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PAPERS

PRESENTED TO PARLIAMENT BY HIS
MAJESTY'S COMMAND,

In Explanation of the Measures adopted by His
Majesty's Government,

FOR THE MELIORATION OF THE CONDITION OF

THE SLAVE POPULATION

IN HIS MAJESTY'S POSSESSIONS IN THE

WEST INDIES, AND ON THE CONTINENT
OF SOUTH AMERICA.

[In continuation of the Papers presented in the year 1824.]

1825.

LONDON:

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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 350

LECTURE 10

STATISTICAL MECHANICS

ENTROPY AND THE SECOND LAW

REVIEW

ENTROPY AS A STATE FUNCTION

HEAT AND WORK

REVERSIBLE PROCESSES

EXAMPLES

CONCLUSION

SCHEDULE

**Of Correspondence between Earl Bathurst and the Officers Administering
the Governments in His Majesty's Possessions in the West Indies,
and on the Continent of South America.**

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PAPERS

RESPECTING THE

SLAVE POPULATION IN THE WEST INDIES

&c. &c.

JAMAICA.

No. 1.

MY LORD,

Downing Street, London, 9th January, 1824.

I HAVE the honour to acknowledge the receipt of your Grace's dispatch, No. 5, and of your separate letter of the 10th November.

The course which your Grace felt it advisable to adopt, in bringing under the consideration of the Legislature of Jamaica, the suggestions contained in my late circular letters, has been entirely approved.

As your Grace cannot enable me to judge what may be the extent of the measures for the melioration of the Slave population, to which the Assembly will finally consent, it is out of my power to furnish your Grace with any instructions in addition to those which I had the honour to communicate to you. Your Grace will, at the same time, be best able to judge how far the Act falls short of the recommendations on this important subject, and what chance there may be of prevailing upon the assembly to reconsider the measure, and take a more temperate and judicious view of what their real interests, and, as I am willing to believe, their natural sense of justice will ultimately require them to adopt.

I have the honor to be,

My Lord,

Your Grace's most obedient humble servant,

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

(Signed)

BATHURST

No. 2.

MY LORD,

King's House, Jamaica, 12th January, 1824.

I HAVE great satisfaction in acquainting your Lordship that the holidays have passed away without any commotion or disturbance amongst the Negroes.

There is abundant proof, however, that had the frontier Negroes succeeded in destroying the buildings on that estate, their example would have been followed by the other estates in the parish, and in the adjoining parish of Saint George, a considerable number of Slaves have been apprehended, and the examinations which have been taken prove that there was a settled plan amongst the Slaves to rise on some fixed day; but the full extent of the conspiracy has not yet been ascertained.

In the parish of St. James the magistrates have been unceasingly employed in taking examinations relative to some intended revolt in that district, and I very much fear that the bad spirit shewn in St. Mary, has extended itself further than I had anticipated.

Every thing at present is perfectly quiet, the militia guards have been discontinued, and the Negroes have returned to their ordinary duties.

Deeply as I lament the necessity of executing the Slaves convicted of rebellious conspiracy in St. Mary, I am persuaded that this example of severity had the effect of intimidating others who were prepared for mischief; and that the state of preparation in which the colony was placed, obliged them to abandon their designs, at least for the present.

As it may possibly appear to your Lordship, that the state of the colony has been such as to have justified my issuing the Proclamation, inclosed in your Lordship's dispatch of 28th May, I think it proper to observe, that as I have had no reason to suppose there has been any extended plan of co-operation amongst the Slaves throughout the island, but on the contrary, that any evil designs have been confined to particular districts, I thought it unnecessary.

I have the honor to be,

*The Earl Bathurst,
&c. &c. &c.*

(Signed)

MANCHESTER.

No. 3.

MY LORD,

King's House, Jamaica, 9th February 1824.

SINCE I had the honor to address your Lordship, the trials of the several Slaves who were charged with rebellious conspiracy in the parish of Saint George, have taken place.

At the first trial, which was on the 19th ultimo, eight Slaves were convicted of rebellious conspiracy, three of whom were condemned to be hanged, and five transported. The cases of those sentenced to death having been referred to me, I gave orders for the execution of one named Henry Oliver, and who seemed to have been the leader of the intended revolt, and commuted the sentence of the other two to transportation for life.

At the second trial, which was on the 2d instant, three Slaves were sentenced to be hanged, and three to be transported. One has been ordered for execution, the other two having had their punishment commuted to transportation, and of those sentenced to transportation two have received an unconditional pardon.

I have the satisfaction to state, that an Obeah man, who, it appears, by the most decisive evidence, had deluded these and a great number of other Slaves into a belief that he could, by his art, render them invulnerable, has been apprehended; and, I trust now, that the influence of this man is at an end, the peace of the parish will be completely restored.

In the parish of St. James, fourteen Slaves have been tried, four of whom have been sentenced to transportation, nine to various terms of imprisonment, none exceeding twelve months, and some of them to receive corporal punishment, and one Slave was acquitted.

As the evidence adduced at these trials did not establish any combination amongst the prisoners, although some of them had been betrayed into unguarded and intemperate language, I have thought it proper to commute the punishment of those sentenced to transportation, one to three months, and the other three to one month's confinement to hard labour; and I have ordered the remaining nine, who were convicted of minor offences, to be discharged.

In all other parts of the island no insubordination amongst the Slaves has been shewn, and I trust that the examples of severity which have been made, where the magnitude of the crime called for it, and of clemency where it could be exercised, will restore the colony to its former tranquillity.

I have the honor, &c.

*The Earl Bathurst,
&c. &c. &c.*

(Signed)

MANCHESTER.

No. 4.

MY LORD,

King's House, Jamaica, 16th June 1824.

IT is with great regret I acquaint your Lordship, that I have just received a communication from the parish of Hanover, stating that some circumstances of an unpleasant nature had appeared amongst the Slaves in that neighbourhood, and that they had in two instances proceeded to acts of outrage.

I inclose, for your Lordship's information, copies of two letters, and the examination of Richard Hemmings and Richard Hanson, relative to this disturbance.

I hope and trust that the measures of precaution which have and will be adopted, will check any disposition to revolt, before it can have proceeded to any extent.

I have the honor to be,

My Lord,

Your Lordship's most obedient humble servant,

(Signed)

MANCHESTER.

The Earl Bathurst,
&c. &c. &c.

SIR,

Argyle, 14th June, 1824, half past 12 o'clock, P. M.

I HAVE the honor to acquaint you, for the information of his Grace, that the annexed important evidence has transpired since I addressed you this morning. It is of so serious a nature, that I lose not a moment in despatching it, as it appears to me evident that the Maroons of Accompong Town are the instigators of this rebellion, and that the Slaves of this vicinity are acting only a secondary part. Should there be, in a day or two, further accession to their numbers, from the disaffection of other estates, God knows what the consequences may be. I should therefore take the liberty of recommending that the utmost exertions be made to overcome this evil in its earliest stage.

I have the honour, &c. &c.

(Signed)

A. CAMPBELL, Col.
West Int'. Regt.*To William Bullock, Esq.*

P. S. One o'clock, P. M. I have this instant received a letter (of which the following is a copy) from Lieut.-Col. O'Connor, whom I detached with twenty men this morning to Alexandria, to learn the particulars of the occasion of the fire there last night.

DEAR SIR,

(COPY.)

THE driver of Golden Grove estate is just come here, saying that the Negro men upon Golden Grove have broken open the overseer's house, and taken what arms are there. He accompanies the message, and will communicate to you any information he may have. He accuses the Argyle people of the act of burning down Alexandria Negro houses: I have, of course, suspended any further enquiry here upon the subject. I propose proceeding to Golden Grove with the detachment till further orders. In the mean time

I remain, dear Sir, your's, &c.

C. O'CONNOR,

Lieut. Col. West Int'. Regt.

*The Examination of Richard Hemmings, a Free Person of Colour.**Argyle, 14th June, 1824.*

EXAMINANT says, a wench belonging to me, came to me last night, and asked me if I had had heard that the Negroes were going to rise. I replied, "Poh! nonsense! perhaps there might be two or three of Mr.

Malcolm's going down to the Magistrates, and that's all:" then she said, " Ah! massa, you won't believe those things; there are seven of Mr. Malcolm's Negroes gone up to St. Elizabeth's, to bring the Accompong Maroons down; for massa, have not you heard that they have been whipping one or two at Montego Bay?" She then told me that the Dundee people was to join them, and that on their way up they were to set the Trash Houses of Alexandria estate on fire. At day dawn this morning, on looking out I saw the fire. She said also, that two of Mr. Hall's estates in St. James, had promised to join them, but that she could not tell the names of them. This morning early, when I was bustling to get away to the lowlands, I saw one of my men, and asked him why he was not at work sooner, and that I supposed he had gone to join the Maroons. He said, " No, sir; then he asked me which way I was going? I told him to Argyle, through the short cut. He advised me not to go that way, for there was a great force, as Mr. Malcolm's people had brought down from St. Elizabeth's, a great force of them, who had passed Mr. M'Caill's. In my way coming along I met Mr. Malcolm's man, John Clarke, who was in a blue coat, with a mascheat under his arm. He said in a surly tone, " Morrow, Massa!" I said, " Morrow, John!" His wife was with him. When I arrived at Knockalva New Ground, I saw a sulky-looking man dressed out clean, with a pocket book sticking out of his pocket, near the hut. I saluted him, but he took no notice of me. Then I asked the freeman who was with me, who is that beau man? He said, " He is one of them," " What," said I, " of the Accompong's?" he said, " Yes, I knew him." My woman also told me that they had stript all they could their houses, and carried it to a new house they had built in the back part of Mr. Malcolm's land, and what they could not carry away they buried. Some of the Ramble people came to my place yesterday, to bring provisions, and said the Accompong Maroons had told them to make short frocks and short breeches, the more easily to go through the bushes.

Richard Hanson, from St. Elizabeth's, but now residing with the last Examinant, says: " As I was coming with Mr. Hemmings this morning, we met that man, John Clarke, and woman. He used to have a woman of Mr. Hemmings. When we came to the Hut at Knockalva New Grounds, we saw a man standing upon the road, with a bundle of umbrellas on the wall. Mr. Hemmings asked him how he was, he answered, ' how d'ye do, sir.' There was nothing striking about him. I think he was Maroon, from the manner in which the bundle was tied. John Clarke had on a blue jacket. I saw the fire this morning, I thought there was something wrong; that occasioned us to come over."

No. 5.

Extract of a Dispatch from His Grace the Duke of Manchester, addressed to Earl Bathurst, dated King's House, Jamaica, 1st July, 1824.

KNOWING how anxious your Lordship will naturally be to receive the earliest information of the state of affairs here, I avail myself of the chance of a private ship reaching England sooner than the packet, which will not sail before the 13th instant, to acquaint your Lordship, that the late revolt of the Negroes on Argyle Estate, in Hanover and on Alexandria, and Golden Grove Estates in the same parish, has been by the imposing force, which was with great rapidity brought against them, for the present suppressed. About twenty of the principal persons were brought in by the troops, two of whom immediately destroyed themselves; the remaining Slaves who had absented themselves have returned to their duty.

The alarm which the affair at Hanover naturally excited, has been since much increased by an anonymous letter, which was addressed to a gentleman

of high militia rank at Savanna la Mar, stating, that gratitude for great services rendered to the writer, induced him to disclose a projected massacre of the white inhabitants in St. Elizabeth and Westmoreland, at the knowledge of which he had arrived by having been secretary to some secret society, and to which he acknowledged himself to have been bound by oath not to divulge their plan. He more than insinuated that a portion of the Westmoreland Regiment was not to be depended upon, and designated by name certain Slaves on the Estates in that neighbourhood, who were deeply implicated in the plot and ought to be apprehended.

The intelligence which this letter conveyed was so circumstantial, and entered so much into detail, that it was thought prudent not to disregard it, and Sir John Keane, having with his usual zeal made an offer of his services, he sailed on the morning after this intelligence was received, in the Hussar frigate, for Savanna la Mar, taking on board with him a division of the 92d regiment, and a party of the Royal Artillery. He found upon his arrival, that there did not appear any real foundation for the alarm; the Negroes pointed out as the chief conspirators were apprehended, and examined before the Magistrates, who were so satisfied of their innocence, that they were sent back to the several Estates they had been brought from, with an assurance that the Magistrates placed perfect confidence in their fidelity.

Sir John Keane's prompt visit to Savanna la Mar, has been attended with the best consequences. It has convinced the Negroes of the great rapidity with which a regular force can be brought against them. For the same reason, it has given encouragement and confidence to the militia.

I cannot conceal from your Lordship, that the delusion which the Negroes throughout the island have generally participated in, that they are entitled to their freedom, has not been removed by the publication of His Majesty's Proclamation. They have been heard to declare, in various parts of the island, that the Proclamation is a forgery, and has been fabricated in this country by their owners. Whether this impression will ever be removed it is difficult to say, but I am extremely apprehensive that some time will elapse before the island is again restored to a state of perfect tranquillity.

No. 6.

MY LORD,

King's House, Jamaica, 31st July, 1824

I HAVE the honour to inform your Lordship, that the insurrection which had taken place on Golden Grove, Argyle, and Alexandria Estates, has been subdued, and that tranquillity is again restored.

Six of the conspirators belonging to Argyle Estate were tried on the 14th instant, and being found guilty, were executed on that property on the 17th. Five of the conspirators belonging to Golden Grove Estate, were tried on the 15th instant, and sentenced to be hanged. The case of one of them was reserved for my consideration, and the remaining four were executed on that Estate on the 17th instant. Two Slaves belonging to the same Estate, were tried on the 16th, found guilty, and executed at Lucia, on the 19th. Two other Slaves belonging to the same property were at the same time tried and acquitted.

On the 17th instant, five Slaves belonging to Argyle Estate were tried for rebellion, three of whom were sentenced to transportation, and two acquitted.

The several executions which have taken place in the parish of Hanover, have been by order of the Magistrates, without reference to me. The case of rebellion or rebellious conspiracy, being excepted from the late law, which enacts, that no sentence of death against Slaves shall be carried into effect, unless by order of the Governor.

The persons who suffered on Argyle Estate, were extremely penitent, and

acknowledged their guilt; but those who were executed on Golden Grove Estate, were very audacious, and the other Negroes belonging to the property were with difficulty restrained from interfering with the execution of the convicts.

It appears evident, from the declarations of almost all those who have suffered, that they were fully impressed with the belief, that they were entitled to their freedom, and that the cause they had embraced was just, and in vindication of their own rights.

One of the principal ringleaders belonging to Golden Grove declared at the place of execution, that although it might be supposed that the revolt had been subdued, "the war had only began." And one of the Argyle Negroes who destroyed himself, declared on his death-bed, that although he saw it was in vain to contend against the power of the white inhabitants, he was satisfied that he was at that moment free: but that this benefit had been withheld from him by his master, whom at the same time he acknowledged to have been most kind and indulgent to him.

I have already in my letter of 1st July, stated my opinion to your Lordship, that a very general impression existed throughout the Island amongst the Slave population, that they are entitled to their freedom, and I am very much concerned to add, that although the promptitude with which a large military force was brought against the insurgents on Argyle Estate, confined the manifestation of a disposition to revolt to that Estate, Golden Grove and Alexandria, still there is no doubt that the same spirit had extended itself not only to other properties in Hanover, but also to the parish of St. Elizabeth. A spirit which was only repressed by the sudden appearance of the Major-General commanding, with a strong detachment of the 92d regiment.

I have not yet received from the Chief Magistrate, in Hanover, a copy of the proceedings had at these trials; but I shall take care to forward one to your Lordship with as little delay as possible.

The Earl Bathurst,
&c. &c. &c.

I have, &c.
(Signed)

MANCHESTER.

No. 7.

MY LORD,

Downing Street, 14th July 1824.

I HAVE the honour of inclosing to your Grace a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad; and I have also to notify to you, His Majesty's appointment of two Bishops, the one for Jamaica and the other for the Leeward Islands, to whom are to be entrusted the controul of the Clergy of the Church of England, within their respective dioceses, and the duty of reporting upon the state of the Ecclesiastical Establishments, particularly as it relates to the Slave Population, and upon the best means of diffusing the benefits of religious instruction to that part of the community.

Your Grace must, indeed, have been long informed of both these measures; but my reason for calling your attention to them at this moment, is for the purpose of enabling you to bring more completely under the consideration of the Legislature, at their ensuing meeting, the whole of the measures which His Majesty's Government have in contemplation, for the melioration of the state of the Slave Population.

His Majesty's Government have been anxious to prove the deep interest which they feel in the encouragement of the religious and moral instruction of the Negroes, by at once taking upon themselves the whole charge of placing the Clergy of the West Indies under Episcopal controul, and they have further directed, that a given sum shall be forthwith placed at the disposal of the Bishops, for the purpose of providing for the more immediate

supply of persons in Holy Orders within their respective dioceses, and His Majesty confidently expects to receive every assistance from the Assembly, to promote the establishment of a system so calculated to produce the most beneficial effects on the morals and habits of the Slave Population.

With respect to the Order in Council for meliorating the condition of the Slaves in Trinidad, similar provisions to those which are contained in that Order will be extended to Demerara and Essequibo, St. Lucia, the Cape, and the Mauritius, with such modifications as may be necessary to adapt them to the Dutch and French laws, which are respectively in force in those possessions.

The Assembly of Jamaica shewed their anxiety for the improvement of the condition of the Slaves, by many of the provisions of their Consolidation Act, passed in 1816, and it is impossible to believe that, consistently with the spirit which then animated them, they will now refuse to go further. On attentively considering the provisions of the Order in Council, they will not fail to perceive much, which practice has already established in Jamaica, and which requires little more than the formal sanction of a law to complete. In comparing it with the provisions of their own Act, they will observe, that upon the principle of those provisions, many of the suggested alterations must be considered as improvements, and by incorporating in their Statutes those additional provisions of the Order, which, as yet, are not to be found in their Consolidation Act, they will lay the foundation for such a system of gradual improvement of the condition of the Slave Population, as will prove equally honourable to the Assembly, and beneficial to those for whose advantage it appears to be more immediately intended.

