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SLAVES, MAURITIUS.

RETURN to an Address of the Honourable the House of Commons,
dated 3d June 1829,—for

COPY of the ORDINANCE for the Government and Protection of SLAVES in the *Mauritius*; with the Observations of the Commissioners appointed to inquire, among other subjects, into the State of Slavery, the Condition of the Slaves, and the Means of relieving them, and encouraging Free Labour in that Island; and more particularly into the Condition of the Slaves in the *Mauritius*, belonging to His Majesty's Government, their Employment, and the means of their Instruction and Emancipation.

Colonial Department, }
12 June 1829. }

HORACE TWISS.

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

L I S T.

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 - 2.—LETTER to the Right Hon. William Huskisson; enclosing - - - p. 16
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 2. b.—SCHEDULE of Documents referred to in the Observations of the Commissioners of Inquiry upon the proposed Ordinance in Council for improving the condition of the Slave Population in *Mauritius*; transmitted with their Letter to Mr. Huskisson of the 19th May 1828 p. 26
 - 3.—EXTRACT of that part of the Report of the Commissioners of Inquiry, dated 15th December 1828, upon the "Finances and Establishments" of *Mauritius*, which relates to the condition of the Slaves in that Colony belonging to His Majesty's Government, their Employment, and the means of their Instruction and Emancipation - - - - - p. 27

SLAVES, MAURITIUS.

N° 1.

ORDINANCE in COUNCIL for Improving the condition of the Slave Population of *Mauritius*.

Ordinance of His Excellency the Governor in Council.

FOR the improvement of the condition of Slaves in the island of Mauritius and its dependencies. Title.

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; Preamble.

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.

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-Général 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 King's Procureur-Général maintained in the functions of Protector and Guardian of Slaves.

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.

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. Power reserved to His Majesty of separating the office of Protector of Slaves from that of Procureur-General.

ARTICLE II.

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. 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.

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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.

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.

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 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 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.

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 well understood that this deputy is to have the same duties, and be subject to the same obligations as the protector and guardian himself.

It is further to be well understood, that so long as the Procureur Général 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, in such cases only, authorize him to employ one of his substitutes.

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.

ARTICLE VI.

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 civil Commissaries of quarters are named assistant Protectors and Guardians of Slaves.

ARTICLE VII.

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.

Specific cases in which the actions, prosecutions, and generally all suits in respect to slaves, shall be laid before the Protector and Guardian.

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.

2dly. 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.

3dly. When any question may arise 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 Général, 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.

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 baptized and instructed in the Christian religion, within a reasonable time, under pain of an arbitrary fine.

Slaves to be baptized and instructed in the Christian religion, under pain of a 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.

ARTICLE IX.

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

Regulation to be observed for the markets on Sundays, under pain of a fine and confiscation of the articles exposed for sale.

The article exposed for sale after the above stated hour shall be confiscated and sold for the benefit of the Caisse de Bienfaisance.

ARTICLE X.

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

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.

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Fine, in case of infraction.

may have hired him, under pain, for the first time, of a fine which shall not be less than nor exceed and in 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 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 hire himself voluntarily in the cases determined in this article, and under the conditions therein named.

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.

ARTICLE XI.

The whip, or any other like instrument, is forbidden to every one exercising a superintendence over slaves working in fields or plantations.

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 superintendent of slaves can only carry a switch.

The commander or superintendent of slaves can merely carry a switch, as a mark to distinguish him from the slaves confided to his charge.

Punishment against all infringers of the present article.

Every person convicted of infringing the clauses of this article, by ordering, authorizing, 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.

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 caused 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, authorize 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.

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.

ARTICLE

ARTICLE XIII.

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, authorize or encourage such chastisement, or assist at it, shall be considered as guilty of an offence, and after conviction undergo the punishment here defined.

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.

Punishment against any infringer of the present article.

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.

Offences committed by female slaves.

Punishments that may be inflicted upon them.

The Governor or acting Governor is, however, authorized 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.

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.

ARTICLE XIV.

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 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.

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

Punishment against any infringer.

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.

Inquiry into all complaints of slaves. Punishment by the police against the slave whose complaints shall not be well founded.

ARTICLE XV.

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*.

Record book to be kept on every plantation on which upward of twenty slaves shall be employed.

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 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.

Clauses relative to the mode of keeping the record book, and to what object destined.

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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.

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.

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.

ARTICLE XVII.

The original plantation record book to be presented on any requisition from a competent authority.

Copy to be furnished of the articles registered in the said book.

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 :

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 swear, 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 female slave, belonging or attached to the plantation called _____ situated in the quarter called _____ and of which I am the owner, manager, or overseer. I further swear, that no punishment exceeding three lashes has been inflicted since the _____ upon any male slave belonging or attached to the said plantation, 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.

Form to be furnished by the Assistant Protector and Guardian of Slaves, of the oaths to be taken and subscribed by them.

The civil commissary is required, as assistant protector and guardian of slaves 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.

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.

In case any person shall refuse or neglect to make his report, or to take 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.

Penalty against whosoever shall refuse or neglect to make his report, or to sign the oaths required by the ordinance.

ARTICLE XX.

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.

Delay within which the reports should be made to the Protector or Guardian of slaves.

Obligation binding upon the Assistant Protector and Guardian, in case of his being owner or manager of a plantation.

ARTICLE XXI.

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.

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.

ARTICLE XXII.

It is ordered that, in the event of any person, whether owner, manager, overseer, or authorized agent of any plantation, be accused of inflicting, or 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

Clauses relative to any person accused of having inflicted, or caused to be 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

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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.

The public ministry are forbidden to discontinue pursuits, without a written order bearing the Governor's signature.

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 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.

ARTICLE XXIII.

Marriages between slaves.
Forms to be used in such a case.

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 authorize 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.

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 legitimate, 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.

Explanatory clauses relative thereto.

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.

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.

ARTICLE XXV.

The slave may have a stock. He may acquire and possess moveable and immoveable property.

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

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.

Clauses relative to the action, that may take place in consequence of the faculty given to the slave by the present article.

ARTICLE XXVI.

Savings Banks shall be established in this island, for the better preservation of the property of slaves.

Establishment of Savings' Banks.

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 degree, whether natural or legitimate, requisite for giving a claim to succeed to his property, that property shall devolve to his master.

Clauses relative to that establishment and to the deposit of sums therein lodged by the slaves.

ARTICLE XXVII.

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 authorized 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 authorized 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 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.

ARTICLE XXVIII.

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 be 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 public through the Government Gazette.

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.

Publication to be made every month of the state of the deposits made in the preceding month.

ARTICLE XXIX.

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 20 s. to be paid to the registrar for registering

Manumission of slaves.

Exemption of all duty or tax, excepting a duty to be paid

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to the registrar for registering the slaves, and which shall not exceed 20s.

Penalty against any one who shall infringe the present article.

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*l.* sterling, nor less than 10*l.* sterling.

ARTICLE XXX.

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.

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.

It is ordered by the present article, that in case any slave in the island of Mauritius and its dependencies, 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 freedom; 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 control, 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.

Forfeit of the power of purchasing his liberty, during a certain time, with respect to any slave convicted of robbery, larceny, or other offences.

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 his master, attesting his good conduct during a period of five years.

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.

Form of proceeding on the part of the Chief Judge.

Cases foreseen and for which appraisers and an umpire shall be appointed.

