *par interim.*

Par ordre du Conseil,

(Signé) W. N. LEITCH,  
Secrétaire du Conseil.

existing laws, which the master is compelled to pay for the daily maintenance of the slave abandoned, bears, at this day, no proportion to the actual value of the first necessaries of life; and that therefore any longer to maintain such valuation would be, in some measure, to encourage the abandonment of infirm slaves by their masters, for the purpose of throwing them upon the government for maintenance and protection.

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 :

## I.

Masters who shall abandon their slaves on account of infirmity arising from age or otherwise, or on account of disease, curable or incurable, shall be protected at the suit of the Ministère Public, before the Court of Police Correctionnelle; and, upon conviction, shall be condemned in a penalty not exceeding £20 sterling, nor less than £4. Penal Dispositions.

The slaves thus abandoned, and whose master shall be condemned in a penalty on their account, shall be adjudged to belong to the hospital, to which hospital the said master shall be compelled to pay, notwithstanding the aforesaid penalty, the sum of 1s. per day for the maintenance of each slave; for the due payment of which sum the hospital shall have a privileged lien upon the real estates of the master into the hands of whomsoever they may pass.

## II.

The recovery of the penalties, imposed by the foregoing Article, shall be prosecuted at the suit of the Ministère Public. The penalties shall be applied to the uses of the Caisse de Bienfaisance. The payment of the penalty may be sued for and enforced by personal arrest. After three months imprisonment, on arrest, the delinquent shall be set at liberty on furnishing legal proof of his total insolvency. Recovery and application of the penalties.

## III.

All antecedent laws and regulations repugnant to the dispositions of the present Ordinance are abrogated and repealed. Repeal of all former laws repugnant to this Ordinance.

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 9th day of January, in the year 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)

W. N. LEITCH,  
Clerk to the Council.