Your Grace will readily anticipate the serious extent of the disappointment which His Majesty's Government will experience, if, unfortunately for their best interests, as well as for the cause of humanity, the Assembly of Jamaica shall reject the substance of these regulations, which they must be aware have received the sanction of Parliament, and the general approbation of the country.

I have the honour to be, my Lord,
Your Grace's most obedient, humble servant,

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

(Signed) BATHURST.

No. 8.

MY LORD,

King's House, Jamaica, 10th September 1824.

I HAVE had the honour to receive your Lordship's dispatch of 14th July last, accompanied by a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad, and notifying to me His Majesty's appointment of a Bishop for this Island, to whom is to be entrusted the controul of the Clergy of the Church of England, within his Diocese and the duty of reporting upon the state of the Ecclesiastical Establishment, particularly as it relates to the Slave Population, and upon the best means of diffusing the benefits of religious instruction to that part of the community. Your Lordship, may be assured that my best endeavours will be employed to give effect to the new Ecclesiastical Establishment, and to induce the Assembly to afford every assistance towards promoting a system calculated to produce the most beneficial effects on the morals and habits of the Slaves.

With respect to the Order in Council, for the improvement of the condition of the Slaves in Trinidad, I hope the Assembly may be induced to incorporate in their Statutes those provisions of the Order which are not to be found in the consolidated Slave Act; and that they will give further extension to a system of gradual improvement of their condition, which must prove as

beneficial to the proprietor as to those for whose advantage it is more immediately intended.

I have, &c.
 (Signed) MANCHESTER.
The Earl Bathurst,
 &c. &c. &c.

No. 9.

MY LORD,

King's House, Jamaica, 13th November 1824.

I HAVE the honor to transmit to Your Lordship copies of my Speech at the opening of the Session and the Addresses of the Council and Assembly in answer thereto. And I have the satisfaction to state, as far as I can at present observe, there seems to be a disposition to go through the public business with perfect good humour.

As soon as the vacancies in the representations had been filled up, I sent messages to the two branches of the Legislature, accompanied by copies of His Majesty's Order in Council for meliorating the condition of the Slaves in Trinidad, the House have ordered a number of copies to be printed for the use of the Members, and have referred the consideration of my message to a Committee of the whole House on the state of the Island.

I have the satisfaction to acquaint your Lordship, that a Bill has been introduced into the Assembly, by a very intelligent Member of that Body, admitting the evidence of Slaves under certain regulations. And although some little clamour was at first excited when the Bill was introduced, it seems in a great measure to have subsided, and the Bill has been ordered to be read a second time on the 24th instant.

I have the honor to be, my Lord,
 Your Lordship's most obedient humble Servant,
 (Signed) MANCHESTER.
The Earl Bathurst,
 &c. &c. &c.

Gentlemen of the Council,

Mr. Speaker and Gentlemen of the Assembly.

THE unlimited confidence I have always reposed in the loyalty and fidelity of the lower classes of Society in this Island, renders it more painful to me to acquaint you, that since your last meeting partial disturbances have taken place amongst the Slaves in several parishes, attended in some instances by acts of open rebellion.

It appears from the declaration of the principal offenders, made at a time when there could be no reason to doubt their sincerity, that they had been led to believe His Majesty had made them free, a delusion which even His Majesty's Proclamation, containing the most distinct and positive assurance to the contrary, seems not to have removed.

Deeply as these events are to be lamented, it is a consolation to reflect, that the great mass of the Slave population has continued to preserve that peaceable and orderly demeanour, to which I have so often borne testimony. And their good sense has taught them to avoid those fatal errors which have brought destruction on many unhappy individuals.

I have received instructions from His Majesty's Government, containing some propositions for the improvement of the condition of the Slave population, which I shall make the subject of an early communication to you.

I am also to acquaint you, that His Majesty has been graciously pleased to appoint a Bishop for this Island to whom is to be entrusted the control of the Clergy of the Church of England within his Diocese; and the duty of reporting upon the state of the Ecclesiastical Establishment, particularly as it

relates to the Slave population, and upon the best means of diffusing the benefits of religious instruction, to that part of the community.

In order to prove the deep interest, which His Majesty's Government feel in the encouragement of the religious and moral instruction of the Negroes, they have taken upon themselves the whole charge of putting the Clergy under Episcopal controul, and have placed funds at the disposal of the Bishop, for the more immediate supply of persons in Holy Orders within his diocese. His Majesty confidently expects to receive every assistance from you, in promoting the establishment of a system calculated to produce the most beneficial effects.

The Lords Commissioners of His Majesty's Treasury have had under consideration the heavy charges to which the navigation and commerce of the United Kingdom are liable in His Majesty's colonies in the West Indies, with a view of reducing as much as possible all such charges. And I expect to have it in my power to communicate to you more conclusive information on the subject in the course of the present month.

Mr. Speaker and Gentlemen of the Assembly,

I am persuaded that you will cheerfully furnish such supplies as the public service may require

Gentlemen of the Council,

Mr. Speaker, and Gentlemen of the Assembly,

I am not aware of any business that can detain you longer than has been usual; and you will find me perfectly disposed to meet all your wishes as far as may be consistent with my duty.

JAMAICA SS.—To His Grace William Duke of Manchester, Captain General and Governor in Chief of His Majesty's Island of Jamaica, and the Territories thereon depending in America, Chancellor, and Vice Admiral of the same.

THE HUMBLE ADDRESS OF THE COUNCIL.

May it please your Grace,

WE, His Majesty's most dutiful and loyal subjects, the Council of Jamaica, beg leave to return your Grace our best thanks for the speech with which you have been pleased to open this Session.

Permit us to assure your Grace we fully participate in those painful feelings which have been excited by the late partial disturbances amongst the Slaves. It must ever be deeply lamented, that there should have been found individuals, who unmindful of the protection, the security, and the actual comforts which they enjoyed, and which it has been so much the object of your Grace's Government to promote and encourage, and who no longer preserving those habits of peaceable and orderly demeanor, which justified your Grace's confidence in their loyalty and fidelity, permitted themselves to be deluded into the belief that His Majesty had made them free; a delusion so powerful in its influence, that it seems not to have been removed even by His Majesty's Royal Proclamation, and so fatal in its effects, as to have involved its unhappy victims in acts of open rebellion.

We cannot reflect on the danger with which the Island has been menaced, without expressing our grateful sense of the prompt and efficient measures by which the danger has been averted. Calamitous as these events have been, it is a source of the greatest satisfaction to us to know, that they have not originated in any dereliction of those principles of humane consideration, which pervade the institutions and govern the conduct of the inhabitants of this Island. And we are also consoled by the assurance, that the great mass of the Slave population, resisting the influence of a delusion, which has proved so fatal to others, still remain unshaken in their dutiful submission,

and in their well founded reliance on the protection and security, afforded them by those under whose authority they are placed.

We beg leave to assure your Grace, that we shall apply our anxious attention, to such propositions for the improvement of their condition, as your Grace may be pleased to communicate to us.

We acknowledge with the deepest gratitude His Majesty's paternal care, in having been graciously pleased to appoint a Bishop for this Island, and in the very liberal encouragement which His Majesty's Government have afforded for the establishment of a system calculated to produce the most beneficial effects, and your Grace may rely on our ready concurrence in every measure which may contribute to its success.

We thank your Grace for the satisfactory information, that the Lords Commissioners of His Majesty's Treasury have it in contemplation to reduce the charges which at present affect the trade and commerce of the United Kingdom in the West India Colonies.

In the assurance which your Grace has been pleased to give us, of your disposition to meet all our wishes, we recognize those sentiments which have rendered your Grace's Administration so eminently distinguished, by its solicitude for the welfare and happiness of the island, and so justly the object of our warmest gratitude.

JAMAICA SS.—To His Grace William Duke of Manchester, Captain-General and Governor-in Chief of His Majesty's Island of Jamaica, and the Territories thereon depending in America, Chancellor and Vice-Admiral of the same.

THE HUMBLE ADDRESS OF THE ASSEMBLY.

May it please Your Grace,

WE, His Majesty's most dutiful and loyal subjects, the Assembly of Jamaica, beg leave to return Your Grace our most sincere thanks for your speech at the opening of this Session.

We had long reposed the most unlimited confidence in the loyalty and fidelity of the lower classes of society in this Island, and therefore we the more deeply lament that partial disturbances have lately taken place amongst them in several parishes, attended, in some instances, by acts of open rebellion, occasioned by the proceedings of a powerful faction in the Mother Country, whose malignant influence has disturbed the peace of a once happy and contented people, and so strongly impressed upon their minds a false belief that His Majesty had made them free, that even his gracious proclamation, containing the most distinct and positive assurance to the contrary (for which we are most grateful) was found insufficient to remove the delusion.

We feel, however, great consolation in reflecting that the evil example of those who have thus brought destruction upon themselves by their conduct, has not been generally followed, and we sincerely hope that the tranquillity of the Island may still be preserved, should no further open or insidious attempts be made to disturb a system under which our Slave population have hitherto enjoyed so much comfort and protection, although we fear a long time must elapse before that contumacious spirit which has been so industriously disseminated, and which unfortunately too generally prevails, can be effectually subdued.

Whenever Your Grace is pleased to communicate to us the propositions you have received from Government for the improvement of the Slave population, they shall meet our most serious attention.

Having ever been desirous of promoting a just sense of the Christian religion among the lower classes of our society, we sincerely rejoice that His Majesty has been graciously pleased to appoint a Bishop for this Island, to whom is to be entrusted the controul of the Clergy of the Church of England from which change of system we anticipate the most beneficial consequences

in the diffusion of religious instruction through that part of the community where it is most wanted. We feel more particularly grateful for this benefit in the present deeply distressed situation of the colony, as His Majesty's government has so liberally undertaken to pay the whole charge of this desirable establishment which it will be our earnest wish and duty to aid by every means in our power.

It affords us much satisfaction to know that the Lords Commissioners of His Majesty's Treasury have taken under consideration the heavy charges to which the navigation and commerce of the United Kingdom are liable in these colonies, with a view of reducing as much as possible all such charges, and we cannot doubt that whenever Your Grace is pleased to lay the system they may recommend before us, it will be such as to meet our entire approbation.

We assure Your Grace that we shall give our earliest consideration to the means of raising the necessary supplies, and with such liberality as the present very distressed situation of the Island will permit.

We hope, by a diligent attention to the public business to ensure a short Session and from the long experience we have had of Your Grace's mild administration of the government of this Island, we rest assured you will in every way consistent with your duty, meet our wishes, and promote our welfare.

We consider it indeed a most providential blessing that Your Grace has continued the guardian of our interests throughout a period of much peril, and we sincerely pray that you may long continue our protector.

No. 10.

Extract of a Dispatch from His Grace the Duke of Manchester, addressed to Earl Bathurst, dated King's House, Jamaica, 24th December 1824.

I HAVE the honour to inform your Lordship that the session terminated on the 18th instant. All the usual supplies were granted and very ample provision made for erecting a barrack at Port Antonio.

When I consider the various objects comprised in His Majesty's Order in Council for the improvement of the condition of the Slaves in Trinidad, I am afraid your Lordship will be dissatisfied with the proceedings of the Assembly.

I informed your Lordship in my communication of 13th November last, that a bill had been introduced into the House for admitting the evidence of Slaves, with certain qualifications, but it was rejected by a majority of thirty-six to one.

I was extremely apprehensive that the failure of this bill would destroy all hope of any measure of consequence being adopted in favour of the Slaves, and this fear was not diminished by a message which I received from the House on 26th November, a copy of which is inclosed.

Two acts have, however, been since passed, important in themselves as affording protection and encouragement to the Slaves, and more so as indicating an intention of doing more hereafter.

The first act protects Slaves from all mesne process on the day allotted to them for the cultivation of their provisions, or to carry them to market. It will enable them to employ the Saturday for this purpose, whilst before this act passed, Slaves belonging to individuals against whom judgments were open, were obliged to go to market on Sunday, in order to avoid the danger of being taken by the Deputy Marshal on any other day. This exemption from mesne process will afford them now the opportunity to employ Sunday in a more suitable manner, and will materially contribute to the extinction of the Sunday market.

The other act enables the owners of Slaves to reward their services by manumission, notwithstanding entails and other settlements. The mode of removing legal disabilities adopted in the act is simple, and will, I should hope, prove beneficial.

Although I am aware that these acts fall very short of your Lordship's expectations, still I am convinced that there is a very sincere desire to do, from time to time, what may appear practicable; and if the Assembly have not done more now, it has arisen from the general belief, that the Negro mind is still unsettled, and their designs of mischief not yet abandoned. An impression which has acquired much force, from the report of a Secret Committee appointed "to enquire into the rise, progress and means used to suppress the late disturbances in this island, and to report their opinion thereon, and also to enquire if any and what Negroes have behaved themselves faithfully and meritoriously to their owners and the public during such disturbances, and if any of them deserve rewards for the same." A copy of which I inclose for your Lordship's information.

May it please your Grace,

WE are desired by the House to wait on your Grace and to inform you that they have taken into their most serious consideration your Grace's message of the 11th instant, together with a copy of His Majesty's Order in Council for improving the condition of the Slaves in Trinidad, which accompanied the said message. The House consider the present season of alarm and agitation, when the Negro mind is peculiarly liable to receive false impressions, unfavourable for the adoption of any measures interfering with long established institutions, and therefore cannot but regret that those motives of prudence, which influenced the British Government in delaying to carry the Order in Council into execution at Demerara, should not have restrained it from pressing the immediate consideration of this subject on one of the oldest and most valuable possessions of the British Crown, under circumstances infinitely more critical than those which apply to that conquered colony.

The House, however, assure your Grace that they will notwithstanding continue to bestow their most serious consideration on all subjects connected with the welfare of the Slave population in this island, and will embrace every favourable opportunity to make such enactments as may be deemed prudent and advisable.

An Act to prevent Levies on Slaves on Saturday.

WHEREAS in these times of general distress many planters are greatly indebted, and by reason of such debts are unable to allow their Slaves to go abroad upon any other than the Sabbath-day; and whereas it is expedient to render the Sabbath as much as possible a day of rest and for religious worship; and whereas it would be right and proper that Slaves should be protected on some other day in the week besides Sunday, from being taken or levied upon for debt under any process issuing out of any of the Courts of Justice in this island, or by Collecting Constables for Taxes; we, your Majesty's dutiful and loyal subjects, the Assembly of this your Majesty's island of Jamaica, do most humbly beseech your Majesty that it may be enacted, and be it therefore enacted, by the Governor, Council, and Assembly of this your Majesty's island; and it is hereby enacted, by the authority of the same, that from and after the 1st day of January next, it shall not be lawful to make any levy upon any Negro or other Slave on Saturday, and that they shall be exempt from all such process, and also from levies by Collecting Constables for Taxes on that day the same as on Sunday.

Passed the Council, this 16th day of December 1824,

(Signed) W. BULLOCK, Cl. Con.

Passed the Assembly, this 16th day of December 1824.

(Signed) DAVID FINLAYSON, Speaker.

I consent this 18th day of December 1824.

(Signed) MANCHESTER.

JAMAICA Ss.—An Act for removing Impediments to the Manumission of Slaves by Owners having only a limited interest.