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 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; 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 control 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

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 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 inrolled in the office of the protector and guardian of slaves, and in the registry office.

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 inrolled in the office of the Protector and Guardian of Slaves, and in the registry office.

ARTICLE XXXII.

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 inrolled 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.

Sum proceeding from the appraised value of the slaves, 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.

ARTICLE XXXIII.

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 entitled 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 previously 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.

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.

ARTICLE XXXIV.

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.

Course which is to precede any voluntary manumission.

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.

ARTICLE XXXV.

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 authorized 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

Certificate to be transmitted to the Civil Commissaries of Quarters, by every minister or priest duly authorized by Government, for the purpose of attesting the religious instruction of slaves.

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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 minister or clergyman not acknowledged by Government can deliver such certificates, without having obtained special leave, as stated in this article.

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.

The salary of the Protector and Guardian of Slaves, is to be in lieu of all fees and emoluments.

Fine against the Protector, and dismissal from his office, in case of infringement of the present article.

Report to be presented twice a year by the Protector and Guardian of Slaves.

Details which the report shall contain.

Oath to be taken by the Protector before the Governor.

Order to be delivered to the Protector, after he shall have made oath, for the

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 have delivered it, and the name of the slave to whom the certificate shall apply.

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 authorizing him to deliver such certificates; and the said leave, before it can have effect, must be inrolled in the office of the protector and guardian of slaves.

ARTICLE XXXVI.

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 law suit in which his master might be directly interested.

The slave cannot give evidence in any law-suit, in which his master may 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, such as it shall be regulated and determined, shall 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.

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.

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 law suits 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 commissaries 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. 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

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 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.

amount of the portion of the additional salary allowed to him, due for the six months preceding the date of the report.

ARTICLE XXXIX.

In case the protector and guardian of slaves, or any civil commissary of a district, or any other person, shall voluntarily 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 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.

Punishment decreed against any person guilty of the serious offences mentioned in this article.

ARTICLE XL.

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.

Clauses relative to the oath to be taken by persons called Quakers.

ARTICLE XLI.

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 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.

Punishment against any person convicted of any of the offences named in the present ordinances.

Nature of the punishment.

Competency of the ordinary tribunals of the Colony, to hear and try the causes in the cases above mentioned.

Penalties, how to be applied.

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.

ARTICLE XLIV.

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 him.

Correctional punishment against the slave who shall have brought an unfounded complaint against his master.

ARTICLE

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ARTICLE XLV.

This ordinance to be published, inrolled and carried into execution within the time prescribed by the present article.

All clauses of anterior laws maintained in force, in so far as they do not militate against the present ordinance.

The present ordinance shall be published, in order that no person may plead ignorance of it; it shall be inrolled 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 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.

N° 2.

To the Right Hon. WILLIAM HUSKISSON, &c. &c. &c.

Sir,

Mauritius, 19th May 1828.

N° 2.

WE do ourselves the honour to transmit to you such observations as have appeared to us to be called for upon the provisions of the "Ordinance for improving the condition of the Slaves in Mauritius," framed by the Governor in council.

In submitting our opinion upon the various points embraced by the ordinance, we have kept in view the resolutions of the House of Commons to which these measures have referred, and we have taken the Trinidad order in council as expressive of the general views of His Majesty's government, for the melioration of the condition of slaves; and while we have endeavoured to adhere strictly to the principle of the former, it has been our object to point out the advantage or disadvantage likely to result from any proposed deviation from the provisions of the latter. We have considered that where the occasion admitted of it, some appropriate regulations not comprehended in the Trinidad order, might at once be introduced. We have not indeed brought forward all that we have to state upon the means best calculated to improve the condition of the slaves, with a view to the gradual extinction of slavery; but we hope we shall not be found to have omitted any material observations upon the measures that have been under the consideration of the Governor in council.

We ought to observe, that notwithstanding the habits engendered by the Slave Trade, the old French laws were, in spirit, extremely humane towards slaves who remained in subordination, and contained many valuable provisions for their protection and benefit, and for their moral and religious instruction; but as the extinction of slavery was not contemplated, they afforded the slave no means of obtaining his freedom except by the voluntary act of his owner, who was permitted, but not directly encouraged to bestow it.

The lettres patentes of 1723, known by the name of the "Code Noir," and nearly an echo of the edict of 1685, issued by Louis XIV. for the American possessions of France, form the chief body of regulations applicable to masters and slaves. Many of the clauses are very carefully worded, so as to insure to the slave the benefit intended by the legislature. It is to be ascribed to the administration of justice

justice in the colony, if other clauses less specific have been interpreted in a very different sense from that which must have originally been intended. The laws subsequently passed from time to time on this subject by various authority, have not infringed on the privileges granted to slaves, but unfortunately, as we have already remarked, provisions loosely worded were not construed in practice favourably to the slaves, and those which were not capable of mis-construction, have been allowed to fall into partial if not entire disuse. Of the former we have taken occasion in our remarks, to point out a remarkable instance in regard to punishments, and of the latter the important one respecting the promotion of christianity amongst the slaves.

In praising the spirit of the *Code Noir*, we have spoken of it in relation to slaves who continued submissive to their masters; but it cannot be denied, that some of the denunciations against runaway slaves were of a sanguinary character, although it is just to the colonial courts to observe that they have not been enforced.

The enactments which are still in force, and not renewed or modified by the ordinance, and which it might be advisable to maintain, will be found at the end of the accompanying observations, together with the laws which require to be expressly repealed.

We have, &c.

(signed) *W. M. E. Colebrooke,*
W. Blair.

N^o 2. (a.)

To the Right Honourable WILLIAM HUSKISSON,
One of His Majesty's Principal Secretaries of State, &c. &c. &c.

OBSERVATIONS of the Commissioners of Inquiry upon the proposed Ordinance in Council, for improving the Condition of the Slave Population in Mauritius.

N^o 2 (a).

WITH respect to the proposition made by the Governor in council for the appointment of the Procureur Général as "Protector and Guardian of Slaves," we would observe, that the Trinidad order can be no guide in this particular. The Procurator Syndic of the Cabildo of Port of Spain, is an officer whose functions bear resemblance (as we understand) to those of a town clerk in England; and moreover a separate protector of slaves has been appointed in that island since the passing of the order.

ART. 1 to 5.

The procureur général is a functionary whose duties are not only very important, but so numerous (as will appear by his own return annexed) that it would be quite impossible for him to attend to the duties of protector of slaves in all cases civil as well as criminal, especially when slaves shall be entitled to hold property.

Appendix, N^o 1.

By the "*Code Noir*," the procureur général was made guardian of slaves only where they brought complaints against their masters for ill treatment; and in practice we have found, that this officer, in many cases of complaint, preferred by slaves to the police, has ordered the punishment of the slaves; and in cases which have been brought before the courts, he has "concluded" against them. In civil causes, and particularly in claims to freedom, a "patron" has been allowed to appear and act for the slaves. In most instances, this person (always a member of a legal profession) has been named specially for each case by the President of the Court of First Instance, but occasionally the patron has been self-elected.

It would be obviously impossible, from the nature and extent of his duties, for the procureur général to undertake these causes. We are also fully sensible of the great advantage likely to accrue from the special appointment of a protector, whose duty and attention would be exclusively directed to the interests of slaves, whose obedience to their masters, within the rules prescribed by the law, would thus be increased with their confidence of support in their just rights from an officer, who in no instances would be engaged as public prosecutor against them. On these occasions it must be obvious, that the procureur général would be incapacitated from acting as guardian, and that another would require to be appointed.