WHEREAS it sometimes happens that persons in possession of Slaves, by reason of their having only an interest for life, or other limited freehold estate, in such Slaves, or by limitations, trusts or other legal impediments, are prevented from giving an effectual manumission to such Slaves, although desirous so to do; and it is proper that owners should possess in all cases the power of rewarding fidelity and good conduct in their Slaves, by manumission where the same can be effected without prejudice to the rights of other persons; may it therefore please your Majesty that it may be enacted by the Governor, Council and Assembly of this island, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this act, any person or persons having legal or equitable estate for life, or for other freehold interest in and being in the actual possession of any Slave, and who shall be desirous or consenting that such Slave shall be made free, shall be entitled to make an application to the Custos or Senior Magistrate of the parish where such Slave shall reside, and in case such Custos or Senior Magistrate shall be related to the party applying, or interested in the matter, then to some other Magistrate, and shall deliver a written statement, verified upon the oath of the applicant or applicants, or, in case of absence, of his, her or their attorney duly constituted, which oath the said Custos or Senior or other Magistrate is hereby authorised to administer, stating the nature and extent of the interest of such person or persons, and the different rights, claims and limitations to which such Slave is subject, and the impediments which prevent such Slave being manumitted in the ordinary manner, and such Custos or Senior or other Magistrate shall associate to himself two other Magistrates disinterested in the matter, and shall enquire into the merits of the application, and if such application shall appear to the said Magistrates, or any two of them, to be well founded, three indifferent persons shall be appointed as valuers, one of whom to be named by the party or parties applying, and another by the person or persons entitled in remainder, or otherwise interested, and appearing before the said Magistrates, and the third to be nominated by the said Magistrates, and in case no other person or persons shall appear before the said Magistrates having an interest in the said Slave, then two of the said valuers shall be appointed by the said Magistrates, and such three persons shall enquire into the value of the Slave so intended to be manumitted, and shall make their report in writing under their signatures to the said three Magistrates, provided that before such Custos or Senior or other Magistrate shall entertain such application it shall be made appear to him that notice has been given in the three county newspapers, for three weeks successively, of the intention to make such application, stating the name or names of the person or persons applying the name or names of the Slave, the place or places where such Slave has been resident for the last twelve months, and the time when such application is intended to be made; and it is hereby further enacted, by the authority aforesaid, that when such valuation shall be reported and approved of, the said Custos or Senior or other Magistrate and his associates shall, and they are hereby required to give an authority to the Receiver General to receive the amount of the valuation, and to place the sum when paid to the credit of the person or persons interested in the said Slave, and the said amount shall bear an interest of six per cent., payable out of the public funds, so long as the same shall remain in the hands of the Receiver General: and it is hereby further enacted, by the authority aforesaid, that the Receiver General shall give to the party or parties paying in the amount of the valuation, a certificate under his hand that the same has been paid to him, and upon the production of such certificate of the Receiver General to the said Custos or Senior or other

Magistrate and his associates, they are hereby authorised and required again to meet and to give an order for the manumission of the said Slave in manner following :

Whereas A. B. of _____, did on the _____ day of _____ last past, appear before us, and did make a statement upon oath that he was tenant for life (or as the case may be) and in the actual possession of a certain Slave named _____, and that he was desirous that the said Slave should be made free, but that he was prevented from so doing by reason of legal impediments ; and whereas the said Slave named _____ hath been valued by three indifferent persons at the sum of _____ pounds, and a certificate of the Receiver General hath been produced to us that the amount of such valuation hath been paid into his office ; we do therefore, in pursuance of an act of the Governor, Council, and Assembly, for removing impediments to the manumission of Slaves, by owners having only a limited interest, made and passed in the fifth year of the reign of His Majesty King George the Fourth, declare the said Slave to be free. In witness whereof we have hereunto set our hands and seals this _____ day of _____ : and it is hereby enacted, by the authority aforesaid, that the said order of manumission, together with the valuation and the Receiver General's certificate, annexed thereto, shall be entered in the office of the Secretary of this island, and be recorded in a separate book for manumissions, and shall not be delivered out except under an order of the Court of Chancery or Supreme Court, but shall be kept in the said office as original documents, and a certified copy of the same shall be received as evidence in all Courts, and be of the same force as the originals ; and be it further enacted, by the authority aforesaid, that the amount of the valuation, or the interest thereof, shall be paid by the Receiver General under an order of the Court of Chancery, or of the Supreme Court, to be made upon the application of the person or persons interested in the money, and such money shall be considered as of the same nature, whether real or personal estate, as the Slave would have been if proceedings under this act had not taken place, and the said money shall be liable to the same descent, limitations, trusts, debts, and incumbrances as the Slave was subject to, and it shall be in the power of the said Courts, or either of them, to direct the principal or the interest thereof to be paid by the Receiver-General, according to the rights of the different owners or their creditors ; and be it further enacted, by the authority aforesaid, that in case any Slave manumised in pursuance of this act shall have belonged at the time of his or her manumission, to a tenant for life, or a tenant for life shall have become entitled to the interest of the money, and such Slave, after being so manumised, if a male, shall die in the life-time of the tenant for life, or being a female Slave, shall die in the life-time of the tenant for life, without leaving her surviving, any child or children born after the date of the manumission, or such child or children shall, after her death, die in the life-time of the tenant for life, then, and in every such case, the person or persons in remainder, shall not be considered to be entitled to the principal or interest of the said money, but the same shall be deemed the property of the tenant for life, as against all persons to take in succession without prejudice to the creditors of the person who limited the said Slave in settlement or the creditors of the tenant for life ; and whereas, it is now required by law in all cases of manumission by deed, that a bond should be given to the Churchwardens of the parish for payment of an annuity of five pounds for the maintenance of any Slave intended to be manumized, and such bond is in many cases unnecessary ; be it further enacted, by the authority aforesaid, that it shall not be necessary to give such bond to the Churchwardens provided that in lieu thereof the Slave intended to be manumized, shall be produced to the Magistrates and Vestry of the parish where such Slave shall reside, or it shall be otherwise shewn to their satisfaction, that the manumission is not given for the purpose of relieving the owner from the obligation of maintaining an aged or infirm Slave, a certificate whereof shall be given by the

Clerk of the Vestry, and shall be annexed to and entered in the Secretary's office with the deed of manumission.

Passed the Council, this 16th day of December 1824,
(Signed) W. BULLOCK, Cl. Con.

Passed the Assembly, this 16th day of December 1824,
(Signed) DAVID FINLAYSON, Speaker.

I consent, this 18th day of December 1824,
(Signed) MANCHESTER.

Mr. Speaker,

YOUR Committee, appointed to inquire into the rise, progress, and means used to suppress the late disturbances in this Island, and also to inquire if any and what Negroes have behaved themselves faithfully and meritoriously to their owners and the public, during such disturbances, and if any of them deserve rewards for the same, have taken several examinations, and report as follows :—

That rumours prevailed in the parish of St. George for months previous to last Christmas of frequent musterings of the Negroes on Balcarres estate, with a view to an intended rising in conjunction with the Negroes belonging to the several properties situated on Buff Bay river, for the avowed object of obtaining their freedom and of destroying the white inhabitants.

That a Negro, named Charles Mack, a runaway from Cambridge estate, in the parish of Portland, was the first who disclosed the nature of the conspiracy, and furnished the Magistrates with the names of the principal conspirators. Measures of precaution were immediately adopted by the appointment of guards, and at the same time warrants were issued to apprehend those who were implicated in the conspiracy.

That amongst those who were apprehended was one John Baptiste Corberand, who corroborated the statement delivered by Charles Mack; the Magistrate accordingly admitted him to be a Crown-witness, and committed the rest for trial, which took place on the 19th of January, and they were severally convicted.

That a similar spirit of revolt manifested itself in the adjoining parish of Saint Mary at the same period of time among the Negroes of Frontier estate, and which was happily subdued by the discovery which was made to Mr. Roberts, residing at Port Maria, by a Slave of his named William.

That several Slaves were apprehended, and under the examinations which were then taken were committed for trial, and they were also severally convicted.

That meetings were also held among the Negroes of Unity Hall estate, Spring Garden and other properties in the parish of Saint James, for the purpose of concerting measures by which they might obtain their freedom by force.

That in the month of June following a rebellious conspiracy of a very alarming nature was discovered in the parish of Hanover, in which the Negroes of Argyle, Golden Grove, Silver Grove, and Chester Castle estates, and Ramble Pen, were severally implicated, the dreadful effects of which were averted by a disclosure made to the proprietor of the former estate by his Slave, William Roach, the night on which the general rising was contemplated, when it was planned that the works on the several properties should be set on fire, and that as the white people should arrive for the purpose of extinguishing the flames, they were all to be massacred; for further particulars in detail of the above conspiracies, your Committee refer to the documents and examinations annexed to their report.

Your Committee has sedulously endeavoured to trace the origin of the various disturbances which have so recently agitated the Island, and in no one instance have they been attributed to any complaints preferred by the Slaves

of cruel treatment experienced from their masters or overseers, of the privation of any rights with which usage or law had invested them, or of any excess of labour exacted; on the contrary thereof, the very Negroes who have atoned by the forfeiture of their lives for the violation of the laws of their country, declared, both before their conviction and at the place of execution, that they were contented and happy till they imbibed notions that the King and Wilberforce had made them free.

This idea is not confined to any one particular parish, but appears to have pervaded the whole Island, and has taken such full possession of the Negro mind that it forms the constant theme of his conversation, and its effects are too lamentably shewn by the altered demeanour and the reluctance exhibited in discharging his ordinary duties. All notions of dependence and subjection to the authority of his master are now excluded, and so far from regarding the latter with his wonted feelings of respect and affection, he looks upon him as his bitterest enemy in withholding from him the enjoyment of those privileges which the Mother Country is supposed to have conceded. The natural result of this has been a restless expectation of benefits of which they have no definite idea, some looking forward to emancipation, whilst others, more moderate, confine their views to the enjoyment of Friday, Saturday, and Sunday as days set apart exclusively for the Negro. The discussions which from time to time, are renewed in the British Parliament, and with which the Negroes become acquainted, tend to keep alive those feelings of distrust and dissatisfaction, and will, if persisted in, eventually place a barrier of insurmountable hostility between the Master and his Slave, and inevitably defeat the object which even the advocates of emancipation themselves entertain, for instead of diffusing a pure and salutary light, which might gradually prepare the Negro mind for that improvement in its condition which may be alone contemplated, they infuse notions inimical to their own happiness and to the welfare of the colony, the effect of which your Committee dread will be to kindle a flame, which, if ever extinguished, will only be quenched in blood. The wishes and good intentions of the master have been paralyzed by the fear that scenes of revolt may be of too frequent occurrence to afford any rational prospect that the fatal delusion which now overshadows the mind of his Negro may be eventually renewed, and however anxious he may be to adopt measures which prudence and humanity might suggest as tending to ameliorate the condition of his Slaves; he dare not, lest they should be considered acts of compulsion and thereby exciting feelings of triumph in the Negro bosom, which, perhaps, no subsequent events, but of pure benevolence could possibly allay.

Your Committee therefore in adverting to the agitated state in which the Negro population (too susceptible of receiving false impressions) is unhappily placed, as evidenced by the construction which they put on His Majesty's proclamation, and other measures connected with the present disturbances, deprecate as impolitic the discussion at this particular season of any question relative to our Slave code.

The danger resulting from the disaffection which has been too successfully excited, becomes more alarming when we advert to the critical situation in which this island stands with reference to a neighbouring colony, and the communication which, in defiance of the laws, is carried on. Opportunities are thereby afforded incendiaries from that country to disseminate their revolutionary principles. The feeling of disaffection which has already been engendered by the political discussions in the Mother Country is fostered and encouraged with a view to promote that spirit of insurrection and rebellion from which alone they anticipate to reap the fruits of their labour, the subversion of the established government, and thereby assimilate this island to Saint Domingo.

The expenses which the Island has had to sustain in consequence of the late disturbances, amount to fifteen thousand two hundred and seventy pounds, twelve shillings and eleven pence halfpenny, as will appear on reference to

the several returns and documents laid before the House. The uniform, peaceable, and good conduct of the Slaves, for years anterior to the period when Mr. Buxton made his motion in the House of Commons, had induced his Grace, the Governor, to dispense with Christmas guards. The question, however, which was then agitated, was fraught with the most direful consequences. It shook the fidelity and attachment of our Negro population, and may for ever destroy that confidence which has hitherto been reciprocally interchanged. Revolt and insurrection menaced us on every side, and the Christmas guards were in consequence restored, these expenses fall with double severity on a colony overwhelmed with distress, arising from the heavy duties which are imposed by the Mother Country, on and from the depreciation in value of our colonial produce, and under the existing state of things, your Committee see no prospect of being relieved for the future from so heavy a contingency, and are of opinion that application should be made to the British government to reimburse this island the expences which have been already sustained, and for an ample indemnity against future losses.

Your Committee recommend to the consideration of the House the valuable services effected by a Negro man, named William Roach, belonging to Mr. Malcolm, whose voluntary discovery tended to the preservation of the lives and properties of the white inhabitants in the district of Hanover, and averted the dreadful calamities which would have ensued to the island at large, and also a negro woman, named Mary Willie, belonging to Golden Grove, for the clear and correct evidence which she gave at the trial of the rebels at Lucia, and also a Negro, named George Wine, belonging to the same property, whose zeal and fidelity in protecting the property of his master were eminently displayed in endeavouring to divert the Negroes of Golden Grove from acts of plunder, and in dispossessing them of the fire-arms which they had taken out of the overseer's room, and as this House has, on former occasions, and with very good policy, distinguished those Slaves who have merited a particular reward for their honesty and good services, so we are of opinion that the Negroes above-mentioned are well entitled to receive their freedom, from the usual benignity and justice of this House.

We also recommend to the House to reimburse the parish of Saint Mary the sum of three hundred and seventy-six pounds, expended by the Magistrates and Vestry in effecting the manumission of certain Slaves who rendered essential service by the discoveries which they made, but at the same time beg to accompany our recommendation with this declaration, that the urgent necessity of the case arising from the imminent danger in which the lives of these persons were placed, in consequence of the information which they had given, alone justifies the departure from the accustomed mode of proceeding to obtain the sanction of this House for the adoption of any measure before an indemnity shall be sought for in future.

We further recommend that a Negro woman, named Sophy, belonging to — Nibbs, a free person of colour, should be rewarded for the benefit the country derived from her testimony in convicting the rebels.

We cannot be silent on the merits of Mr. Thomas Murray and Mr. Henry Manhertz, persons of free conditions, by whose indefatigable zeal and activity, the conspiracy in Saint George was traced to its source, and many of the parties concerned, detected and brought to justice, and we, therefore, recommend that an extension of privileges be granted them as a mark of the high opinion the island entertains of their services.

The Committee feel it their duty to recommend to the House, that a message should be sent to his Grace the Governor requesting, that he would send off the island Charles Mack and John Baptiste Corberaud, as persons of a most dangerous character to remain at large in this colony, and that the House will make good any expence attendant on such a measure.

We further submit to the consideration of the House, that Robert and Peter Bartibo, persons of free condition, and Robert Goldring, belonging to

Mr. Coveney, are severally entitled to receive a reward for the information which they gave of the conspiracy in Saint James.

The Committee feel great pleasure in bearing testimony to the promptitude and ardour shewn by Major-General Sir John Kean, in arriving at Savannah-la-Mar with a detachment of His Majesty's forces, which had the effect of checking that spirit of insubordination and rebellion which might otherwise have manifested itself.

The Committee also cannot refrain from expressing their admiration of the judgment, prudence and firmness displayed by Colonel Alexander Campbell, of the Western interior regiment, and of the immediate and active co-operation of Colonel John Campbell, of the Hanover regiment.

The Committee cannot draw this report to a conclusion without bestowing its meed of praise on the zeal and alacrity shewn by the regulars in Hanover, and by the militia regiments throughout the disturbed districts, both by the whites and free people of colour; the conduct of the latter evinced a warm interest in the welfare of the colony, and every way identified them with those who are the most zealous promoters of its internal security; and the Committee also think it right to notice the good conduct of the Maroons in Charlestown, in Saint George's.

Your Committee recommend that the examinations and evidence taken before them, should be deposited with the Clerk of the House, for the perusal of the Members of the Legislature only, and that they should be considered confidential.

Extract of a Dispatch from the Lord Bishop of Jamaica, addressed to the Earl Bathurst, dated Perkin's-Pen, Jamaica, March 12th 1825.

THE accompanying addresses, being five out of seventeen which have been presented to me, will be the best proof of the state of public opinion as to the new Ecclesiastical Establishment.

I have the honour to inclose a statement of the population of Kingston, and the very inadequate means of accommodation for members of the Church of England. Under the pressing circumstances of the case I have allowed Mr. Paterson, one of the stipendiary clergy, and just appointed Island Curate to the parish of Kingston, to officiate in a free school, which has been offered to me by the Mayor and Corporation; divine service was performed in this place in 1812, during a temporary panic from the effects of an earthquake, and I have availed myself of this precedent to meet the present exigencies of the inhabitants. The room will contain nearly five hundred persons, and a very strong predilection exists for the doctrines of the Church of England, if opportunities for attending divine service were afforded them.

With a view to the more punctual performance of the parochial duty, I have made an arrangement with Mr. Mann, the Rector of Kingston, to allow £200 per annum to an assistant curate. I shall lose no time in licensing Mr. Askew to this curacy.

I have no hesitation in suggesting to your Lordship the propriety of erecting two chapels of ease to the Mother Church at Kingston, and from all that I can learn on the subject, am of opinion they would both be immediately filled; wherever I go I find the greatest aversion to sectarianism of every kind and denomination, but every degree of confidence in any teachers of religion whom I may be pleased to appoint.

I have as yet seen very little of the Slave population, except during a short excursion into the Port Royal Mountains; the great want is places of worship in situations where the Negroes of many surrounding estates might be easily assembled, and houses for the clergy. Many proprietors have indeed tendered houses which might be adapted for this purpose, and from all I hear from the clergy much has been done this way, particularly since the Society for the Education of Negroes has directed its attention to this point. From the great uncertainty and capriciousness of the Negro character it is difficult to make sure of their attendance even where great pains have been taken, but whenever a preacher is popular they dress out their children and themselves, a sure sign they are in good humour, and throng the place of worship. Psalmody and organs have great attractions for them, they seem particularly fond of form and ceremony, and greater critics than many persons will give them credit for, remarking every particularity of manner and gesture, and have a great predilection for a powerful sonorous voice.

As soon as my Archdeacon and myself have visited the several parishes, which we purpose doing immediately, I shall not fail to communicate to your Lordship whatever I may deem useful and practical. In the mean time I am happy in being able to assure your Lordship that a very general wish to ameliorate the condition of the Slaves, and to instruct them in the principles of the Established Church seems to pervade the great mass of proprietors, and every facility is afforded me of visiting the several plantations.

I shall endeavour to procure some accurate estimates for the building of churches.

Statement of the Population, &c. of the City of Kingston in 1825.

Slave Population	15,000
Free persons of colour and blacks	10,000
White inhabitants	6,000
	<hr/>
Total population, about.	31,000

The religious accommodation for the above number is as follows :

Church of the Establishment, calculated to contain 1,000.	1
Wesleyan Methodist Chapels.	2
Anabaptist Chapels.	2
Scotch Church.	1
Roman Catholic Chapel	1
The number of baptisms of Slaves in 1824	907
Marriages of Slaves in the same year.	124

With respect to the baptisms, it is to be remarked that not one third of the number of Slaves mentioned to have been baptised in Kingston belong to Kingston, the others come from various parts of the country.

(Signed) J. MANN, Rector of Kingston.

BAHAMAS.

No. 1.

MY LORD,

Government House, Bahamas, 10th May 1824.

AMONG the eleven Acts transmitted by this opportunity to your Lordship, there are three which have reference to the Free and Slave-coloured people of this Colony, all of them intended and calculated to meliorate their condition in some degree. These Acts are intituled as follows :

“ An Act to grant the further extension of privilege to certain Free persons of Colour in certain cases.”

“ An Act to suspend an Act, intituled ‘ An Act to suspend an Act, intituled ‘ An Act to ascertain who shall not be deemed Mulattoes.’ ”

“ And Act to amend and consolidate the several Slave Acts.”

The first of these Acts admits the evidence of Free persons in all cases whatever, civil and criminal, with certain limitations as to the place of birth and residence of the Free person. Formerly, the evidence of any Free person of Colour was not received against a White person, except to prove debt.

The second of these Acts suspends an Act which suspended, for fifty years, an Act which drew the line where persons of Colour above a certain number of degrees (three) removed from Black ancestry, should no longer, in the eye of the law, be deemed persons of Colour.

The third of these Acts improves the condition of Slaves very considerably, and suspends the possibility, contained in former Acts, of depriving Free persons of Colour of their freedom by process of law. The improvements contained in this Act are agreeable to some Resolutions of the House of Assembly, founded upon your Lordship’s letter of 9th July 1823, which had been made at an early period of the Session, and of which I had the honour to transmit a copy to your Lordship, in No. 4 inclosure, in my dispatch of 12th December 1823 (No. 31 of 1823). One of those Resolutions, viz. that which was to empower persons having a “ Legal interest in, and holding possession of, any Slave to manumit the same at his discretion, upon paying into the public Treasury the full value, to be paid over to any person eventually entitled to the same by judgment, mortgage or otherwise,” was withdrawn, and an explanation, &c. substituted. I am inclined to think, however, that the chief difficulty was in the protracted length of the session, and I am in hopes that it may in a short time be got over.

Having thus stated to your Lordship what has been done by the Legislature of the colony in favour of the Free Coloured and Slave population, I may conclude with observing, that I am not of opinion there exists, among the generality of the inhabitants of this community, any disposition to oppose the immediate wishes of Government on the subject in question, from any spiteful principles, but on the contrary, they will hereafter be found to go further than they have done, when the matter becomes less novel to them.

I have the honour to be, &c. &c.

Right Honourable Earl Bathurst, (Signed), LEWIS GRANT.
 &c. &c. &c.

An Act for granting a further extension of privileges to certain Free persons of Colour in certain cases.

WHEREAS it is reasonable and expedient that all free persons of colour being Creoles, born within these islands or elsewhere, should be admitted

Testimony of all Negroes and persons of Colour born free, admitted in any of the Courts here.

to your evidence in all cases, civil and criminal. May it please Your Majesty that it may be enacted, Be it therefore enacted, by his Excellency Lewis Grant, Esq. Major-General of Your Majesty's forces, Captain-General and Governor-in-Chief, the Council and Assembly of Your Majesty's Bahama islands, and it is hereby enacted and ordained, by the authority of the same; that from and after the passing of this act, all Negroes, Mulattoes, and other persons of colour, born free within these islands, and all other Creole Negroes, Mulattoes, and persons of colour born free, although not born within these islands, but who shall have been resident therein for the space of five years, shall and lawfully may be admitted and received to give evidence in any process, suit, or trial of any nature or kind whatsoever, in any of the Courts of Law or Equity within these islands, or before any Coroner or Magistrate.

Testimony of all manumitted Negroes, after having enjoyed freedom for five years, and professing the Christian religion, admitted in all Courts.

II. And be it further enacted, by the authority aforesaid, that all Creole Negroes, Mulattoes, and other persons of colour born within these islands, or elsewhere, although not free at the time of their birth, but who shall have been lawfully manumitted by bequest, deed of gift, or otherwise, and who shall have actually and *bond fide* enjoyed a state of freedom for the space of five years at least, within these islands, and professing the Christian religion, shall be admitted to all the rights, privileges, and immunities of persons of colour born free within these islands, within the intent and meaning of this act: provided, however, that no such manumitted person or persons, shall be allowed to give evidence of any treason, felony, misdemeanour, or other offence against the peace, or trespasses with force, which may be or shall have been committed, or alleged to have been committed, previous to their emancipation.

Act not to be construed to extend to Natives of Africa.

III. And be it further enacted, by the authority aforesaid, that no part of this act shall be so construed as in any way whatsoever to include any Negroes, Mulattoes, and other persons of colour, being natives of Africa, or any of the islands contiguous thereto, in the privileges granted to other Negroes and free persons of colour by this Act.

Such evidence not to be received regarding acts committed before the passing of this Act.

IV. And be it further enacted, by the authority aforesaid, that no person or persons to be admitted as witnesses under and by virtue of this act, shall be allowed to give evidence of any treason, felony, misdemeanour, or other offence against the peace, or trespasses with force, which may have been committed, or alleged to have been committed, at any time previous to the passing of this act, in any Court of Law or Equity, or before any Magistrate, Coroner, or otherwise, in any manner whatsoever, any thing herein before contained to the contrary notwithstanding.

Penalty on committing perjury.

V. And be it further enacted, by the authority aforesaid, that if any Free Negroe, Mulatto, or other free person of colour, shall wilfully and knowingly commit perjury before any Magistrate or Coroner, or in any suit or trial where he or she shall give his or her testimony, in any Court of Law or Equity within these islands, in any matter whatsoever, such person or persons being thereof convicted, shall suffer all the pains, penalties, and disabilities consequent, according to law, on a conviction for wilful and corrupt perjury in other cases.

Passed the House of Assembly, December 3d 1823,
LS. KERR, Speaker.

Passed the Legislative Council, 8th December 1823,
WM. VESEY MUNNINGS, President.

Assented to 28th January 1824,
LEWIS GRANT.

*An Act to suspend an Act, intituled "An Act to suspend an Act, intituled
'an Act to ascertain who shall not be deemed Mulattoes.'"*

WHEREAS, it is expedient that a certain Act of the General Assembly of these Islands, made and passed in the forty-second year of the reign of His late Majesty King George the Third, intituled "An Act to suspend an Act, intituled an Act to ascertain who shall not be deemed Mulattoes," be itself suspended, to the end and intent that the aforesaid act, intituled "An Act to ascertain who shall not be deemed Mulattoes," be revived: may it therefore please Your Majesty, that it may be enacted, and be it enacted by his Excellency Lewis Grant, Esquire, Major-General of Your Majesty's Forces, Captain-General and Governor-in-Chief, the Council and Assembly of Your Majesty's Bahama Islands, and it is hereby enacted and ordained, by the authority of the same, that the said first recited act, and every part thereof, be suspended, and the same is hereby suspended for and during the term of thirty years.

Preamble.

Act of 42d
George 3d
suspended.

Passed the House of Assembly, 22d January 1824,
L. KERR, Speaker.

Passed the Legislative Council, 23d January 1824,
W. VESEY MUNNINGS, President.

Assented to, 28th January 1824,
LEWIS GRANT.

An Act to amend, consolidate, and bring into one Act the several Laws relating to Slaves, and for giving them further protection and security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other purposes.

WHEREAS, it is expedient that the laws which, from time to time, have been enacted for the government of Slaves should be amended, consolidated, and brought into one act, and other provisions made for their protection, and the promoting of their moral and religious instruction, and by means thereof, their general comfort and happiness, so far as is consistent with due order and subordination, and the well being of this colony; may it therefore please Your Majesty, that it may be enacted, and be it enacted by his Excellency Lewis Grant, Esquire, Major-General of Your Majesty's Forces, Captain-General and Governor-in-Chief, the Council and Assembly of Your Majesty's Bahama Islands, and it is hereby enacted and ordained, by the authority of the same, That from and after the passing of this act, all and every the hereinafter mentioned laws and clauses, and parts of laws, so far forth as the same do relate to Negro or other Slaves, be, and the same are hereby suspended for and during the continuance of this act, any thing in the said laws or clauses of laws, or in any other law to the contrary notwithstanding, that is to say, an act passed in the seventh year of the reign of His late Majesty King George the Third, intituled "An Act for governing Negroes, Mulattoes, and Indians," also one other act passed in the eighth year of His said late Majesty's reign, intituled "An Act for suspending a Clause in an Act intituled an Act for governing Negroes, Mulattoes, and Indians;" and for amending the said act; also one other act passed in the twentieth year of His said late Majesty's reign, intituled "An Act for suspending parts of certain clauses and amending other clauses in an Act, intituled an Act for governing Negroes, Mulattoes, and Indians;" also one other act passed in the year last aforesaid, intituled "An Act for governing Negroes, Mulattoes, Mustees, and Indians, and for suspending several Acts therein mentioned;" also one other act passed in the same year

Preamble.

Laws sus-
pended.

last aforesaid, intituled "An Act to amend a Clause in an Act passed in the seventh year of His said late Majesty's reign, intituled "An Act for governing Negroes, Mulattoes, and Indians;" also one other act passed in the twenty-fourth year of His said late Majesty's reign, intituled "An Act for governing Negroes, Mulattoes, Mustees, and Indians, and for suspending several Acts therein mentioned, save and except the first section of the said Act as printed in the printed copy of the Acts of Assembly, being the second section of the same Act in the original manuscript thereof;" also all and every act and acts, clause and clauses of acts respecting the governing of Negroes, Mulattoes, Mustees, and Indians which in and by the said last-recited act, are or were thereby suspended during the continuance of the said act; also one other act passed in the thirty-seventh year of His said late Majesty's reign, intituled "An Act to consolidate and bring into one Act the several laws relating to Slaves, and for giving them further protection and security, for altering the mode of trial of Slaves charged with capital offences, for suspending the several Acts and Clauses of Acts therein mentioned, and for other purposes."

Allowance of Provisions to Slaves,

II. And whereas it is due to good policy, as well as to humanity and justice, that the condition of Slaves should be rendered as comfortable as possible, by supplying them with good, wholesome, and sufficient provisions, with proper clothing and other necessaries, and it is expedient that the same should be regulated by law; be it enacted, that the master, owner, or possessor of every plantation, pen, or other lands whatsoever within these islands, shall provide and give every Slave above the age of ten yers, at and after the rate of one peck of unground Indian or Guinea corn, or twenty-one pints of wheat flour, or seven quarts of rice, or fifty-six pounds of potatoes, cocoas, or yams per week, over and above a sufficient quantity of land, as and for the proper ground of every such Slave, and one-half of the aforesaid allowance to each child below the aforesaid age of ten years.

Manumissions of old and infirm Slaves incapable of labour void, and provision to be made for such old or infirm Slaves by their owners under certain penalties in case of failure.

III. And be it further enacted, by the authority aforesaid, that no master, owner, or possessor of any Slave, whether in his or her own right, or as attorney, guardian, trustee, executor, or otherwise, shall manumit, discard, or turn away any such Slave, by reason of such Slave being rendered incapable of labour, by sickness, age, or infirmity, and all such manumissions shall be void, and every master, owner, or possessor shall be, and he is hereby obliged to keep every such sick, infirm, disabled, or superannuated Slave on his estate or premises, and find and provide such Slave with wholesome necessaries of life, and not to suffer any such Slave to be in want thereof, or to wander about and become burthensome to others, under a penalty of Ten Pounds for every offence, to be recovered in a summary manner before any two Justices of the Peace, who are hereby authorized and required to cause any master, owner, or possessor offending in the premises, or his, her, or their agent or attorney, and such other persons as they shall judge necessary, to be summoned before them to enable them to judge of the justice of such charge, and to determine whether such master, owner, or possessor ought to incur the aforesaid penalty, and in the mean time and until such trial can be had, the said Justices of the Peace, on their view, or on the information of any white person on oath, are hereby required to take up any such wandering, sick, aged, or infirm Slave, and to lodge him or her in the nearest workhouse, or other place of security; there to be clothed and fed, but not compelled to work, at the expence of such master, owner, or possessor, until such trial as aforesaid can be had; and if it shall appear to the said Justices upon such trial, that the party or parties complained of is or are guilty of the offence alleged, and he, she, or they shall refuse to pay the said penalty, together with the workhouse fees, and charges of conviction, the said Justices are hereby authorized and required to commit such offender or offenders to the next common gaol, there to remain without bail or mainprize, until he, she, or they shall pay the same.

IV. And whereas by reason of deaths, or removals of proprietors of Slaves, or of Slaves having heretofore been manumitted without any suitable provision being made for their maintenance, and from other causes, some such Slaves, or manumitted persons, rendered unable to labour by disease, old age, or other means, have become burthensome to the inhabitants; for remedy whereof, be it further enacted, by the authority aforesaid, that it shall and may be lawful for the Vestries of the several parishes and islands, once in every year, to lay a tax upon the inhabitants, in the same manner as the parochial taxes are usually laid, for the purpose of raising such sum as they shall judge necessary for the maintenance, clothing, medical care and attendance of all such Negro, Mulatto or other Slaves, or other such manumitted persons, any two Justices of the Peace, are hereby authorized and required upon application being made to them, to order all such Slaves, or other persons as aforesaid, to be removed and conveyed to the workhouse of the parish, where (if a Slave) the former owner or owners, proprietor or proprietors, lived or resided, or (if a person of colour made free) where the person or persons who manumitted or set free such person of colour, resided before his or her manumission, there to be lodged and taken care of. And the Justices of the Peace and Vestries of the several islands and parishes, are hereby authorised and required from time to time to make such regulations, for the purposes aforesaid, as to them shall seem necessary and expedient.

Vestries empowered to levy a tax on the inhabitants, for the support of infirm Negroes.

V. And be it further enacted, by the authority aforesaid, that all and every act and acts, clause and clauses thereof, whereby any tax or duty whatever is or hath been imposed on the manumission of any Slave or Slaves within these islands, shall be, and the same hereby are, (so far as relates to the imposition of any such tax or duty), suspended for and during the continuance of this act, provided always that nothing herein contained shall extend, or be construed to extend, to prevent the Public Secretary, or Register of Records of the colony, or any his lawful Deputy or Deputies, from asking, demanding and receiving from the person or persons liable to pay the same, any his lawful fee or fees for the recording of any manumission or manumissions, or otherwise giving legal effect thereunto.

All acts and clauses of acts imposing any duty or tax on the manumission of Slaves, suspended.

VI. And be it further enacted, by the authority aforesaid, that from and after the passing of this act, at no sale or transfer of Slaves hereafter to be made, whether by private contract, or public sale, or under or by virtue of any mortgage, execution for debt, or other legal process whatever, or otherwise howsoever, shall the husband and wife, or reputed husband and wife, and child, or reputed child of such husband and wife, or reputed husband and wife, (the said husband and wife, or reputed husband and wife, and the said child, or reputed child of such husband and wife, or of such reputed husband and wife, or of either of them, being the property of the same owner or owners, and the said child being below the age of fourteen years), be sold or transferred the one without the other, or otherwise than in one entire lot, and in one and the same lot, and to one and the same person or persons; nor shall any executor, or other person taking upon himself the burthen of execution of any last will, assent to any specific legacy of a Slave, or deliver to any legatee or legatees any Slave or Slaves to him, her or them by the testator or testatrix of such executor or administrator specifically bequeathed in any case wherein the effect of any such assent or delivery would be to separate or cause to be separated from each other, the husband and wife, or reputed husband and wife, or to separate or cause to be separated any child under the age of fourteen years from his or her parents, or reputed parents, or either of them, contrary to the true intent and meaning of this act, but such executor or administrator in every such case, after such inventory and appraisal of the goods and chattels of his or her testator or testatrix made, had and returned as by law is required, shall sell or dispose of every such husband and wife, or reputed husband and wife, and every such child, or reputed child, and

Slaves being husband and wife, or reputed husband and wife and their child, or reputed child, being under 14 years of age, and belonging to the same owner, not to be sold separately.

No executor to assent to any bequest made in any will, separating husband and wife or child under 14 years of age. But interest of legatees to exist in appraised value of legacy.

his or her parents, or reputed parents, or either of them, in one separate and entire lot, and in one and the same lot, and to the same person or persons, and all claim, right, title, interest or demand whatever, (either in law or equity) which any such legatee or legatees, without the provisions of this act, might, or could have had or claimed in, to, or against any such Slave so bequeathed as aforesaid by any such testator or testatrix, and afterwards so sold and disposed of by any such executor or administrator, shall thenceforward and for ever thereafter be transferred to and exist in the net proceeds of the lot in which the Slave to such legatee as aforesaid bequeathed shall have been included and sold, and shall be rated or proportioned in amount according to the rate or proportion which the sum at which such Slave shall have been appraised shall bear, comparatively, in relation to the several sum and sums at which other the Slave or Slaves in the same lot included shall have been also appraised.

Penalty on persons making such Sales, and on executors assenting to such bequests

Not to afford mortgages registered before 1st July 1824.

Clothing of a Slave.

Slaves to be instructed in the Christian religion and fitted for baptism.

Encouragement of marriages between Slaves and between Slaves and free people.

VII. And be it further enacted, by the authority aforesaid, that if any person or persons, contrary to the true intent and meaning of this act, shall wilfully and knowingly make, or cause to be made, any transfer or sale of any such Slave or Slaves, or if any executor or other such administrator of any last will shall assent to the specific legacy of any such Slave, or shall deliver or cause to be delivered to any such legatee or legatees the Slave or Slaves, to him, her, or them, so as aforesaid bequeathed, every person so offending shall for every such offence forfeit and pay the sum of one hundred pounds, to be recovered and applied in manner hereinafter provided: provided always, that nothing herein contained shall extend, or be construed to extend, to affect any mortgage or mortgages of Slaves duly made and executed previous to the passing of this act, and which shall have been duly recorded or registered in the public office in Nassau, on or before the first day of July one thousand eight hundred and twenty-four.

VIII. And be it further enacted, by the authority aforesaid, that every master or owner shall provide and give to every Slave in his or her possession, two suits of proper and sufficient clothing in the course of every year, under the penalty of fifty pounds for each offence.

IX. And be it further enacted, by the authority aforesaid, that all masters or owners, or, in their absence, their overseers shall, as much as in them lies, endeavour to instruct their Slaves in the Christian religion, and shall do their endeavour to fit them for baptism, and as soon as conveniently may be, shall cause to be baptised all such Slaves as they can make sensible of a Deity and of the Christian Faith.