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The individuals who drew up the observations, adopted at a meeting of the inhabitants, and to which the council refer, have urged an objection to the appointment of a guardian, by stating, that our arrival in the colony was a signal to the slaves for advancing many unfounded claims to liberty, a circumstance of but little moment, even had it really occurred; as in all instances the courts reject those claims which do not present a reasonable ground for appointing a "patron" to defend them.

Appendix, N° 2. It appears, however, from the result of our inquiries, that the claims of this nature, preferred by slaves at the time, were not numerous; and that of these the greater part were well founded.

Vide Appendix to Report on Slave Trade, N° 55 & 57. Case of Mon. Car-rac. That they were not brought forward in consequence of our arrival, may be inferred from the fact alone, that very few of them were addressed to ourselves, as in all instances they were at the Cape. Those which were brought to our notice, were referred by us to the proper authorities, or to the counsel for the poor as "patron;" and as an example of the importance of paying attention to such claims, we beg to refer to a case originally brought before us, and which has recently been decided in favour of an Indian Lascar, who was discharged from a ship (the Shawfield) in this port in 1820 or 1821.

ART. 6. The sixth Article of the Trinidad order omitted in the Mauritius draft, will require of course to be replaced, in the event of the protector being continued as a separate appointment from that of procureur général; and we are fully confirmed in the opinion we formerly expressed in favour of such an appointment.

Vide our letter to Earl Bathurst, 22 November 1826. and its Inclosures.

Ibid. The reasons assigned by the council for permitting the protector to own domestic slaves, do not appear to us to be satisfactory. The principle on which he is prohibited from holding, or even having an interest in any plantation slave, applies with equal force to his possessing domestic slaves. The argument of the council, founded on the number and expense of servants required for a family at Mauritius was formerly considered in the salary we recommended for the office. We are unable to discover any sufficient grounds for the measures proposed by the council for enabling the Governor to take into consideration any case in which the protector may become interested in slaves, instead of making the fact of acquiring such interest an immediate disqualification for, and consequent loss of office; and we can perceive no objection to the enactment of the salutary restriction which we formerly recommended, by which the acquirement of such property should disqualify him for the office of protector. As to the suggestion of the council for extending to one year the leave of absence to be granted to the protector of slaves for the recovery of health, we are of opinion, that no special provision will require to be made; the time does not appear to be unreasonable considering the distance of this colony from England; but in some cases, a removal to the Cape for a shorter period may be sufficient.

Ibid.

ART. 7. On the observations of the council upon the seventh Article framed in the contemplation of the appointment of the procureur général to be protector of slaves, it is only necessary that we should refer to the return of duties now performed by the substitute of the procureur général, which will show the nature and extent of those already devolving upon these officers, and also to the general objections we have already stated to the appointment in question.

Appendix, N° 1.

ART. 8. We fully concur with the council in the adoption of the eighth Article as they have framed it, and we deeply regret the want of those means of moral and religious instruction, which, from the provisions of the "*Code Noir*," it had apparently been the intention of the French government to provide. We have the honor to transmit with the Appendix a return, showing the number of the Protestant and Roman Catholic clergymen actually in Mauritius, and from the observations contained in the replies of the military chaplain and the vicar apostolic (in whose opinions we do not generally concur) you will be made aware of the unhappy state of ignorance in which nearly the whole of the servile classes of this colony have been suffered to remain; and we are extremely sorry that His Majesty's government should ever have been led into the mistake into which Governor Farquhar had himself fallen, when he stated in his dispatch, dated 12th October 1813, that "the better informed of this class can read," a statement which appeared to include many, but in reality could be applicable to a very small number of individuals.

Appendix, N° 3.

Appendix, N° 4.

Vide Parliamentary Papers on Slave Trade at Mauritius, 1811—1817, p. 25.

At present we confine ourselves to the observation, that if proper means of instruction be afforded to the slaves, we have every reason to believe, that they will not fail from want of aptitude and intelligence on the part of the majority of that class

The ninth Article has been drawn up in conformity with the present usage of the colony, and we think it is well calculated to give effect to the intentions of His Majesty's government, in regard to the due observance of Sunday, as a day of rest ; but we would propose to limit the sales in the Sunday markets, to those of *provisions alone*. It has hitherto been the custom for the slaves to expose for sale in the Sunday markets of Port Louis, various articles, but principally household furniture, a great part of which being their own manufacture during their hours of leisure ; any bar to the disposal of these articles would operate as a loss to those, whose useful industry it is so desirable to encourage. In order to obviate this objection, we venture to propose the substitution of a plan by which the slaves might be enabled to obtain full value for the produce of their labour, and without the continuance of the Sunday market for such objects.

ART. 9.

If a repository for the articles made by slaves were established in the town, it might be advantageously placed under the control of the guardian of slaves, where such goods might be sold on their account, without any commission being charged ; and we may add, that this mode of sale of articles of the description is frequently resorted to in Port Louis.

The same reason for which we have considered Sunday markets should be held for the sale of provisions alone, apply with equal force to permitting slaves to make the Sunday a day of labour, for their own profit. In case of necessity, however, such as hurricane, inundation, fire, or other great danger, it should be expressly declared lawful for the master to compel his slave to work upon Sunday, paying him for his trouble.

ART. 10.

In the eleventh Article, the commanders or negroes in charge of the working gangs are permitted to carry a cane as a mark of their authority. We cannot but feel however the force of the objections to any such emblem of command, which have led to its rejection in other colonies. If the cane may not be lawfully used, we think it more advisable to restrain its exhibition, especially by a class of persons entrusted with an authority which may be capriciously or intemperately exercised, and if any distinguishing mark or badge is required, it may be easily chosen amongst the ornaments of dress to which the negroes are always partial.

ART. 11.

The council have introduced into the twelfth Article an alteration of the Trinidad order, from the example of Demerara, in admitting six slaves instead of one free person to witness the flogging of a slave ; but we conceive that the presence of two slaves belonging to another proprietor should be considered equivalent to that of six, who are the property of the masters of the slave to be punished. We think also it would be proper to designate the instrument of punishment more distinctly, and to prohibit, under penalties, the use of any other. It would also be advisable to provide that no slave should be compelled to inflict punishment on one who is his relation, or connected with him by marriage, or that such slave should be required to attend the punishment ; we are aware that the slaves have in some instances connected themselves with those in other estates, that they might not be exposed to the pain of witnessing their punishment.

ART. 12.

We cannot agree with the proposal made by the council in accordance with the suggestions of the inhabitants, that the records of punishments should be kept by other persons than those who are responsible for the infliction of them. The printing of volumes or sheets containing blank columns would obviate any difficulty that would attend an entry so simple in its nature, and in the case of a few, who may be unable to write the entries, may be made by another individual, but ought to be attested by the oath of the person by whose authority the punishment was inflicted and recorded.

By the thirteenth Article it is proposed to sanction, to a limited extent, the punishment of females by flogging under the authority of the civil commissaries. On this subject the council refer to the observations of the inhabitants, who consider that due subordination cannot be maintained, if this mode of correcting them were prohibited, but we are not aware of any circumstance in regard to the female slaves in Mauritius, which should exclude them from that protection from an indecent and

ART. 13.