X. And whereas nothing would tend more effectually to promote the moral and religious improvement of Slaves, or contribute more to their mutual society, help, and comfort, than to encourage (so far as may be possible, and under such restrictions only as their state of present intellectual advancement, the religious establishments of the colony, and a due regard to the rights of private property may require,) marriages between Slaves, and between Slaves and free people. Be it further enacted, by the authority aforesaid, that from and after the passing of this act, it shall and may be lawful to, and for the several rectors or incumbents of parishes within this colony, each in his respective parish church or chapel, or for any other minister of the Established Church, in any such church or chapel, by and with the permission of the rector or incumbent (or if there be no such rector or incumbent there resident, then of the church-wardens) of the parish to which such church or chapel may belong, or in parishes or on islands being parts of parishes whereon there shall be no such church or chapel, then for any such rector or incumbent, or other such minister as aforesaid, in any private dwelling there situate, upon every Sunday, and between the hours of eight and twelve in the

forenoon of every such day, and without the publication of banns or asking in church, or any dispensation, licence of marriage or other faculty or licence whatever, save as hereinafter is required, and whether the parties then and there to be married, or either of them shall dwell within the parish to which such church or chapel may belong, or within which such private dwelling is situate or not, marriages between Slaves and between Slaves and free people who are not within the degrees of consanguinity prohibited by God's law, nor labouring under the legal disabilities of a prior marriage, or want of reason, and who profess the Christian religion, on production to such rector or incumbent, or other such minister, of the consent in writing of the owner or owners of such Slave or Slaves respectively in that behalf first had, and to such rector or incumbent or other such minister addressed: provided always, that no such rector or incumbent, or other minister as aforesaid, shall celebrate or proceed to celebrate any such marriage, unless the persons to be married shall, fourteen days at least before the celebration of such marriage respectively, deliver or cause to be delivered to such rector or incumbent, or other minister as aforesaid, a notice or memorandum in writing of the Christian name or names of every such person being a Slave, and the Christian name or names and surname or name, by reputation of every such person being free, together with the name or names and place or places of abode of the owner or owners of every such Slave respectively.

XI. And whereas many of the parishes into which this colony has been divided by law, are without incumbents, and in many cases it hath been found expedient that islands and keys, separate and apart from each other, should be formed and united into one parish; and, whereas it is necessary to provide for the celebration of such marriages in such of the said parishes whereof there shall be no such incumbent; and on such islands or keys, being parts of parishes whereon no such rector or incumbent shall be actually resident. Be it therefore enacted, by the authority aforesaid, that from and after the passing of this act, the power of solemnizing such marriages as aforesaid, which herein and hereby is given to the several rectors or incumbents, or other ministers as aforesaid, shall, and lawfully may, under the like rules, regulations, and restrictions herein before and herein after set forth and specified, be exercised by any Justice of the Peace, or Minister of the Established Church, in any such parish whereof there now is, or hereafter shall or may be, no rector or incumbent as aforesaid, or on any island or key (being part of any parish) wherein no such rector or incumbent shall be actually resident.

Where no rector or incumbent of a parish is resident, then marriages may be celebrated by a Justice of the Peace.

XII. And in order to preserve the evidence of all such marriages, and to make the proof thereof more certain and easy, and to prevent the forging or counterfeiting of any such consent, Be it further enacted, by the authority aforesaid, that from and after the passing of this act, all such marriages as aforesaid shall be had and solemnized in the presence of one credible free witness, or more, besides the minister or other person as aforesaid, who shall celebrate the same; and that the minister, or in case there be no minister there resident, the church-wardens of the parish within which any such marriage shall have been so celebrated, shall, upon application made to him or them by the parties so married, or either of them, his, her, or their owner or owners, respectively register, or cause to be registered, the said marriage, in the common register book of christenings, marriages, and burials belonging to such parish respectively, in like manner and form as heretofore hath been customary with regard to any other marriages, under the penalty of five pounds for every default: provided also, that in every such entry or register there shall be expressed the date of the consent under which such marriage was celebrated, and the name or names, place, or places of abode of the parties married, and of his, her, or their owner or owners respectively.

Register of such marriages to be kept.

All such marriages declared as valid, as though solemnized after publication of banns, or by virtue of license from the Ordinary.

XIII. And be it further enacted, by the authority aforesaid, that all marriages so had and solemnized as aforesaid, by any such Rector or Incumbent, Minister or Justice of the Peace, under and by virtue of any such consent as aforesaid, shall be, and the same are hereby declared to be good, valid, and binding, to all intents and purposes in the law whatsoever, (saving always the just right of ownership, which in no case whatever shall be in any wise hurt, prejudiced, straightened, or otherwise affected thereby,) as though the same had been solemnized after publication of banns, or by virtue of any dispensation, faculty, or other license whatsoever of any Ordinary, Judge, or other person whomsoever, having authority to grant the same, and the issue procreate of all such marriages shall be deemed legitimate; provided, however, that the marital power and authority to be thus acquired by the husband over the wife, shall, in no such case as aforesaid, impugn, diminish, or interfere with the rights or authority of the owner or owners, in, to, and over his or her, or their slave or slaves, or the issue of such slave or slaves, or the duty and services of such slave or slaves in any manner whatsoever.

Penalty by fine and imprisonment on masters mutilating or maiming Slaves.

XIV And be it further enacted, by the authority aforesaid, that any master, owner, or other person whatsoever, who shall wilfully mutilate any slave, or cause, permit, or suffer any slave to be mutilated with his or her privy or consent, shall be liable to be indicted and prosecuted in the General Court for the same, and upon conviction shall be punished by fine, not exceeding one hundred pounds, and imprisonment, not exceeding twelve months for every offence, and such punishment is declared to be without prejudice to any action that could or might be brought by the owner or proprietor for recovery of damages, for, or on account of the same. And in cases where the owner of any such slave shall be guilty of any such offence, it shall and may be lawful for the Court, if it shall deem necessary for the future protection of any such slave, to declare him or her to be free and discharged from all manner of servitude to all intents and purposes whatever. And in all such cases it shall and may be lawful for the Court to order the fine to be paid to the vestry of the parish to which such slave belonged, to the use of the said parish, the vestry in consideration thereof paying to such slave so made free, an annuity of ten pounds per annum during life. And in case any slave or slaves shall suffer any such mutilation as aforesaid, any Justice of the Peace is hereby authorised and required, on view of the fact, to send such slave to the nearest workhouse, there to be kept, and carefully attended, at the expence of the parish, until such time as there can be a meeting of the Justices and Vestry of such parish, which Justices and Vestry are hereby created a council of protection for such slave, and are authorised and required to make a full inquiry respecting the mutilation of such slave; and if to them it shall appear proper, shall cause the owner or owners of such mutilated slave to be indicted and prosecuted, the expences of which prosecution shall be paid by the parish where such offence shall be committed. And in case the owner or owners of such slave or slaves shall be able to pay the costs and charges of such prosecution, the church-wardens and vestry are hereby required to commence a suit or suits against such owner or owners, in which they shall recover all costs and charges by them laid out and expended in such criminal prosecution and civil action. And the keeper of the workhouse to which such slave shall have been committed, is hereby required, upon due notice of the meeting of such Justices and Vestry, to produce such mutilated slave or slaves for their inspection, under the penalty of twenty pounds for every neglect.

Slaves not to be mutilated by sentence of any Court.

XV. And be it further enacted, by the authority aforesaid, that it shall not be lawful for any Court of Justice to pass any sentence whereby any Slave shall be directed to be mutilated or maimed, for any offence whatever.

XVI. And be it further enacted, by the authority aforesaid, that if any person shall wilfully, and with malice aforethought, kill, or cause to be killed, any Negro or other slave, every such person shall be adjudged guilty of felony and murder, and shall suffer death without benefit of clergy: provided always, that no such conviction shall extend to the corruption of blood, or the forfeiture of lands and tenements, goods and chattels, any law to the contrary notwithstanding.

Persons wilfully killing a Slave guilty of felony.

XVII. And be it further enacted, by the authority aforesaid, that if any person shall wantonly or cruelly whip, maltreat, beat, bruise, wound, imprison, or keep in confinement, without sufficient support, any Slave or Slaves, he, she, or they, shall be subject to be indicted for the same in the General Court, and shall suffer such punishment by fine or imprisonment, or both, as the Court shall think proper to inflict, and such punishment is declared to be without prejudice to any action that may be brought for recovery of damages, in case such Slave shall not be the property of the offender.

Penalty on persons guilty of cruelty towards Slaves.

XVIII. And, in order to restrain arbitrary punishment, be it further enacted, by the authority aforesaid, that no Slave shall, on any account, receive more than twenty lashes at any one time, or for any one offence, unless the owner or employer of such Slave or supervisor of the workhouse, or keeper of the gaol, shall be present, and that no such owner, employer, supervisor, or gaol-keeper, shall, on any account, punish a Slave with more than thirty-nine lashes at one time, and for one offence: nor inflict, nor suffer to be inflicted, any second punishment on the same day, nor until the delinquent shall have recovered from the effects of any former punishment; nor shall any female Slave above the age of twelve years, be punished otherwise than in private, under the penalty of Ten pounds for every offence.

Punishment of Slaves; female Slaves to be punished only in private.

XIX. And whereas it is customary for owners to commit their Slaves to the common goal for slight offences which are not punishable under this act, be it therefore enacted, that in all cases where any owner or possessor of a Slave, shall send him or her to gaol for any such trivial offence, the Provost-Marshal, or his Deputy or Gaoler, shall forthwith take and receive such Slave into custody, and him or her safely keep until released by the owner, and shall receive for his trouble three shillings, together with one shilling for every day such Slave shall have remained in gaol, provided such Slave shall have been maintained by the Provost-Marshal.

Duty and fees of Provost Marshal

XX. And whereas a mischievous practice hath prevailed in some colonies, of punishing ill-disposed Slaves, and such as are apt to abscond from their owners, by fixing iron collars with projecting bars or hooks round their necks, be it enacted and declared, that such practice is utterly unlawful, and that no person shall, on any account whatever, punish any Negro or other Slave, whether his own property or otherwise, by fixing, or causing to be fixed, any iron or other collar round the neck of such Slave, or by loading the body or limbs of such Slave with chains, irons, or weights of any kind, other than such as are absolutely necessary for securing the person of such Slave while in confinement, under the penalty of Fifty pounds; and any Justice of the peace is hereby authorised and required, on information, or view of such offence, to order such collars, chains, irons, or weights, to be immediately taken off, under the penalty of One Hundred pounds for every neglect or refusal.

Fixing iron collars, &c. on Slaves, declared unlawful.

XXI. And be it further enacted, by the authority aforesaid, that every Christmas Slave within these islands shall be allowed the usual number of Christmas holidays, to wit, Christmas day and the two following working days.

Christmas holidays.

Penalty on Overseers absenting themselves during Christmas holidays.

XXII. And be it further enacted, by the authority aforesaid, that every overseer who shall absent himself from the estate under his care or management, on any of the aforesaid holidays, without leave of his employer, shall, for every such offence, forfeit the sum of Five pounds for each day.

Penalty on not returning births and deaths on plantations every 1st January.

XXIII. And be it further enacted, by the authority aforesaid, that on the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty-five, and on the first day of January in every succeeding year, or within thirty days after, the Owner, Manager, or Overseer of every plantation or settlement within these islands, shall give in, upon oath, to the Churchwardens of the parish, an account of all the births and deaths of the Slaves on such plantation or settlement for the year next immediately preceding, under the penalty of Fifty pounds, to be recovered from the owners of such plantation or settlement.

To fall on the overseer if through his neglect.

XXIV. And be it further enacted, by the authority aforesaid, that if the not giving in such accounts shall be owing to the neglect of any overseer or manager, it shall and may be lawful for the owner, proprietor, or possessor of such plantation or settlement, to stop and detain the penalty which he or she shall be compelled to pay, together with his or her costs and charges, out of the wages of such manager or overseer.

Penalty on Slaves hurting cattle.

XXV. And be it further enacted, by the authority aforesaid, that no Negro or other Slave shall be allowed to hurt any horned cattle, horses, mares, mules, asses, or other animals, with lances, guns, cutlasses, or other arms, unless in the company of his master, overseer, or some other white person, by his permission in writing; and any Negro or other Slave who shall offend contrary to the true intent and meaning of this act, shall suffer such punishment by whipping as any two Justices of the Peace shall think proper to inflict, not exceeding fifty lashes.

Notice of Slaves absconding to be publicly given.

XXVI. And be it further enacted, that every person from whose service any Slave shall abscond, shall, within fourteen days thereafter give notice thereof by public advertisement, wherein shall be inserted the name and description of such runaway, by means whereof he or she may be more easily known and apprehended, and in case the owner shall neglect to do so, he or she shall not be entitled to any satisfaction from the Treasury for any such Slave executed or transported, by virtue of this act, for any crime whatever.

Penalty on selling or buying any runaway Slaves.

XXVII. And be it further enacted, that it shall not be lawful either to sell or buy any runaway Slave, and that any person selling or buying any such Slave while absent, shall forfeit the sum of thirty pounds.

Penalty on Slaves running away.

XXVIII. And be it further enacted, by the authority aforesaid, that all Slaves who shall have been in these islands for the space of two years, and shall run away, and continue absent for a term not exceeding six months, shall, upon conviction, before any two Justices of the Peace, suffer such punishment as the said Justices shall think proper to inflict, not extending to life or limb.

Slaves absent more than six months to be transported.

XXIX. And be it further enacted, by the authority aforesaid, that any Slave who shall run away from his owner or lawful possessor, and be absent for more than six months, being duly convicted, shall be sentenced to be transported for life, or shall suffer such other punishment, not extending to life or limb, as the Court shall think proper to inflict.

XXX. And be it further enacted, by the authority aforesaid, that any Slave who shall knowingly harbour or conceal any runaway Slave, shall be liable to be tried for the same, as hereinafter directed; and upon conviction, shall suffer such punishment as the Court shall think proper to inflict, not extending to life or limb; and that every free person who shall commit any such offence, may be indicted and prosecuted for the same in the General Court, and being convicted, shall suffer such punishment by fine and imprisonment as the Court shall think proper, according to the magnitude of the offence; and such punishment is hereby declared to be without prejudice to any action or suit which may be brought by the party injured, for recovery of damages for and on account of the same.

Penalty on
harbouring
runaway
Slaves.

XXXI. And be it further enacted, by the authority aforesaid, that every Slave who shall take up any such runaway Slave, so that such runaway may be taken and restored to his or her owner or owners, shall be entitled to such reward as any two Justices of the Peace shall think reasonable and just, not exceeding three pounds, to be paid by such person or persons as the said Justices shall determine ought to pay the same.

Reward to
Slaves apprehending
runaways.

XXXII. And whereas it is dangerous to the peace and safety of these islands to suffer Slaves to continue out as runaways, and it is absolutely necessary to declare what Slaves shall be deemed runaways. Be it therefore enacted and declared, that every Slave who shall be absent from his or her owner or employer, without leave, for ten days together, and shall be found at the distance of eight miles from the house, plantation, or settlement, to which he or she belongs, without a ticket or permit to pass (such Slaves only excepted as are going with firewood, grass, fruit, provisions, or small stock, and other goods which they may lawfully sell, to market, and returning therefrom) shall be deemed a runaway.

What Slaves
deemed run-
aways.

XXXIII. And be it further enacted, by the authority aforesaid, that any free person who shall apprehend any runaway Slave, shall be entitled to receive from the owner, employer, overseer or manager of such Slave the sum of twenty shillings, and no more, besides mile money at the rate of two shillings per mile for the first five miles, and one shilling per mile afterwards, provided such Slave had absented himself, or herself, ten days without the privity, knowledge or consent of the proprietor, owner or other white person residing on the plantation or place to which such Slave shall belong, which time of absence shall be declared on the oath of such proprietor, overseer or other white person as aforesaid, if required by the party taking up the Slave. But it is the true intent and meaning of this act, that every person who shall apprehend any Slave that is actually run away, shall be entitled to the aforesaid reward, although such Slave shall not be eight miles from home, or although the aforesaid term of ten days shall not have elapsed.

Reward to
free persons
apprehending
runaways

XXXIV. And be it further enacted, by the authority aforesaid, that any Slave who shall take, or kill another Slave in actual rebellion, shall receive from the Church Wardens of the parish in which any such Slave shall have been killed, the sum of five pounds, and ten pounds if taken alive, also a blue cloth coat with a red cross on the right shoulder; the whole expences whereof shall be reimbursed by the Receiver-General for the time being, out of any money in his hands unappropriated.

Reward to
Slaves for
taking rebel
Negroes.

XXXVI. And be it further enacted, by the authority aforesaid, that if any Slave shall be killed by any person or persons in the execution of this act, or under the authority of the same, the person or persons by whom such Slave may be killed, shall, as speedily as may be, give information thereof to some Justice of Peace, who is hereby required to take his examination, and also the evidence or information of any person or persons respecting the same, and

Notice to be
given of any
Slave killed
in the execu-
tion of this
act.

any white person or free person of colour killing such Slave, who shall neglect forthwith to give the information hereby required, shall forfeit and pay the sum of one hundred pounds.

Runaways
apprehended
how dealt
with.

XXXVII. And be it further enacted, by the authority aforesaid, that any person or persons apprehending any runaway Slave shall convey him or her to his or her owner, employer or manager, if resident on the island in which such Slave shall have been apprehended, but if not therein resident, or if payment of the reward and other charges herein before-mentioned shall not be made, then to the nearest gaol or workhouse, the keeper whereof is hereby authorized and required to receive such Slave into his custody, and to pay the party delivering such Slave the sum of twenty shillings, and mile money as aforesaid, and no more, under the penalty of five pounds, provided, nevertheless, that no gaoler or workhouse keeper shall pay any such sum or sums, before such person shall have taken an oath, (which oath such gaoler or workhouse keeper shall file in his office, and produce when thereunto required by the owner or possessor of such Slave, under the penalty of five pounds), that the Slave so apprehended was at the reputed distance of eight miles from the house, plantation or settlement to which such Slave belongs, (except as before excepted), and that such Slave had no ticket or permit in writing from his or her owner or possessor, employer or overseer at the time of being apprehended, and that such Slave had been first carried to his or her owner, employer or manager, (provided such owner, employer or manager shall be in the island where such Slave shall have been apprehended, and that payment of the reward and charges aforesaid was neglected or refused to be made).