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often dangerous punishment, which has been relinquished in other British colonies. If the inhabitants in general are to obtain credit for any part of the description given by the procureur général and the civil commissaries of the mild treatment of their slaves, they will not generally object to the enforcement of this restriction on the flogging of females, and the substitution of other modes of punishment, and we have the satisfaction of being able to state, on the authority of the chief commissary of police, that solitary confinement has been found much more efficacious.

Appendix, N° 5.

See Evidence of Mr. Finniss.

Vide Appendix, N° 6, Ordinance of the Governor in Council, 13 Dec. 1826.

The clause now under consideration contains a provision, by which the Governor would be empowered to fix the various modes of punishment hereafter to be used. An objection, however, would apply to allowing the Governor alone to exercise, in this respect a legislative authority not permitted in other matters; and we may take this opportunity of remarking, that punishments which have appeared to us highly objectionable have been in occasional use throughout the colony, although since the Governor and Council directed their attention to that subject, the usage has been changed by law.

Evidence of Mr. Finniss.

Ordinance, 13 Dec. 1826.

Appendix, N° 6.

The "*Code Noir*," and the decrees of the colonial assembly, form the chief laws relating to the slaves in this colony. By these enactments, masters are expressly prohibited from torturing their slaves, but are permitted to put chains upon them. From custom this article has been interpreted very loosely, and it has been thought allowable, not only to put slaves in chains, but to load them with fetters of considerable weight, attached by heavy rings to the ancles, to rivet branched iron collars round the neck, so as to render the recumbent posture nearly, and in some instances, quite impossible; and to couple two slaves together with a bar fastened by a ring also rivetted round the neck of each, the removal of which has often been accomplished with difficulty, and in some instances with risk of injury to the slave, the ancle rings being sometimes put on at the forge and hammered together, the leg being protected from the hot iron by means of wet cloths. The ordinance which we annex has prohibited some of the most objectionable of these instruments of infliction if not of torture; but we consider that the application of chains as a punishment, which the master is entitled to award, should be altogether disused; and that the magistrate should alone have the right to authorize the application of chains of limited weight to the legs of maroons or deserters. A collection of the instruments in use, which have been taken from the bodies of slaves, we have judged it expedient to send, and which will be calculated to illustrate our observations.

Appendix, N° 7.

Evidence of Mr. Finniss.

The practice of chaining men and women together has been discontinued, but that of chaining females together is not declared illegal; and the possible consequences of coupling men in this manner for indefinite periods are too obvious to require any explanation; and the substitute of the procureur général in his letter has, upon this and similar subjects, expressed his regret at the want of some precise regulation; and we think that the time should be defined by the magistrate in every case, where he may judge the application of chains to be necessary, but in no instance should the period exceed eight (8) days. It is alleged that the disposition of some slaves to desertion and vagrancy can be restrained only by the use of chains, but the improvement in the condition and treatment of the slaves on some estates has been found more effectually to discourage them from exposing themselves to the privations of a maroon life; the attention paid by the chief commissary of police to their complaints has also had the effect of inducing them, in several instances, to prefer them rather than to desert to the woods. And we cannot doubt, that here as in other slave colonies, stocks for the feet or hands, solitary confinement, degrading work, and marks of disgrace, will afford adequate means of correction of such offences as masters ought to be permitted to punish by their own authority.

ART. 14.
Appendix, N° 7.

The fourteenth Article of the draft is not, we apprehend, sufficiently precise, and we would again beg leave to refer to the letter of Mr. Portalis, which explains the usual practice, and expresses his anxious wish, that the rule respecting food, clothing and work of slaves, should be more accurately defined; the quantity of food mentioned by Mr. Portalis might be advantageously fixed by law, as they are stated by him. The clothing of the plantation slaves is often extremely deficient, but perhaps the precise quantity to be furnished to each by the master, so much depending on the sort of work the wearer has to perform, his care of his clothes, the nature of the season, and other circumstances, cannot well be made the subject of more precise regulation than by declaring, that two sufficient suits of clothing should in all cases be given yearly to each slave, the masters being strictly compelled

pelled to pay the fines incurred by not having their slaves at all times decently and sufficiently clothed. No regulation has hitherto been made in regard to the number of hours each day during which slaves may be worked, and the intervals for rest and meals which should be allowed; and it would be advisable to enact, that twelve hours actual work should on no account, but that of absolute necessity, be exceeded at any season of the year for retaining the negroes in the field, and the intervals of refreshments should not be less than three hours during the day and nine during the night. The weights to be drawn by slaves have never yet been defined, and as we are aware that they are frequently much greater than is fitting, they require to be regulated. The employment of slaves in drawing carts is now nearly restricted to the town; the improvement of the roads and the introduction of horses, mules and draft oxen, having superseded the practice formerly so prevalent throughout the colony of yoking the slaves.

The proclamation dated 9th April 1828, for the first time, limits the weights of loads to be carried by slaves, and we believe that the scale adopted is not objectionable, in so far as it applies to full grown slaves, but a proportional reduction of the weights to be carried by young slaves is still required to be made. Appendix, N° 8.

In the fifteenth Article it is proposed to exempt from the regulation for keeping a register of punishments, those proprietors who have not more than twenty slaves; however, any peculiar indulgence accorded to the indigent proprietor, (we cannot but think) would be materially detrimental to their slaves, for which no corresponding advantage is held out to them. ART. 15 to 21.

The twenty-second Article is framed with the view of enabling the courts to exercise a wider discretion than is sanctioned by the Trinidad order in the case of a slave complaining of illegal punishment by his master, but such a change might give rise to a laxity extremely prejudicial to the slave; all that is contemplated by the Trinidad order, is to create a presumption from the state of the slave's person, and the consistency of his story, but although by that order the burthen of proof is laid on the master, he is denied no means of proving his innocence, and where he had legally punished his slave, the plantation book would be referred to in his justification, and any conspiracy amongst the slaves, when fully proved, might be declared subject to severe punishment. ART. 22.

In cases of complaint made by a number of slaves on a plantation, we have noticed generally the disposition to ascribe it either to conspiracy, or to the influence of individual slaves, and to punish it as "rebellion," a practice to which there are great objections, where there are real grounds of complaint upon the habitation. Vide Return.
Appendix, N° 2.

The twenty-third Article has, in deference to the wish of the inhabitants, directed the master's view of his own interest to be consulted in permitting the marriage of slaves in cases where no other objection to the union can be urged; but we are induced to consider, that the true interest of the proprietors, as well as of the slaves, will be most effectually promoted, by giving the utmost encouragement to moral connections; it is quite just that owners should be fully entitled to state to the protector of slaves their objections to any proposed marriage; but the objection should only be admitted when founded on the probable disadvantage to the slaves themselves, arising out of the character of either of the parties. Marriages, we think, ought in all cases to be solemnized in church, but as the civil contract is sufficient by the present law, in the case of free persons, it will be necessary to consider it to be equally valid in the case of slaves, while the law may remain on its present footing, and also till the slaves have more generally become christians, and may be taught to comprehend the moral obligations involved in matrimony. Divorce, in cases of adultery, would be attended with the salutary effect that the children might be detached from the mother in such cases. The proposed power of legitimation of slave children by subsequent marriage, is a very advisable measure, as applied to the children now in existence, and born before the right of marriage was secured to their parents; it would be requisite to specify, that any male slave marrying the mother of children not truly his offspring, must yet be held to be in law their father. ART. 23.