Runaways
taken up to
be advertized
in the Ga-
zette.

XXXVIII. And to the end that the owners and proprietors of Slaves so apprehended may obtain information of the gaol or workhouse in which they are confined, be it further enacted, by the authority aforesaid, that the keeper of every workhouse or gaol shall, and they are hereby required, once in every month to advertize in the Royal Gazette, or other public newspaper, and at the most public place in the island on which such Negro shall be apprehended, the height, names, marks and sex, as also the country, (when the same can be ascertained), of every runaway Slave then in his custody, and the time such Slave was put into his custody, and also the name or names of the owner or owners thereof, if known, under the penalty of ten pounds for every neglect or omission, and for the expence of such advertisement it shall and may be lawful for the keeper of every gaol or workhouse to charge the owner or owners of each runaway Slave at and after the rate of twelve shillings per month, and no more, and to detain any such Slave in custody until the same, together with the charges of apprehending and other fees and poundage, after the rate of two shillings in the pound, shall be paid, and also one shilling for every twenty-four hours such Slave shall have been in custody, for subsistence, and sixpence per day for medical care and extraordinary nourishment where necessary, and the gaoler, workhouse keeper or supervisor shall attest every such account upon oath.

Gaoler to
furnish con-
fined Slaves
with victuals

XXXIX. And be it further enacted, by the authority aforesaid, that the keeper of every workhouse or gaol within these islands shall provide and furnish every such Slave confined in such workhouse or gaol a sufficient quantity of good and wholesome provisions, according to the allowance hereinbefore required to be given upon every plantation, under the penalty of Ten Pounds for every neglect.

Slaves who
shall have
been in cus-
tody twelve
months and
unclaimed
how dealt
with.

XL. And be it further enacted by the authority aforesaid, that after any runaway Slave shall have been in the custody of the Provost Marshal or the keeper of the workhouse or gaol, and shall have been duly advertised as aforesaid, for the space of twelve calendar months, if no person shall claim such Slave, and pay the fees and other monies hereinbefore directed, it shall and

may be lawful for the Provost Marshal or the Keeper of such gaol or workhouse to sell every such Slave at public outcry to the highest bidder, and that the monies arising from such sale shall be applied, in the first place, towards payment of the expence of taking up, keeping, and advertising such Slave, together with all fees and charges hereinbefore mentioned, and the overplus (if any) shall be paid into the public treasury, to be applied towards the contingent expences of this Government, provided always, that every such sale be at the usual place of public auctions in the town of Nassau, between the hours of ten and twelve o'clock in the forenoon, that thirty days' notice thereof be given in the *Royal Gazette* or other public newspaper, and that previous to every such sale, every such Slave be carried before a Magistrate, who is hereby required to examine whether such Slave has been duly advertised, and whether his or her marks and description agree with the advertisement, and to certify the same, if found accurate or sufficient.

XLII. And be it further enacted, by the authority aforesaid, that no gaoler or workhouse-keeper shall, on any pretence whatever, employ any Slave sent to his custody on any plantation belonging to him, or in his possession, nor hire, nor lend any such Slave to work for any person or persons, under the penalty of Fifty Pounds for every offence.

Slaves in the custody of the Gaoler not to be hired out.

XLIII. And be it further enacted, by the authority aforesaid, that any Negro or other Slave, who shall be confined in any workhouse or other place of confinement, and shall escape therefrom before trial, or the expiration of his or her sentence, upon being retaken, and proof being made of his or her identity before any two Justices of the Peace, shall be adjudged to be sent back to confinement, and shall receive punishment by whipping not exceeding fifty lashes.

Punishment of Slaves escaping from confinement before trial.

XLIII. And be it further enacted, by the authority aforesaid, that if the Provost Marshal or any of his deputies, or any constable, gaoler, or workhouse keeper, shall willingly or negligently suffer any Slave to escape, so that such Slave shall not be retaken, such marshal, constable, gaoler, or workhouse keeper shall forfeit a sum not exceeding Twenty Pounds, without prejudice to the owner's action of damages.

Penalty on Gaoler suffering Slaves to escape from confinement.

XLIV. And be it further enacted, that if any Negro or other Slave, at any time of invasion, or appearance of an enemy, shall be killed in service of the country, the owner shall be paid out of the public treasury the full value of such Slave, to be ascertained by any two Justices of the Peace.

Slaves killed in the public service to be paid for by the Treasury.

XLV. And be it further enacted, by the authority aforesaid, that if any master, owner, guardian, or attorney of any plantation or settlement shall suffer any strange Slaves, exceeding twelve in number, to assemble together and beat their drums or blow their horns or shells in any place under his, her, or their care or management, or shall not endeavour to disperse, or prevent such meeting, by giving notice thereof to the next Magistrate or Commissioned Officer, that a proper force may be sent for the purpose, every such master, owner, guardian, or attorney shall forfeit, for every such offence, the sum of Fifty Pounds, provided information of such offence be given upon oath within five days after the commission of such offence.

Penalty on persons having charge of any plantation to permit more than twelve strange Slaves there to assemble.

XLVI. And be it further enacted, by the authority aforesaid, that all Officers, civil and military, shall be, and they are hereby empowered and required to enter into any place whatever in order to disperse any unlawful assembly of Slaves, and to suppress and prevent all riotous unlawful drumming or other noise, any law, custom, or usage to the contrary notwithstanding.

All Officers authorised to disperse unlawful Assemblies.

Penalty on
Slaves hav-
ing fire arms
in possession

XLVII. And be it further enacted, by the authority aforesaid, that any Slave who shall hereafter be found to have concealed in his or her house, or otherwise, in his or her possession, any fire arms, gunpowder, slugs, or ball, shall, on conviction before any two Justices, suffer such punishment as the said Justices shall think proper to inflict by whipping.

Punishment
of Slaves of-
fering vio-
lence to
white per-
sons.

XLVIII. And be it further enacted, by the authority aforesaid, that any Slave who shall offer violence (by striking or otherwise) to any white person, shall be punished with such punishment, not extending to life or limb, as the Court shall think proper to inflict, provided such conflict or striking be not by command of the owner of such slave, or his, or her attorney, overseer, or other person having authority over such slave, or in the lawful defence of his owner's person or property.

Punishment
of Slaves pre-
paring or
giving poi-
son.

XLIX. And be it further enacted, by the authority aforesaid, that if any Negro, or other Slave, shall mix or prepare, with intent to give, any poison, or poisonous drug, or shall actually give, or cause to be given, any such poison, or poisonous drug, although death may not ensue from the taking thereof, such Slave, together with all and every accessory and accessories, as well before as after the fact, (being Slaves,) being thereof duly convicted, shall suffer death, transportation for life, or such other punishment as the Court shall think proper.

Punishment
of Slaves for
killing cattle

L. And whereas horned cattle, sheep, horses, mares, mules, and asses, are frequently stolen, and killed, by Negro and other Slaves, in so secret and private a manner as to render conviction very difficult; for prevention thereof, be it further enacted, that if any Negro, or other Slave or Slaves shall fraudulently have in his, her, or their possession any fresh beef, mutton, or veal, or the flesh of any horse, mare, mule, or ass, in any quantity exceeding five pounds, and not exceeding twenty-eight pounds, every such Negro or other Slave shall, upon conviction before any two Justices of the Peace, be whipped in such manner as such Justices shall direct, not exceeding thirty-nine lashes, and if there shall be found fraudulently as aforesaid, in his, her, or their custody or possession, a larger quantity than twenty-eight pounds weight of such beef or other flesh, that, then, every such Negro, or other Slave, shall suffer such punishment as the Justices shall think proper to direct, not extending to life or limb.

Punishments
for stealing
cattle.

LI. And be it further enacted, by the authority aforesaid, that if any Negro or other Slave shall feloniously steal any horned cattle, sheep, horse, mare, gelding, mule, or ass, or shall kill any such horned cattle, sheep, horse, mare, mule, or ass, with intent to steal the same, or any part of the flesh thereof, such Negro, or other Slave, shall suffer death, or such other punishment as the Court shall think proper to inflict.

Punishment
for aiding
Slaves run-
ning away.

LII. And whereas several Slaves have lately found means to depart from these islands, to the great damage of their owners, and to the evil example of other Slaves, who may thereby be induced to attempt to conspire to do the same; and whereas there is reason to suspect that Slaves have been aided and assisted in their departure by other persons, and no adequate punishments are provided in law for such offences, for remedy thereof, be it further enacted, by the authority aforesaid, that if any Negro, or other Slave, shall run away from his, or her owner, or owners, employer, or employers, and go off, or conspire or attempt to go off these islands, in any ship, boat, canoe, or other vessel or craft whatsoever, or be aiding, abetting, or assisting to any other Slave or Slaves in deserting and going off, or conspiring and attempting to go off, or aiding, assisting, or abetting in such going off, being thereof convicted, shall suffer transportation, or such other punishment as the Court shall think proper to inflict, not extending to life or limb.

LIII. And be it further enacted, by the authority aforesaid, that if any free Negro, Indian, or Mulatto, shall be aiding, assisting, and abetting any Slave or Slaves in deserting and going off these islands, and shall be thereof convicted, he, she, or they, shall be subject to be transported from these islands, by the Provost Marshal, or his Deputy, and any such person so convicted, sentenced, and transported, who shall afterwards be found at large within these islands, shall suffer death without benefit of clergy.

LIV. And be it further enacted, by the authority aforesaid, that any white person who shall knowingly be aiding, assisting, and abetting any Slave in deserting and going off these islands, shall forfeit the sum of one hundred pounds, and shall also suffer imprisonment for any space of time, not exceeding twelve months, without bail or mainprize, and such punishment is declared to be without prejudice to any suit or action which may be brought or had by the party injured for recovery of damages, for, and on account of the same.

LV. And be it further enacted, by the authority aforesaid, that it shall and may be lawful to proceed against the person or persons so aiding, assisting, and abetting such Slave or Slaves in going off these islands, whether the principal or principals be convicted or not, any thing in this or any other act, or any law, usage, or custom to the contrary notwithstanding.

Persons aiding slaves run away may be proceeded against

whether the principal be convicted or not.

LVI. And be it further enacted, that no Negro or other Slave, shall, on any pretence barter or carry about for sale or barter, any dry goods of any kind whatever, unless by a ticket in writing of his or her owner or owners to that effect, specifying the articles they may have for sale, and in default of such ticket or consent it shall and may be lawful for any white person to take and seize all such goods, and deliver them to the Provost-Marshal, or his Deputy, who shall forthwith sell the same at public auction, and pay the net proceeds thereof into the public treasury.

Slaves not to carry any goods about for sale without a ticket from their owner.

LVII. And be it further enacted, by the authority aforesaid, that no Negro, or other Slave, shall vend or retail any spirituous liquors whatever, and if any Slave, without the knowledge of his or her owner or employer, shall sell or vend any spirituous liquors whatsoever, such Slave for every such offence, shall be publicly whipped, by order of any two Justices of the peace; but if it shall appear to have been done with the knowledge of his or her owner or employer, then, and in that case, such owner or employer shall forfeit the sum of Forty pounds, to be recovered in manner hereinafter directed.

Slaves not to vend spirituous liquors.

LVIII. And be it hereby enacted, that every Slave who shall play at dice or cards, or be guilty of any other kind of gaming, shall be publicly whipped, by order of any two Justices of the peace; and any keeper of a tavern or punch house, who shall suffer any Slave or Slaves to game, get drunk, or tittle in or about his or her house, shop, or premises, or to remain in or about the same, after the hour of eight o'clock at night, or shall at any other time, sell rum, or any other spirituous liquors, to any Slave ————— to whom he or she shall have been forbidden by the owner or employer of such Slave to sell liquor, shall suffer any such Slave, after having been so forbidden, to loiter or remain in or about his or her house, shop, or premises, shall forfeit the sum of Twenty pounds.

Punishment on Slaves for gambling.

LIX. And whereas it is deemed expedient and proper, that the trial of Slaves charged with treason, murder, or other felonious offence, not having the benefit of clergy, should hereafter be had, and proceeded on in the General Court of these islands, according to the form and practice of the said Court, used and followed therein on the trial of white persons, or free persons of colour, charged with the like offences. Be it therefore enacted, by

The same practice to be followed on the trial of Slaves charged with capital offences.

ees, as on the trial of white persons or free persons of colour charged with the like offences.

the authority aforesaid, that from and after the passing of this act, when any Slave or Slaves shall be charged with treason, murder, burglary, robbery, burning of houses, or other felony or offence whatsoever, from which the benefit of clergy is taken away by any Statute or Act of Parliament of Great Britain, now or hereafter to be in force within the Bahama islands, or by this or any other Act of the General Assembly of the same islands, the trial of such Slave or Slaves (a bill or bills of indictment being first found by the Grand Inquest for the body of the said Bahama islands, and which bill or bills of indictment, the Attorney-General of these islands, or other officer prosecuting in the name of His Majesty, shall and lawfully may prefer) shall be had and proceeded upon in the General Court of said Bahama islands, by and before the Chief Justice and Assistant Justices of the said Court, or some, or one of them, in the same manner and form, and according to the same course, usage, and practice established, observed, and followed therein, for and upon the trial of any white person, or free person of colour, charged with the like crimes and offences, save and except only, that the evidence of Slave against Slave shall in all cases be received.

When any Slave shall be convicted of any felony without benefit of clergy, one of the Judges of the General Court to pronounce sentence of death.

LX. And be it further enacted, by the authority aforesaid, that when any Slave or Slaves shall be convicted in the said General Court, of any treason, murder, or other felony or offence, from which the benefit of clergy is taken away as aforesaid, it shall and may be lawful for the Chief Justice and Assistant Justices of the said General Court, or some one of them, to pronounce sentence of death upon such Slave or Slaves so convicted as aforesaid, and the Provost Marshal of said islands, or his lawful deputy, is hereby authorised and required to cause such sentence to be carried into execution, at such time and place as such Chief Justice and Assistant Justices, or some one of them shall think proper to direct and appoint.

Parts of acts relative to the mode of proceeding on trial of Slaves suspended.

LXI. And be it further enacted, by the authority aforesaid, that so much, and such part and parts of any Act or Acts of the General Assembly of the said Bahama islands, as prescribe or regulate any mode of proceeding on the trial of Slaves accused of crimes punishable with death, different from that herein before established and appointed, shall be, and the same is, and are hereby suspended, from and after the passing of this act, for and during the continuance of this act, and no longer.

Mode of proceeding on complaint of any clergyable felony or other offence punishable by transportation committed by any Slave.

LXII. And be it further enacted, by the authority aforesaid, that upon complaint being made to any Justice of the Peace of any clergyable felony, or other offence committed by any Slave or Slaves, and which is hereby declared to be punishable with transportation, such Justice shall issue his warrant for apprehending such offender or offenders, and for all persons that can give evidence, to be brought before him, or any other Justice of the Peace, and the evidence of Slave against Slave shall in all cases be received. And, if upon examination, the charge shall appear to be well founded, the Justice, before whom such examination shall be had and taken, shall commit the accused to prison, and bind over the witnesses to appear at a certain day and place, not less than ten, or more than thirty days from the day on which the complaint shall have been made, and shall certify to any other Justice of the Peace, the cause of such commitment, and require him to associate himself with him, which the said Justice is hereby required to do, under the penalty of forty pounds, and the said Justices so associated shall issue their warrant to summon seven persons, such as are liable to serve on ordinary Juries, (the master, owner, or proprietor of the Slave or Slaves so complained of, or the attorney, guardian, overseer or manager of such owner or proprietor, or the person prosecuting, his or her attorney, guardian, or overseer or manager always excepted) personally to be and appear before the said Justices, at the day and place appointed for the trial, between the hours of eight and twelve of the clock in the forenoon, when and where the said Justices shall cause the ac-

cused to be brought before them, and thereupon five of the persons so summoned shall (the charge of accusation being first reduced to writing and read) be sworn to try the matter before them, and give a true verdict according to evidence, which charge or accusation shall not be questioned for any want of form, but shall be deemed valid if sufficient in substance. And if the said Jurors shall, upon hearing the evidence, unanimously find the said Slave or Slaves guilty of the offence of which he or she or they shall stand charged, the said Justices shall forthwith pass sentence upon such offender or offenders, according to the nature of the offence, and shall cause such sentence to be carried into execution at such time and place as they shall think proper: provided always, nevertheless, that the Justices of the Peace, or any two or more of them resident upon any of the islands within this Government, shall and may hereafter hold Slave Courts upon the first Tuesdays in January, April, July and October, in every year, to continue and to be holden five days successively (if necessary) and not longer, and shall have full power and authority to inquire into, hear and determine all and all manner of clergyable offences, or other offences committed by any Slave or Slaves, and which is hereby declared punishable with transportation or other punishment not extending to life or limb, and shall open the said Court by Proclamation, declaring the same to be a Slave Court for such purpose; and that any two of the said Justices shall thereupon proceed to try and deliver the workhouse or gaol within the islands or parish, of all Slaves who shall be in custody of the gaoler or workhouse-keeper, charged with any such last-mentioned felony or offence, and shall cause a Jury to be called and taken from the Panel returned to the said Court, forthwith to be sworn as they shall appear, to try all and every such Slave and Slaves as shall be brought before them charged with any of the offences last aforesaid, and give a true verdict according to evidence, as in other cases.

LXIII. And be it further enacted, by the authority aforesaid, that not less than two Justices and five Jurors shall constitute any such Slave Court, and that upon any such trial no peremptory challenge of any Juror, or any exception to the form of the indictment shall be allowed.