On the twenty-fourth Article we would observe, that it might be advisable, in order to encourage moral and to discourage immoral connections, that the father of illegitimate children should not be protected from separation from them, if he refused to marry the mother after being formally asked to do so by the master, in presence of the protector of slaves, who should then grant a certificate to that effect. ART. 24.

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In registering the families of slaves, the name of the father should be included whenever a marriage has taken place.

- ART. 25. The twenty-fifth Article enables slaves to hold and dispose of all descriptions of property, real and personal, but with the concurrence of the master and guardian of slaves. The inhabitants have contended very strenuously against this article, and have quoted the "*Code Noir*," in proof of the older opinions on this point; but we must refer to the twenty-second article of that law, which follows the prohibitory clause alluded to by them, and shows that when the master permitted his slave to enjoy a "*peculium*," he lost any general right over it as being held by his slave, and could only be ranked as an ordinary creditor in the assertion of any claim upon it. The interference of the master we cannot suppose likely to lead to any practical benefit, and the guardian does all that is really necessary in presenting himself to sue and be sued on account of the slave in all actions at law. We would however submit a restriction of a different kind, which, we think, it might not be improper to introduce, prohibiting a slave from being himself the owner of any slave. The last clause of the article justly declares slaves liable to costs and damages, awarded against them in case of losing actions brought by them, or on their behalf. On a principle which is unobjectionable, the Colonial Laws declare the master liable to repair damage done by his slave, to the extent of the value of that slave, and in case of the sum exceeding his price, the owner is discharged from further responsibility by giving up the slave to the claimant: that no mistake may arise as to the effect of the new law upon the old, in this particular, it would be desirable to express that masters shall still be liable to this extent, the slave's own property being exhausted in the first instance. The objections urged by the inhabitants on this subject, are in a great measure the same that have been advanced in other colonies, where experience having proved the apprehension of ill effects to be groundless, it is unnecessary to offer any particular remarks upon them.
- ART. 26. The twenty-sixth Article varies from the Trinidad order, with the just view of preventing the intestate succession of slaves from following a different rule from that of free persons in Mauritius, and does not seem liable to any objection, excepting in the last clause, appointing the master the heir of his slave dying intestate, and without relations. No reason has been assigned for departing from the general rule, by which the King is last heir; while on the contrary it would seem expedient to declare, that the master should only benefit from the property of his slave under the express will of the latter, made freely and voluntarily in case he felt disposed thus to show his gratitude for past kindness, and when he left no children to inherit.
- ART. 27. The twenty-seventh Article provides for the administration of "Savings Banks," by permitting the Governor to make laws for their regulation, and to appoint a committee to direct them. The inhabitants seem to be jealous of the chief superintendence of the banks being in the hands of the protector; but when it is considered that the funds are to be composed entirely of the property of slaves, we do not consider that any other persons whatever are so likely to be anxious for their administration; we would, therefore, prefer that the guardian should be *ex officio* president of the committee proposed.
- ART. 28. The twenty-eighth Article reduces to two pounds the sum to be deposited by slaves without their master's written consent, an alteration for which we do not consider that any sufficient reasons exist. The clause providing that a monthly list of deposits should be published, we think is well calculated to allay any apprehension of fraud; and as the manner in which a slave had acquired his property might be readily ascertained, the risk supposed to exist in allowing the slave to deposit more than two pounds, would be fully counterbalanced. We therefore propose that the slave should be permitted to deposit any sum whatever, whether acquired by his own industry, or from inheritance, gift or bequest.
- ART. 29. In the twenty-ninth Article, relating to gratuitous enfranchisements, the council refer to the Ordinance, N^o 21, of the Governor in Council upon this important subject, the rights of creditors are protected in a fair manner by the ordinance in question; this clause might therefore be repeated, with some further provisions, to protect the interest of slaves in cases where the transactions were usurious, or when the slave might have preferential claims against his master; but the clauses for the assurance of means of subsistence to the emancipated slave, the necessity of
petitioning

petitioning the Governor for leave to emancipate, and the payment to the "Caisse de Bienfaisance," appear to us to be superfluous, and in entire opposition to the spirit of the order of His Majesty in Council. Some additional facilities have been afforded by a recent ordinance; but we think that all obstructions should be removed, and that any objections to emancipation should be stated to the protector instead of the procureur général, and none should be considered excepting those involving the just rights of creditors.

Ordinance,
14 May 1828.
Appendix, N° 9.

Voluntary emancipations are not unfrequent even under the present restrictions, and we do not doubt will become more so on the removal of the existing impediments, which have proceeded from a groundless apprehension prevailing, that the colony would become chargeable with the enfranchised slaves, who, from the degradation of labour, and the effects of climate, it is supposed would cease to work for their subsistence. The first of these causes must be expected to operate until the increase of numbers may reduce the price of labour, and augment the exertions necessary for acquiring a bare subsistence by persons of that class; but idle propensities may be counteracted by promoting moral habits, the result of legitimate connections, and the application of the fruits of industry to the maintenance of families, and also by rigorously withholding all gratuitous assistance from those who are capable of working, and by enforcing the ordinary police restrictions against vagrancy. The observation of the inhabitants, that the climate is unfavourable to exertion, is quite at variance with the various projects which have been brought forward for the introduction of Chinese labourers; relying upon their industrious habits, it has not been doubted, that the ordinary motives of industry would be sufficient to stimulate them to exertion for a competent reward. We may observe, that the number of slave artificers and mechanics, who frequent the Sunday markets with articles for sale, the production of their leisure, afford a proof that these motives are not inoperative with that class; indeed we have been assured, that many of those enfranchisements, apparently gratuitous, have in fact been obtained by purchase from their masters by the slaves from the fruit of their own exertions. Notwithstanding the number of these enfranchisements which have been effected, it appears from a return made to us, that one hundred and fifty-nine petitions to emancipate slaves have been received by the Governor since April 1825, and which have not been completed, owing (we may presume) to the forms and securities required by the Colonial Ordinance to which we have referred.

Appendix, N° 75.
Report on Slave
Trade, dated
12 March 1828.

Evidence of
Mr. Romefort.
Appendix, N° 10.

Appendix, N° 11.

The thirtieth and thirty-first Articles are taken from the Trinidad order, and relate to the right of slaves to purchase their freedom.

ART. 30 & 31.

The immorality attributed to the slaves by the committee, is the effect of their condition, for which the masters themselves are responsible. While they are unprotected in their domestic connections without instruction, and submitted to severe coercive labour, there may be a prevailing disposition to idleness, improvidence, and vice in the slaves who are so circumstanced; but the freedom acquired by purchase from the earnings of successful industry, is not likely, in any instance, to be misapplied.

The council propose to allow slaves to redeem only their wives and children under puberty, a privilege undoubtedly calculated to hasten the extinction of slavery; but considering the comparatively small number of females, we can discern no just or adequate reason for withholding the privilege from the great majority of the slaves, many of whom can have no means of forming such connections.

The clause borrowed from Demerara, imposing upon the slave the burden of proof in all cases, that his money had been honestly acquired, would subject him to needless hardship. Where a public notice is given of his deposits in the savings banks, his honesty is to be presumed, except when it can be disproved; but there is no objection to a slave being called on to account for his property, where it consists of other moveables, or of money not deposited in savings banks. By the last clause of this Article, it is proposed to prohibit a slave, who had been guilty of theft, or other offence, from exercising the right of self-purchase. We conceive that the ordinary punishments are sufficient to prevent crime without such interference with the private right of the individual; and the master could be but little benefited by preventing the slave from redeeming his freedom when he had honestly acquired the means.