Who shall constitute a Slave Court.

LXIV. And be it further enacted, by the authority aforesaid, that any Slave wilfully giving false evidence on any trial to be had before any Slave Court under this act, shall suffer the same punishment as the person or persons on whose trial such false evidence was given, would, if convicted, have been liable to suffer, and such other punishment as the Justices shall award, not extending to life or limb.

Punishment of Slaves giving false evidence on any trial.

LXV. And be it further enacted, by the authority aforesaid, that when any Slave or Slaves shall be discharged by proclamation, or shall die in custody, the marshal, gaoler or workhouse-keeper, shall be entitled to receive out of the public treasury, all such fees as shall be due for such Slave or Slaves at the time of such discharge or death.

Gaol fees for Slaves dying in custody, to be paid by the public.

LXVI. And be it further enacted, by the authority aforesaid, that the constable of the respective islands and districts shall be obliged to attend every such trial or Court, under the penalty of twenty pounds for such neglect, and the constable executing any sentence, shall be entitled to receive out of the public treasury the sum of twenty shillings, upon producing the certificate of the Justices aforesaid.

Constables to attend Slave Courts.

LXVII. And be it further enacted, that any person who shall be drawn and duly summoned to serve as a Juror in any trial to be had by virtue of this act, and who shall neglect to attend, or, after appearance, shall depart without leave, shall forfeit the sum of six pounds.

Penalty on Jurors neglecting to attend.

Notice of trial of any Slave to be given to the owner.

LXVIII. And be it further enacted, by the authority aforesaid, that no such trial of any Slave shall be had until after reasonable and sufficient notice of such trial shall have been given to the owner or proprietor of such Slave, or to his, her, or their attorney or attorneys, or other representative or representatives, where any such can be conveniently found within the colony, any law, usage, or custom to the contrary notwithstanding.

Valuation of Slaves sentenced to be transported to be made by jury.

LXIX. And be it further enacted, by the authority aforesaid, that in all cases where any Slave shall receive sentence of death, or transportation, the jury shall appraise and value such Slave, and the Justices shall certify such valuation; provided always that such valuation shall not in any case exceed sixty pounds for any one Slave; and provided also, if it shall appear that the owner or possessor of such Slave had treated him or her with inhumanity, and that necessity or hard usage might have driven such Slave to the commission of the offence of which he or she shall have been convicted, that then and in such case, no valuation shall be made, nor certificate granted, and the owner shall not be entitled to receive any allowance whatever for such Slave from the public.

Money arising from sales of Slaves sold for transportation to be paid into the treasury.

LXX. And be it further enacted, by the authority aforesaid, that in all cases where any Slave, valued as aforesaid, shall be executed or transported, by virtue of this act, such Slave shall be paid for at the public expence, and the net money arising from the sale of any Slave sold for transportation, shall be accounted for on oath by the Provost Marshal, or his deputy, and paid over to the Receiver-General for the use of the public.

Slaves transported and returning shall suffer death.

LXXI. And be it further enacted, by the authority aforesaid, that any Negro, or other Slave, who shall be transported from these islands by virtue of this act, and shall wilfully return from transportation, shall, upon conviction, suffer death without benefit of clergy.

Penalty on persons concealing Slaves against whom warrants shall have been granted.

LXXII. And be it further enacted, by the authority aforesaid, that when any warrant shall be granted, by any one or more of His Majesty's Justices of the Peace, against any Slave who cannot be taken, the owner, attorney, possessor, guardian, or overseer, of every such Slave, shall be served with a copy of the said warrant, and if he, she or they do not send or produce such Slave to the Justice or Justices, to be dealt with according to law, and it shall afterwards be proved that such owner, attorney, guardian, possessor, or overseer, wilfully detained or concealed such Slave, he, she, or they shall forfeit the sum of one hundred pounds.

Manumitted Negroes to be tried as Slaves, and for all misdemeanours under felony.

LXXIII. And be it further enacted, that all such Negroes, Mulattoes, Mustees, and Indians as have been Slaves; and have been or shall be made free, shall for all misdemeanours and offences under the degree of felony, to be tried and adjudged in manner and form herein-before directed for the trial of Slaves, and the evidence of a Slave or Slaves shall be admitted on such trials, any law, usage or custom to the contrary notwithstanding.

Summary mode of punishment for inferior offences.

LXXIV. And whereas misdemeanours and offences of inferior degree are frequently committed by Slaves, which ought to be punished in a summary manner: be it therefore enacted, by the authority aforesaid, that it shall and may be lawful for any two Justices of the Peace, in a summary manner, to hear and determine all crimes and misdemeanours below felony, or other offences whatsoever, committed by any Slave or Slaves, and to which the punishment of transportation hath not been annexed by this act, committed by any Slave or Slaves giving sufficient notice to the owner or owners of such Slave or Slaves, or his, her, or their attorney or attorneys, or to the person having the care of such Slave or Slaves, of the time or place of trial, and to order and direct such punishment to be inflicted on any such Slave, as the

said Justices in their discretion shall think fit, not exceeding fifty lashes: and the constable attending any such trial, and executing any such sentence, shall be entitled to have and receive ten shillings, to be paid by the master, owner, or possessor of such Slave or Slaves, on non-payment whereof, it shall and may be lawful for the Justices to issue their warrant for levying the same, together with costs and charges.

LXXXV. And be it further enacted, by the authority aforesaid, that no runaway Slave shall on any account be committed to gaol by any Magistrate of a parish where there shall be a workhouse established, but to such workhouse only.

Runaway Slaves to be committed to gaol only where there receive them.

LXXXVI. And be it further enacted, that in all cases in which, by this present act, or by any other act of the General Assembly, any power or authority is vested in the Justices and Vestries, such power and authority shall be executed by the Justices, or any two of them, in islands where there are no Vestries, or by the Vestrymen, or any six of them, in islands where there are no Justices.

is no workhouse to receive them.

Powers vested in Justices and Vestries to be executed by Justices or Vestries where there are not both. Penalties how recovered and appropriated.

LXXXVII. And be it further enacted, by the authority aforesaid, that all forfeitures and penalties given by this act, of which the recovery and applications have not been otherwise directed, shall, if not exceeding twenty pounds, be recovered in a summary manner, before any two of His Majesty's Justices of the Peace, and shall be levied, together with costs, by distress and sale of the offender's goods and chattels, and, if exceeding twenty pounds, shall be recovered, together with costs, in the general court of these islands, by action of debt, bill, plaint, or information, wherein no essoign, protection, wager of law, or *non vult ulterius prosequi* shall be allowed or entered; one moiety of which penalties shall be to the use of the parish where the offence shall have been committed, and the other moiety to the informer, or to him, her, or them who shall sue for the same.

LXXXVIII. And be it further enacted, by the authority aforesaid, that this act, and every clause, matter, and thing therein contained, shall continue and be in force for and during the term of five years from the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer.

Duration of this Act.

Passed the House of Assembly, January 22, 1824,
Ls. KERR, Speaker.

Passed the Legislative Council, 24th January 1824,
WM. VESEY MUNNINGS, President.

Assented to 28th January 1824,
LEWIS GRANT.

No. 2.

Extract of a Letter from Governor Grant to the Earl Bathurst, dated Bahamas, 10th May 1824.

I TAKE the liberty of informing your Lordship that in this colony I do not believe there is the smallest room for apprehension of any insubordinate feeling or disposition existing among the Slaves here, and therefore, as the issuing of the Proclamation of the 10th of March, cautioning the Slaves against insubordination, would be introducing a novel idea among the coloured population, both Free and Slave, I shall await your Lordship's further instructions before issuing the Proclamation, unless I find the directions which accompany it when it comes to me particularly imperative.

No. 3.

Sir,

Downing Street, 14th August 1824.

I HAVE the honour of inclosing a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad, and I have also to notify to you His Majesty's appointment of two Bishops, the one for Jamaica, and the other for the Leeward Islands, to whom are to be entrusted the controul of the clergy of the Church of England within their respective dioceses, and the duty of reporting upon the state of the Ecclesiastical establishment, particularly as it relates to the Slave population, and upon the best means of diffusing the benefits of religious instruction to that part of the community.

I call your attention to these measures at this moment for the purpose of enabling you to bring more completely under the consideration of the Legislature, the whole of the measures which His Majesty's Government have in contemplation for the melioration of the state of the Slave population.

His Majesty's Government have been anxious to prove the deep interest which they feel in the encouragement of the religious and moral instruction of the Negroes, by at once taking upon themselves the whole charge of placing the clergy of the West Indies under episcopal controul; and they have directed that a given sum shall be forthwith placed at the disposal of the Bishops, for the purpose of providing for the more immediate wants of persons in holy orders within their respective dioceses; and His Majesty confidently expects to receive every assistance from the Legislature, to promote the establishment of a system so calculated to produce the most beneficial effects on the morals and habits of the Slave population.

With respect to the Order in Council for meliorating the condition of the Slaves in Trinidad, similar provisions to those which are contained in that Order will be extended to Demerara and Essequibo, Berbice, St. Lucie, the Cape, and the Mauritius, with such modifications as may be necessary to adapt them to the Dutch and French laws which are respectively in force in these possessions.

The legislature of the Bahamas have evinced their anxiety for the improvement of the condition of the slaves, by their late act for amending and consolidating the slave laws, which it is impossible not to view as comprising many humane and judicious enactments, materially contributing to such improvement.

On attentively considering the provisions of the Order in Council, they will not fail to perceive much which practice has already established in the Bahamas, but to confirm which, the sanction of law is still required. In comparing it with the provisions of their own act, they will observe, that upon the principle of those provisions, many of the suggested alterations must be considered as improvements, and by embodying in their statutes those additional provisions of the order, which, as yet, are not to be found in their consolidation act, they will lay the foundation of such an improvement, in the condition of the slave population, as will prove equally honourable to the legislature, and beneficial to those for whose advantage it appears to be more immediately intended.

Under the favourable anticipation which I cannot but entertain from the disposition of the Legislature of the Bahamas to meet the views of His Majesty's government, I am confident that it is unnecessary for me to impress upon you the disappointment which His Majesty's government would experience, should they fail to receive the effectual co-operation of the Legislature, for the completion of those measures which have been recommended for their adoption, and which they must be aware have received the sanction of Parliament, and the general approbation of this country.

I have, &c.

(Signed)

BATHURST.

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

No. 4.

SIR,

Downing-Street, 14th August, 1824.

BY my dispatch of this date, you will receive instructions again to call the attention of the Legislature to the measures suggested by my Circular Dispatch of the 9th July 1823, and adapted to the Spanish Law, by the Order in Council for the improvement of the condition of the Slaves in Trinidad, and you will learn how earnestly it is desired that the Legislature of the Bahamas should embody in their statutes the entire substance of the Order in Council. This cannot be effected with more convenience, than by an act strictly of consolidation, re-enacting the whole of the Slave Laws, which it is expedient should remain in force, and repealing all others. I therefore take this opportunity of detailing to you such of the objections to the act, for amending and consolidating the Laws relating to Slaves, as will not be immediately suggested by a comparison of that act with the Order in Council, and my Circular Dispatches.

By the terms of the third clause, manumissions are rendered void in all cases wherein they have been effected by reason of the incapacity of the Slave, by age or sickness, for labour. But, as it may be assumed, that if the Slave possesses, or can find the means of purchasing his freedom, there is no danger of his becoming a burden to society, it is desirable that there should be no invalidity in manumissions so purchased; and, indeed, you will not fail to perceive that the Order in Council, in the part of it which relates to this subject, has been framed upon this principle, and the provisions of the Order appear more than those of the act calculated to effect the purpose of the Legislature, by protecting the public from the risk of being burthened, and, at the same time, causing no further impediment to manumissions, than is required to render this precaution effectual. It is a most essential objection to the clause, that it may at any time become a question, whether the manumission of a Slave is not void in consequence of his owner having been induced to grant it by his incapacity to labour, and a class of persons may therefore arise respecting whom, and respecting whose descendants it may always remain a question, whether they are freemen or slaves.

The fifth clause contains a recognition of a power on the part of a gaoler, or supervisor of a workhouse, to inflict on a slave a punishment as severe as could be inflicted by his owner, and which power cannot be placed in the hands of such officers, without a danger of its being much abused.

By the fortieth clause, provision is made for selling by public auction any runaway Slave who shall have been advertised for twelve months, and shall then remain unclaimed. It is necessary that some provision should be made for ascertaining whether the person so circumstanced is really a Slave. The non-claim for twelve months raises at least some presumption that the party is not a Slave, and if he asserts himself to be a freeman, it is in justice necessary that he should be secured from being sold into slavery, without sufficient proof that he is a slave.

In the fifty-third and fifty-fourth clauses, it is enacted, that the free persons of colour aiding any slave in deserting or going off the Bahama Islands, shall be liable to transportation for life; but that white persons guilty of the same offence, shall be liable to a penalty of one hundred pounds, and to imprisonment for any term not exceeding twelve months. Since the superiority of rank and education which belongs to the white inhabitant is an aggravation of the offence committed by him, there is an injustice in assigning to the aggravated offence the minor punishment.

By the sixty-fourth clause a slave convicted of perjury is to suffer the same punishment as the person against whom his evidence is given, would be liable to suffer if convicted, and such other punishment as the Justices shall award, not extending to life or limb. By this clause the operation of the

law against the crime of perjury committed by a slave, whose ignorance is an extenuation of his guilt, is much more severe than against others for whose guilt no such extenuation can be presumed.

The seventy-third clause subjects free persons of colour, who were not born free, to be tried for all but capital crimes before the Slave Court, and declares the evidence of slaves admissible against them, without any qualification.

It does not appear that there is any precedent for such an enactment as this. and any enactment cannot but be objectionable, which deprives any free class of men of the benefits of trial by Jury.

Amongst the acts which are suspended by the present act during the period of its own operation, there is one which was passed in the year 1784, "for the Government of Negroes," and which is suspended with the exception of one clause. The clause thus left to its full operation, provides, that "if any Negro or Mulatto, Mustee or Indian, shall assault a white person with a dangerous weapon, whereby the life of the person so assaulted may be greatly endangered, or make any assault of a violent nature, (except a Slave, and in defence of his or her owner's or employer's person or property,) he, or she shall suffer death. And in case such assault shall be committed by the direction of the owner or employer of such Negro, Mulatto, Mustee or Indian, such owner or employer shall be liable to answer as by law they ought. And if any Negro, Mulatto, Mustee or Indian, be otherwise abusive to any white person, he or she shall be punished by the direction of one Justice of the Peace, or by fine, not exceeding fifteen pounds, or by corporal punishment."

By this clause, therefore, any violent assault committed by a slave, or by a freeman, if not white, is a capital crime, without any exception, even for the case of self-defence, although the defence of the property or person of the owner is expressly declared to be a justification. If the assault be committed by the direction of the owner or employer, the offender, who is the instrument, is to suffer death, whilst he who is the principal is to "answer as by law he ought;" that is, he is to be liable to be indicted at the Common Law for an assault, and if convicted, to suffer fine and imprisonment. There is likewise enacted, a punishment by fine and corporal punishment, at the direction of one Justice of the Peace for the Commission, by any coloured person, of an offence vaguely designated in the words "being abusive to any white person." The injustice of these enactments is so manifest, that when the attention of the Legislature is called to them, I assure myself they will not be desirous to continue them in force.

With respect to the other provisions of this act, and to the important omissions in it, I have only to refer you to my Circular Dispatches of last year, and to the Order in Council for the improvement of the condition of the Slaves in Trinidad, by a comparison with which you will be fully enabled to judge how far this act may consist with, and in what respects it will fail to carry into effect the wishes of His Majesty's government.

I have the honour to be, Sir,

Your obedient servant,

(Signed)

BATHURST.

Major General Grant,
&c. &c. &c.

No. 5.

SIR,

Downing-Street, 31st August 1824.

I HAVE received your dispatch dated the 10th May last, stating, that in consideration of the tranquil state of the Slaves in the Islands under your government, it was your intention to suspend the issuing of the Royal Proclamation of the 10th March until you had received my further instructions,

and I have now to inform you that the discretion which you proposed to exercise in this respect has been approved, and you will therefore not issue the Proclamation unless any circumstances should arise which would render expedient its promulgation.

I am, &c.

Major General Grant,
&c. &c.

(Signed) BATHURST.

No. 6.

Extract of a Dispatch addressed to Earl Bathurst by Governor Grant, dated Government-House, Bahamas, 10th January 1825.

IN compliance with the directions contained in your Lordship's two letters of the 14th August, which were accompanied by copy of the Orders in Council for Trinidad, I had the honour to submit these several documents to the Legislature of this colony.

The Council, I have reason to think, would have been inclined to have co-operated in any measures which the House of Assembly might have been disposed to adopt in furtherance of the object in view, in regard to the Slave population, but the latter branch of the Legislature, "resolved" to make no alteration in the consolidated Slave act this session. In a considerable degree, I am inclined to attribute this resolution, not to a general disposition, on the part of the respectable inhabitants, to oppose the wishes of Government, on occasions where they clearly see their way, but, in respect to the subject in question, so much pains have been taken by designing persons to work upon the fears of the colonists, that it is a difficult matter to bring them favourably to deliberate on the amelioration of the condition of their Slaves.

This particularly applies here where a considerable period elapses before the proceedings in the other colonies are known, and, at last, it is chiefly those of the most unfavourable description which get most publicity. The amendments which were suggested in your Lordship's dispatch of 14th August, marked "separate" to the Consolidated Slave Act, which passed this Legislature in January 1824, would have been, most or all of them, duly attended to, but the House of Assembly was unwilling to take up the subject, in any shape, until it was known how Jamaica dealt with it, and I have little doubt, that whatever improvements might have been made by the Legislature of that island, would have been soon followed in this.