By Article thirty-two of the draft, the expense of the slave's appraisalment is directed not to be deducted from the price upon his head. We would venture to propose

ART. 32.

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propose for adoption the principle which is not unfrequently followed in compulsory sales of property under Acts of Parliament for public improvements, and that this expense should fall upon the slave or the master, according as the one had offered less or the other demanded more than the appraisers might deem to be a just valuation.

ART. 33. The thirty-third Article fixes the interest to be payable by the treasurer on the price deposited in his hands, at six instead of five per cent per annum, an alteration which, considering the present value of money at Mauritius may be assented to.

ART. 34. The thirty-fourth Article relating to voluntary enfranchisements has been altered from the Trinidad order, for the reasons which are assigned in the observation on the twenty-ninth Article; but upon the view we have already taken, they do not appear to us of sufficient weight to authorize a change.

ART. 36. The thirty-sixth Article on slave testimony has been altered from the corresponding clause in the Trinidad order, because the law of Mauritius gives greater latitude in its admission, and the council have justly considered, that the existing rule ought therefore to be maintained. To avoid any misconception, however, we would recommend that the words "any Criminal Court," (aucune Cour Criminelle) should be exchanged for "any Court," as by the extracts from the colonial laws, which we have the honour to annex with the procureur général's opinion, it will appear that the courts are at present authorized to take in civil cases the evidence of slaves, attaching to it such weight as in their judgment they may deem to be due to it.

Appendix, N° 12.

ART. 43. The council have introduced this Article by which the slave registry should be declared to be conclusive evidence of the kindred of slaves, as a rule which would no doubt prove convenient, but in order to prevent the possibility of injury arising from mistakes, we think it would be expedient to add to the clause proposed, that it shall be competent to adduce other proof, where the accuracy of the slave registry may be disputed by either party, and that the parish or district registers should be considered of equal validity, when marriages have taken place.

ART. 44. The forty-fourth Article directs, that in cases of ill-founded complaint by slaves, the protector or the tribunal before which the complaint is brought, shall determine a punishment to be inflicted on the slave; but as it stands in the draft, we think that the clause is not sufficiently explicit. No punishment can justly be incurred for a complaint which is simply ill-founded, or which may fail from want of proof, and it would prove a means of preventing those slaves who had really received ill-treatment from bringing it to the knowledge of the proper authorities. In order to deter the slave from complaining improperly, it would be sufficient to provide, that in case of false accusation wilfully made, and on no others, the judge should be authorized to sentence the slave to punishment proportioned to the degree of aggravation. We may here remark, that the complaints of slaves brought before the proper officers are not numerous, and that it is proved by the returns made up to the year 1827, that they have been in a majority of cases well founded.

Appendix, N° 2.

The final clause declares all existing laws to continue in force, except where contrary to the provisions of this ordinance. We would here submit, that among the colonial laws there are many useful provisions which it would be injurious to abrogate, and which by this clause will therefore be maintained in force; on the other hand there are some which, although partially in disuse, it might be judged fit from their objectionable character to take this opportunity of formally repealing. We are accordingly induced to enumerate them.

**LAWS TO BE
REPEALED.**

1. Those clauses of the twelfth and twenty-ninth Articles of the "*Code Noir*," which apply the punishment of branding to slaves.
2. The whole of the thirty-first Article, which denounces against runaway slaves or "maroons," the punishment of cutting off the ears, branding, hamstringing and death.
3. The ordinance of 26th September 1767, in some particulars alters the "*Code Noir*," and in others re-enacts its provisions, and in the sixth Article forbids any slave to be sold to a "Gentile" or "Mahomedan," a regulation which, if followed, would deprive of their property several slave owners of the Malabar caste, a class of persons

persons whom it is the interest of this colony to encourage to settle in it. But by the accompanying extract from a letter from the procureur général, it will be observed, that the law has really fallen into disuse, and it might be desirable to prevent the possibility of mistake by the formal abrogation of it, distinctly providing under heavy penalties, that such heathen masters should in no manner interfere with the religious and moral instruction of their slaves.

Appendix, N° 13.

The Arrêté of the 13th May 1776, respecting the valuation of condemned slaves, has already been noticed. 4.

The Arrêté of 19 Brumaire, an. XIII. contains an article (the eighth) by which all foundlings of colour are declared government slaves, an enactment which has been acted upon in some instances, as will appear from a return which is subjoined; the number stated in the return to have been taken for the term of fourteen years, comprises the cases which have occurred since the proclamation of Governor Farquhar, dated 30th December 1814. 5.

Appendix, N° 14.
Vide Proclamation,
30th Dec. 1814,
ART. 15.

Art. 10, sect. 11, cap. 1. tit. 1, of the Police Laws of 28 April 1808, which prohibits masters from allowing slaves to go out for the purpose of seeking work for themselves. The same prohibition is contained in art. 90 of the Arrêté Supplémentaire to the Code Civil. 6.

Article 31 of the Arrêté Supplémentaire to the Code de Procédure, which prohibits the creditor from seizing a single domestic slave, the personal attendant of the debtor, unless for debt incurred for aliment, a provision which seems only calculated to foster idleness in the lower orders of free people and to injure the condition of those slaves exposed to be retained in the hands of indigent owners. 7.

The laws which we think it would be particularly beneficial to preserve are the following: LAWS TO BE PRESERVED.

The 18th article of the "Code Noir," which prohibits masters from giving their slaves certain days to work on their own account, instead of furnishing them with their proper food and clothing. 1.

The 42d article of the "Code Noir," which forbids the separation, by sale or seizure, of slave husbands, wives, and children under the age of puberty (the age of seven years is, however, that at which slave children may now be separated from their parents, and we do not object to that change.) 2.

The 43d article of the "Code Noir," which prohibits slaves from the age of fourteen to that of sixty to be sold or seized separately from the land on which they are actually working, unless the seizure be in satisfaction of a claim for the price of the slaves. The prohibition should, however, be declared to apply to slaves of seven years and upwards. 3.

Article 5 of the "Code Noir," which permits a free black to marry his female slave, by which act she is free, and the natural children are legitimated. (Repeated in article 7 of the Arrêté of 27th September 1767.) 4.

Article 23 of the "Code Noir," by which the testimony of slaves is admitted where they are necessary witnesses, and in default of white persons, but never for or against their masters. 5.

Art. 30 of the "Code Noir," by which masters are bound to repair all damage done by their slaves or else to give them up to the injured party. (Repeated in Art. 80 of the Arrêté Supplémentaire to the Code Civil.) 6.

Art. 37 of the "Code Noir," by which the courts are empowered to confiscate a slave who has been illtreated by his master. 7.

Art. 50 of the "Code Noir," by which the nomination of a slave as tutor to the children of his owner is to be held a virtual enfranchisement of them. 8.

Art. 1 of the Arrêté, 17th December 1772, which declares it unlawful for a slave to be or to call himself the owner of another slave; a regulation which we have already noticed. 9.

Art. 34 of the Arrêté Supplémentaire to the Code Civil of Napoleon, which admits the evidence of slaves in divorce cases, when the testimony of free persons cannot be had and where the court shall deem it to be necessary; but reserving to the judge to attach such value to their depositions as he may consider them to merit. 10.

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11. Art. 50 of the Arrêté Supplémentaire to the Code Civil, which forbids the seizure in execution or voluntary sale of slave children under seven years of age separately from their mother.
12. Art. 100 of the Arrêté Supplémentaire to the Code Civil, which forbids the seizure of habitation slaves separately from the lands on which they are actually working, except for debt incurred by their purchase. This article and article 50, both increase the benefit given by the articles 42 and 43 of the "Code Noir" already noticed.
13. Art. 13 and art. 15 of Decaeu's Arrêté Supplémentaire to the Code de Procédure, which direct that slaves are to be admitted as witnesses in all cases, the court attaching such credit to them as seems due; but not to be witnesses for or against their masters.

Mauritius, }
19th May 1828. }

W. M. E. Colebrooke.
W. Blair.

N° 2. (b).

Mauritius, 19 May 1828.

N° 2. (b.)

* SCHEDULE of Documents referred to in the Observations of the Commissioners of Inquiry upon the proposed Ordinance in Council, for improving the Condition of the Slave Population in Mauritius, transmitted with their Letter to Mr. Huskisson of the 19th May 1828.

N° 1.—Return of the Duties performed by the Procureur Général and his substitutes at Mauritius.

N° 2. (a.)—Return of all Complaints brought before the *Police* at Port Louis, by Slaves against their Masters, from 24th August 1820 to 31st March 1828.

N° 2. (b.)—Return of all Cases of Complaints on the part of Slaves against their Masters, brought before the COURT OF FIRST INSTANCE from 1st January 1820 to 31st December 1826.

Return of all Cases of Complaints on the part of Slaves against their Masters, brought before the COURT OF APPEAL, at Mauritius, from 1st January 1820 to 31st December 1826.

N° 2. (c.)—Return of all Complaints brought by Slaves against their Masters before the Civil Commissaries of the several districts of Mauritius, from 1st January 1820 to 31st December 1826.

N° 3.—Return of the Number of Protestant and Roman Catholic Clergymen at Mauritius, 19th May 1828.

N° 4.—Letters addressed to the Commissioners of Inquiry by the Colonial and Military Chaplains, and by the Vicar Apostolic, at Mauritius, upon the present state of Moral and Religious Education among the Slave Population of that Island.

N° 5.—Replies of the several Commandants and Civil Commissaries in Mauritius, to the Circular Letters addressed to them by the Governor, on the 1st August and 15th December 1826, upon the subject of the Employment of Slaves by their Masters on Sundays; the Food, Clothing and Punishment of Slaves, and the Punishment of Female Slaves.

N° 6.—Ordinance of His Excellency the Governor in Council at Mauritius, 13th December 1826, for establishing the Weight of Chains and Fetters which the Inhabitants are authorized to put upon their Slaves.

N° 7.—Letter addressed to the Commissioners of Inquiry by Mr. Portalis, Substitut au Procureur Général, at Mauritius, 2d November 1827, in reply to their inquiries as to the State of the Law and the Practice of the Courts, in regard to—

1st. The Quantity and Quality of Food and Clothing to be allowed to Slaves by their Masters:

2d. The Weight to be carried by Slaves; and,

3d. The Time during which a Master may continue the Punishment of the Chain or the Collar on his Slave.

N° 8.—Ordinance

* These documents being very voluminous have been retained in the Colonial Department, where reference may be had to them if required.

with OBSERVATIONS of COMMISSIONERS of INQUIRY. 27

- N^o 8.—Ordinance of his Excellency the Governor in Council at Mauritius, 9th April 1828, regulating the Weight of Loads to be carried by Male and Female Slaves.
- N^o 9.—Ordinance of his Excellency the Governor in Council at Mauritius, 14th May 1828, embodying the formalities required to effect the manumission of Slaves.
- N^o 10.—Return of all Enfranchisements at Mauritius, between 27th January 1827 and 21st September 1827, specifying the Trade or Occupation of each Slave emancipated.
- N^o 11.—Return of Persons at Mauritius, by whom Petitions have been presented to the Governor for the Emancipation of Slaves, but in whose cases the formalities required by law had not been completed between 3d April 1824 and 19th May 1828.
- N^o 12.—Letter from Mr. Virieux, Procureur Général, to the Commissioners of Inquiry at Mauritius, 23d November 1827, upon the admissibility of the Evidence of Slaves in Divorce Cases and in Civil Cases.
- N^o 13.—Letter addressed to the Commissioners of Inquiry at Mauritius, by the Procureur Général, 27th November 1827, in reply to their inquiries respecting—
- 1st. The Law disqualifying Masters from holding Slaves in consequence of harsh treatment :
 - 2d. The Law enacting Penalties against Persons guilty of harbouring runaway Slaves; and,
 - 3d. The Law prohibiting the Sale of Slaves to Gentiles or Mahomedans.
- N^o 14.—Return of Foundlings of Colour sent to the Government Matricule at Mauritius, between January 1812 and November 1827, specifying from whom received, and how disposed of.
- N^o 15.—Return of Slaves and Apprentices who came to the Police Office in Port Louis, having irons upon them, to complain against their Masters, between 1st January 1827 and 31st March 1828.
- N^o 16.—Return of Slaves who entered the Bagne Prison at Port Louis with irons, between 31st January 1827 and 5th April 1828, specifying the weight of irons borne by each Slave.
- N^o 17.—Procès Verbal, taken by the Civil Commissary of Plaines Wilhems, 1st September 1826, relative to a Report of the expected arrival of the Commissioners from England, and of a general Emancipation of the Slaves in Mauritius.

(signed) *John Gregory,*
Secretary.

Mauritius, 19th May 1828.

N^o 3.

EXTRACT of that part of the Report of the Commissioners of Inquiry, dated 15th December 1828, upon the "Finances and Establishments" of Mauritius, which relates to the Condition of the Slaves in that Colony belonging to His Majesty's Government their employment, and the means of their Instruction and Emancipation.

N^o 3.

THE Matricule Department, which has been established for the care and superintendence of the government slaves in Port Louis, has been a source of considerable expense, unattended with any advantages compensating to the public, or to the negroes.

Matricule
Department.

From the records of this department, it appears that upwards of two thousand slaves were taken charge of at the period of the capture in 1810, or subsequently recovered. These slaves were fed and clothed at the public expense, whether employed on public works, or by individuals. The number of men, women and children in 1812, was 2,188, and the expense incurred on their account was stated to be 28,000*l.* per annum. In 1814, the number appears to have been reduced to 1,600 slaves, and the expense attending them, to 10,866*l.* per annum, besides the salaries of the Matricule Department. In 1818, the services of those employed by individuals were required to be paid for, a practice that has been adhered to with some special exceptions. Those attached to the country house and grounds of Mon Plaisir (the residence of the Commander of the Forces, and occupied by the Chief Judge, as a tenant, paying a monthly rent for the premises,) are maintained

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at the public expense, in the same manner as are those of Reduit, the country residence of the Governor.

The number of government slaves are reduced to 1,333, of whom 279 are women, and 425 are children, and the expenses incurred for their maintenance is 6,790*l.* sterling per annum; a deduction is to be made of the sums received for private servants, and the charge to the public is 6,257*l.* per annum. If to this sum are added the salaries of the establishment of the Matricule, 912*l.*, and the expenses of the various people maintained in it, the entire annual charge may be stated at 7,169*l.* sterling.

EMPLOYED In Public Departments, viz.	GOVERNMENT SLAVES.
Civil Engineer - - -	102
Port department - - -	45
Police d ^o - - -	30
Civil hospital - - -	35
Botanical garden - - -	13
Civil stores - - -	13
All other departments	57
	295
Labourers at Reduit - - -	113
At Mon Plaisir - - -	46
	159
Children - - -	52
Servants at Govern- ment House, at Port Louis and Reduit - - -	52
Royal College - - -	27
Chief Judge - - -	16
Curates - - -	47
Other persons - - -	61
Apprentices - - -	85
	288
Attached to military - - -	92
Attached to H. M. ships on the station - - -	14
Afflicted with leprosy, at de- pendent islands - - -	11
In gaol and police chains - - -	3
At the Matricule, including women, children & invalids	419
TOTAL - - -	1,333

The number who are attached to public departments at Port Louis, is two hundred and ninety-five; the number at Reduit and Mon Plaisir, as labourers, is one hundred and fifty-nine; and the number employed as servants, including those of the Governor, is two hundred and eighty-eight; of these, forty are paid for at a rate equivalent to the expense of their clothing and subsistence. Sixteen are subsisted by the Chief Judge, the other servants are subsisted by the public. The Government slaves, who are employed at the Matricule, are maintained at that establishment; and in this number are included the invalids and several women, also the children, who are too young to be apprenticed.

This department, till lately, did not possess any information regarding the connections of the female slaves, who, when not living with any of the Government negroes, have resided in the town, attending from time to time to receive clothing and rations for themselves and any children they might have. Those having no children, are employed in making up clothing for the Government slaves. The children of these women do not receive instruction, but, at the age of nine years, they are apprenticed till fourteen years old to individuals, under engagement that they should be instructed; for the most part they are brought up as servants.

The negro children at Reduit, and at Mon Plaisir, receive instructions in the schools established there, an overseer and schoolmaster being maintained at each of those places at the public expense. Both Sir Lowry Cole and the Chief Judge have given attention to the infant schools at Reduit, and at Mon Plaisir. No notice having been taken

in the Matricule establishment of the connections formed by the women in town; the return which has been furnished at our requisition, after a full examination, leads us to apprehend, that even where those connections are permanent and not promiscuous, there are some instances in which they are too disreputable to be acknowledged, and in no case does it appear that any of the women are married, although several have declared their willingness to marry the individuals with whom they have connected themselves.

In 1812, Sir Robert Farquhar stated his opinion that the maintenance of this establishment was an unnecessary burthen to the public, and that the work performed for the public by the negroes, could be more economically executed by contract; and considering the expense which has since been annually incurred, the general condition of the negroes, and the necessity of providing for invalids, in several instances worn out in the service of individuals, or in some description of labour which might be more effectually and cheaply performed by animals, we have no hesitation in recommending, that the department of the Matricule should be entirely abolished, and the following disposition made of the Government slaves, by which a favourable opportunity will be afforded of promoting the public economy, and of holding out an example to the colonists of the mode in which a beneficial change may be made in the means of providing for the subsistence of their slaves, which would be equally conducive to their own advantage.

The Government domains at Reduit, and at Pamplemouses, comprehending the grounds attached to the residence of Mon Plaisir, afford the means of settling any number of the negroes on provision grounds. The situations are very favourable for growing vegetables and herbs, either for consumption, or for the markets of Port Louis;

Louis; and a partial attempt has already been made at Mon Plaisir, to introduce a system so well calculated to promote the comfort and improvement of the negroes. We accordingly recommend, that all the negroes who have families, or who may desire to settle in this manner, including the invalids who are capable of performing any light work, together with the negresses who have families, may receive allotments of ground either at Pamplemouses or at Redit, which they should be instructed and directed by the overseer in the proper method of enclosing and cultivating; their labour, excepting for two days in the week, being applied to these objects, and in the erection of their cottages or huts; and those who possessed or reared stock, should have the privilege of depasturing it upon grounds appropriately situated.

They should receive clothing and rations for one year.

Their labour, during the other two week days should, for the present, be applied either in the botanical garden at Pamplemouses, or in the government grounds and gardens at Redit. The children should receive instruction at the school, and be brought up to trades and occupations.

In the second year, rations should only be given to those who are from age and infirmity unable to maintain themselves. In the third year grants should be made to them of their several allotments of ground, and they should be declared free, and allowed to enter into voluntary engagements, either with the government or with individuals, receiving wages of course when hired for the public.

By these measures the government will be permanently relieved from a heavy expense, and the colony benefited by the settlement of thriving villages in the neighbourhood of the principal markets.

The persons connected with the negresses, who are resident in Port Louis, should be required either to marry, or to give security to provide for them; and as to those negroes and negresses, who from habit may prefer to remain in domestic service, we recommend that in all instances, whether engaged by the government, or the public servants, or by private individuals, that they should be maintained wholly at the expense of their employers; the quantity of food and clothing to be given being stipulated in the engagements to be entered into for two years; and one shilling a day to be paid, to form a fund for the future settlement of these people, or to provide for them in sickness.

At the end of two years they should be free to enter into new engagements for themselves.

From the reports made to us of the service performed by the government slaves employed in the several public departments, we do not anticipate any inconvenience from promoting their settlement on provision grounds in the manner we have proposed.

It will be conducive to public economy, that the number of people actually required in those departments should be hired, and retained only for the period that their services are wanted; and as the government slaves do not keep up their numbers, it is obvious that the departments cannot permanently depend upon this source for the labour required, while the government becomes constantly chargeable for several inefficient persons not at all times wanted, and ultimately for their maintenance when entirely worn out.

Some negroes, without families may be retained on pay in the departments to which they are attached till others can be hired. Of this description are the caulkers, divers and boatmen attached to the Port Department, and the couriers in the Police; and a ready means of enabling the former to provide for their subsistence may be found in the abolition of the monopoly of the fisheries in Port Louis. The negroes employed in the Port Department may then be allowed to engage in fishing during certain days in the week, and be subsisted and paid for the days they work for the public; after two years, they should be allowed to enter into voluntary engagements, and declared free. We formerly recommended that those employed as couriers should be paid.

The practice of employing negroes in the carriage of civil and military stores, we think, should immediately be discontinued, and an establishment of carts and draught

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oxen maintained where they may be constantly required ; in other cases no difficulty will be found in contracting for the hire of carts when they are wanted.

The early enfranchisement of the government slaves is a measure which we consider to be necessary with a view to the due accomplishment of these arrangements ; and we have prescribed no other reservation than will provide for their settlement in a manner enabling them to maintain their families and prevent future expense to the government.

With a view to this object, it is especially important that the children should in no instances be apprenticed to persons who are proprietors of slaves, or brought up in the habits or ideas of that class ; that they should be apprenticed from the age of ten to that of fourteen years, in a manner to ensure them due instruction, and afterwards allowed and encouraged freely to enter into engagements for themselves.

RETURN to an Address of the Honourable the House of Commons, dated 3 June, 1839,—*for*

COPY of the ORDINANCE for the Government and Protection of Slaves in the Mauritius; with the Observations of the Commissioners appointed to inquire, among other subjects, into the State of Slavery, the Condition of the Slaves, and the means of relieving them, and encouraging Free Labour in that Island; and more particularly into the Condition of the Slaves in the Mauritius, belonging to His Majesty's Government, their Employment, and the means of their Instruction and Emancipation.

*Ordered, by The House of Commons, to be Printed,
13 June 1839.*