Although it may occur that this colony, from its want of intercourse and communication with the others, will not so early adopt any measures materially efficient, I am, nevertheless, of opinion that ultimately it will act up to what is done in the other colonies, particularly Jamaica.

No. 7.

Extract of a Dispatch from Governor Grant to Earl Bathurst, dated Government House, Bahamas, 15th January 1825.

I HAVE the honour herewith to transmit copies of the communications which took place between me and the other branches of the Legislature of the Bahamas during the late session.

I avail myself of this opportunity to repeat the sentiments contained in my dispatch of 10th January 1825, that I do not believe there exists in the generality of this community, any innate disposition to oppose the intentions of Government, in respect to the subject in allusion, but that the reluctance and demur, which at present exist here, in the adoption of any of the wished-

for measures, rather proceeds from the fears and apprehensions of various kinds, which so much pains have been taken to impress the minds of the colonists with. Viewing the subject in the light I have explained, and although the document of 14th December would appear to have been intended to carry its influence into other colonies, and at the same time the arguments contained in it admitted most of them of being confuted, I nevertheless conceived, that under present circumstances, more would be ultimately gained by allowing a little time for cool reflection, than by appearing to be over-anxious here before it was known what may have been done in the other colonies.

Nassau, Saturday, November 20th 1824.

*Mr. President and Gentlemen of the Council,
Mr. Speaker and Gentlemen of the House of Assembly,*

AT the period of our again meeting in General Assembly, it is a matter of great gratification to me, that I am enabled to acquaint you with my having received official intimation that His Majesty's Government has viewed with much satisfaction the liberal manner in which the important subject of giving further security and protection to a certain description of persons forming a portion of our population, was assumed and proceeded with in the course of our last session. I have received a few remarks on certain provisions of our Act, and some suggestions analogous to its general principles. It will be my duty to submit them to you at an early stage of the session, and, in the hopes that they will be found in unison with those feelings by which you have been actuated, I have little doubt that they will receive from you all due consideration.

Mr. Speaker and Gentlemen of the House of Assembly,

The accounts and estimates are directed to be in readiness for your inspection, and I make no doubt that the necessary supplies for the exigencies of the colony will be furnished with your usual willingness and discretion.

*Mr. President and Gentlemen of the Council,
Mr. Speaker and Gentlemen of the House of Assembly,*

It only remains for me, on the present occasion, to add my assurance that to every measure which may come under your deliberation, having in view the comfort of individuals or the public weal, or which, in any way, may appear to tend to the prosperity of the colony, I shall feel an anxiety and pride to give all the support in my power.

Council Chamber, 15th November 1824.

LEWIS GRANT.

Address of the Legislative Council to His Excellency.

BAHAMA ISLANDS, NEW PROVIDENCE.

To His Excellency Lewis Grant, Esq. Major-General of His Majesty's Forces, Captain-General and Governor in Chief in and over the said Islands, and of the Garrisons there, or that may be sent thither; Chancellor, Vice-Admiral, and Ordinary of the same.

The Address of the Legislative Council of the Bahama Islands.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Legislative Council of the Bahama Islands, request your Excellency to accept our best thanks for your speech at the opening of the Session.

The flattering manner in which His Majesty's Government has thought

proper to express its approbation, with regard to the Act alluded to by your Excellency, has been a source of the sincerest gratification to our hearts, and we shall always feel happy to afford every attention in our power to such subjects as your Excellency may deem it expedient to communicate for our consideration.

The experience we have all had of your Excellency's desire to promote the public welfare of the Bahama Islands, furnishes a pledge too strong to entertain any doubts of your Excellency's disposition to co-operate with us, in every measure conducive to the peace, happiness, and prosperity of the inhabitants thereof.

By order of the Board,

WM. VESEY MUNNINGS,

President.

Council Chamber, 17th November 1824.

HIS EXCELLENCY'S ANSWER.

Mr. President and Gentlemen of the Council,

I AM confident that at all times I may depend upon a conscientious support from you in every measure having in view the promotion of the public welfare, and I feel highly complimented by the expressions in which you now convey to me your assurance to this effect.

LEWIS GRANT.

Government House, 17th November 1824.

Address of the House of Assembly.

To His Excellency Lewis Grant, Esq. Major-General of His Majesty's Forces, Captain-General and Governor in Chief in and over the said Islands; Chancellor, Vice-Admiral and Ordinary of the same.

The Humble Address of the House of Assembly,

WE, His Majesty's dutiful and loyal subject, the House of Assembly of the Bahama Islands, request your Excellency to accept our thanks for your speech at the opening of the present Session.

The important subject of giving further protection and security to the description of persons mentioned by your Excellency, was met by the House, during its last Session, in the same spirit of liberal and benignant policy, which has ever marked their proceedings, when directing their attention to the wants, comforts, or just rights of that portion of the community.

We are well pleased to learn, that His Majesty's Government has not failed to do justice to our feelings and our labours, and have only further to assure your Excellency, that any remarks or suggestions with which you may think fit to favour us, shall receive from us all due consideration.

When the public accounts and estimate of expences for the ensuing year are laid before us, such provision will be made by us for the necessary supplies of the colony, as shall appear consistent with the present circumstances of our constituents.

The prosperity of the country will ever form the first object of our cares; and relying, from experience of the past, upon your Excellency's ready concurrence in every measure which may tend to the comfort of individual, or the public weal, we here offer to your Excellency the sincere assurance of cordiality and co-operation.

By order of the House,

LEWIS KERR, Speaker.

House of Assembly, November 17th 1824.

To which his Excellency was pleased to make the following Answer :—

Mr. Speaker and Gentlemen of the House of Assembly,

THE general tenor of your reply to my address affords me the expectation of every beneficial result from your ulterior deliberations.—I thank you for the promise of the requisite supplies, and I duly appreciate the gratifying terms in which the assurance of your cordial co-operation is held out to me.

Government House, Nov. 18th 1824.

LEWIS GRANT.

A message from his Excellency the Governor by the Deputy Secretary of the colony :—

Mr. Speaker and Gentlemen of the House of Assembly,

I HEREWITH forward to your honourable House a dispatch which I have received from Earl Bathurst, dated 14th of August, (marked by me A.) together with the Orders in Council for Trinidad, which accompanied the dispatch. I also forward another dispatch of same date, marked "separate," and which chiefly has reference to a certain act passed by this Legislature during last Session. In order to prevent undue previous impressions, I wish to place in your view, before you come to the perusal of these documents, that the first mentioned dispatch, in addition to covering the Orders of Council, conveys to me the notification of two Bishops being appointed to the West Indies, for the special duties explained in the dispatch, and calls my attention to those measures at this moment, for the purpose of enabling me to bring more completely under the consideration of the Legislature, the whole of the measures which His Majesty's Government have in contemplation for the melioration of the state of the particular class of the population to which they have reference.

The same dispatch, you will perceive, conveys the information that similar provisions to those which are contained in the Orders of Council for Trinidad will be extended to certain other colonies, having foreign laws, with such modifications as may be necessary to adapt them to the laws which are respectively in force in those colonies. To correspond with these measures, His Majesty's Government naturally expects, that in the colonies like ours, where the laws of the Parent State are in force, analagous provisions, modified to suit our laws and circumstances of practicability, will be adopted by the Legislatures. You will perceive in the perusal of the dispatches sent, how favourably your proceedings of last session, having reference to the subject in question, were received and viewed by His Majesty's Government; and on a cool and dispassionate consideration of the propositions further suggested, you will find that a very great proportion of them only require to have that sanctioned by law, which is already here established in general practice. It now only remains for me to refer to your consideration the suggestions contained in these documents, and in Earl Bathurst's circular of 9th July 1823. A few copies of this circular I take this opportunity of forwarding to your honourable House, to replace those which may have been mislaid since last session, as I conceive that it affords the easy means of again bringing into your view those points, in particular, which are not embraced by our Act.

Government House, 3d December 1824.

LEWIS GRANT.

A motion was made, that the message be taken into consideration on Thursday next; to which an amendment was proposed, that the word 'Tuesday' be substituted for the word 'Thursday,' which, on a division, passed in the negative, when the original motion was resolved.

*Proceedings of the House of Assembly.**Tuesday, 14th December, 1824.*

ACCORDING to order, the House again resolved itself into a Committee of the whole House on His Excellency the Governor's message of the 3d inst. and the Documents accompanying the same :—

Mr. Speaker left the Chair.

Mr. Hepburn took the Chair of the Committee.

Mr. Speaker resumed the Chair, and Mr. Hepburn, from the Committee, reported, that they had come to the following resolutions, which they recommended to be adopted :—

1st. That it be recommended to the House, not to make any further alterations on the consolidated Slave Act, during the present Session.

2d. That it be recommended to the House to send the following Message, in answer to His Excellency the Governor's message of the 3d instant :—

May it please your Excellency.

IN answer to your Excellency's message of 3d inst. accompanied by two dispatches from the Colonial Office, of the 14th of August, and a copy of an Order of His Majesty in Council of the 10th of March, for the government of the Slaves in Trinidad, the House of Assembly respectfully beg leave to express their regret, that the documents so forwarded by your Excellency do not appear to them to justify an expectation that His Majesty's Ministers are to be sincerely satisfied with any thing less from the Colonies, generally, than the entire adoption, at least in substance, of the new system of slave government prescribed by that Order. For though it was to be extended to all the other conquered colonies, under such modifications as should be necessary to adapt its provisions to the pre-existing laws of those colonies respectively, and consequently, it could not have been expected that the same system would be adopted in the more ancient British colonies, (the forms at least of whose government are, to a certain degree, in correspondence with those of the mother country,) without a like deference to established Institutions; the House cannot but observe, that, in the system now recommended, there is much of deep and vital interest, altogether new to all the colonies, British and Foreign; the extreme hardship of which, on slave owners, would, if adopted under any modifications of mere form, in the opinion of this House, virtually annihilate all legitimate authority of the owner over his slave, and by putting their several interests infinitely more at variance than before, lead rapidly to the results of the most fearful character. And although, in the dispatches from the Colonial Office, particularly that in which the merits and defects of the slave code of this colony are discussed, in a manner highly gratifying to the House, there are several recommendations entitled to their serious consideration, and some suggestions, of which, at a season of *less excitement in the minds of the slave population, and just alarm among the white inhabitants of the colonies*, the House would have much satisfaction in availing themselves; they trust that your Excellency, and His Majesty's Ministers, will not, at a crisis like the present, be surprised or displeased at the repugnance of the House to enter upon even the less obnoxious details of a system, which, as a whole taken together, appears to them so pregnant with peril to certain principles, the preservation of which appears to them essentially necessary, not only to the little portion of prosperity which still remains to the colonies, but even to their very existence as colonies at all.

The House further respectfully beg leave to recapitulate what the Legislature of this colony has already done for the religious and moral instruction of all classes; and more particularly for the comfort and protection of the Slaves from all manner of lawless oppression. The Church establishment, in the first place, has been put on a footing, in point of extent and liberality, altogether

without example, in proportion to the revenues of the place. No form of religion is prescribed—every Christian sect enjoys the unshackled exercise of its peculiar style of worship, duly protected by equal laws from all molestation. The marriages of Slaves also are now provided for and encouraged by law, as in fact they have ever before been by general usage. The utmost possible facility is afforded, by express enactments, (in a separate law for the purpose, not included in the general Slave code) and ever carried readily into effect by the Courts to enable those unjustly held in bondage to recover their freedom, without personal risk, or pecuniary expence—manumissions are neither taxed or restrained by law, or otherwise; and even during the last session of the Assembly, the general Slave code was revised and re-enacted, with several amendments, manifesting, as Earl Bathurst has been pleased to admit, the anxiety of the Legislature for the improvement of the condition of the Slaves, and comprising many humane and judicious enactments, materially contributing to such improvement. Neither, during the same session, were the claims of the black and coloured people of free condition forgotten—by admitting them, then for the first time, to be witnesses *in all cases*, nearly the last shade of distinction, in point at least of civil rights, was removed from between them and the white population; the latter reserving to themselves little else than the exclusive enjoyment of certain political privileges, which in the opinion of the House, cannot at this time be extended to any other portion of the inhabitants, without substantial injury to the country. After such hitherto uncommon progress of the Legislature in giving legal sanction to the daily increasing amelioration of the condition of Slaves, and other corresponding acts respecting the free people of colour, the House did not expect to be again called upon for further measures of a like nature, but of a more doubtful character, if not also decidedly of a more dangerous tendency, until at least some reasonable length of time were allowed, to observe the practicable effect of those steps which had already been so recently taken—still less did the House anticipate that the entire Order in Council for the government of the Slaves in Trinidad, which, however, it may now be regarded, was originally announced only as an experiment, and expressly declared to be so by His Majesty's Ministers in Parliament, would have been hastily pressed, as it now is, upon this colony, with an earnestness of recommendation which seems to reject all apprehension of noncompliance in the smallest particular, not only while the project itself remained as yet untried in Trinidad, but before it had even been transmitted to any one of the other five conquered colonies, in which it was to be put to the test of experience. Without entering into details, the House respectfully beg leave to suggest, that they humbly presume it must already be within your Excellency's knowledge, that, were it only from objections purely of a local character, a large portion of the Trinidad Ordinance would be absolutely impracticable in these islands—nor, even independent of those local obstacles, can the House regard the new system without trembling for the destiny that awaits those colonies into which it may be introduced. For, besides the multitude of other objectionable parts of that Ordinance, with which it is unnecessary at present to trouble your Excellency, *that* from which the more immediate evils are to be apprehended perhaps is the portion of it which restrain within certain limits the punishment of Slaves, the callous inflexibility of the edict, rejecting all distinctions between the most atrocious violation of the spirit of the law, and the most venial transgression of its letter; and, above all, the appalling disproportion between the offence and its penalty.—A lash illegally inflicted on the whitest free man in England on the colonies, is expiated by a small fine, or, at most a short imprisonment. But here, a like assault upon a Slave by his master is to be punished by a forfeiture of at least one half of that master's fortune, however splendid it may be.—As one, of perhaps a hundred fairly supposable cases of rank oppression and injustice to result from the proposed regulations, a single female Slave, privileged, as she would be, from corporal punishment, would have only to inflict, privately, upon her own shoulders, a couple of lashes, just

severe enough to leave a perceptible mark of the violence, and charge her owner with the offence, and she might thereby not only procure her own emancipation, but that also of all her kindred, and of the entire gang to which she belonged, should it amount to thousands in number, and in value millions. The right of giving evidence in all other cases is confined to Slaves duly instructed in the Christian religion; but here, no manner of religious or moral qualification is required; no certificate of character, nothing but the lash, on the back, and a plausible tale in the mouth of the complainant. Let it also be remembered that even in cases in which it should be afterwards made to appear, that the person convicted had been unjustly accused, and had been the innocent victim of fraud and perjury on the part of his accuser, still he would be altogether without remedy. Nearly every other sentence of the law, is, for a time at least, under the wholesome controul of the Executive—in this case, the Slaves by the sentence itself, would at once become forfeited to the Crown, or, in other words, irreversibly manumitted. The property of the innocent and injured owner once so lost could never be restored; and thus from the very nature of his case, even the doors of Royal mercy must of necessity remain shut against him for ever. Neither is there any reservation in favour of the rights of joint proprietors, reversioners, entailed heirs, mortgagees, or creditors of any description—every consideration of the kind is utterly lost sight of, in the eagerness for emancipations, too plainly manifested by those who have been unhappily permitted to advise this extraordinary measure. It is correctly observed in the papers before the House, that His Majesty's Ministers, in many of the new enactments required from the colonial Legislatures, only ask for a legislative recognition of principles on which all the colonies boast to have long acted, by common consent, with respect to their Slaves; such, for instance, as concerns their right of property, that of disposing of it at discretion, purchasing with it their own freedom or that of their relatives, and using it for other fair purposes—Nor can the House be surprised that those who are experimentally unacquainted with the necessary economy of the slave system of the West Indies, and the delicacy of those moral ligaments which bind the slave to his master, more strongly perhaps than any physical chain which oppression ever forged for its victims, should at first view be unable to understand why the legislature should hesitate to confirm by law, rights which no man in the colonies, certainly at this day, would venture to call in question. The answer to that, is this, that as the negro condition in the West Indies has gradually improved, those rights have been the progressive result of that improvement; the natural growth of an increasing sense of mutual confidence between the owner and the slave; and therefore, were the slave, who should as yet have scarcely reached the dividing line between civilized and savage life, (and for one that has passed it, thousands remain far behind) should the untutored slave be given to understand, that those benefits were extended to him, not as a fair encouragement to diligence and sobriety, not as a just reward of fidelity, or the gratuitous boon of his master, but as an abstract right vested in all slaves alike, the faithful and the traitorous, the industrious and the idle, the moral and the corrupt; and secure to them indefeasibly by the edicts of a great superintending power, (of which, by the bye, not one in a thousand of them have any defined idea) which at the distance of upwards of a thousand leagues held his master and himself in equal subserviency; is it not clear that the property of the slave from that moment would, instead of a bond of union between him and his master, as at present, become “a barrier of inextinguishable hate.” Tell the slave that this right was so conferred on him for the express purpose of making him independent of his master's favour, and enabling him to set the little remaining authority of that master at defiance; would it not be a natural consequence that the accumulation of property in the hands of a slave would, ever after, be regarded with jealousy (nothing of which has ever yet been felt) by the owner, who, upon a fair principle of self protection, might be induced even to retaliate on his slaves, the oppression

of those under whom he himself suffered, by withholding many of those gratuitous indulgencies, and even aids, which he ever before had considerable satisfaction in affording to his dependants; thus compelling them in a great measure to abandon their lucrative pursuits in disgust, or to persist in them clandestinely,—necessarily leading to habits of falsehood and fraud, if not also to theft, or even worse, on the part of the slave; and, in any event, eternally dissolving the best and only sure cement of the existing slave system in the West Indies. The House, it is hoped, will not be held guilty of presumption in thus setting up their humble judgment in contrariety with that of His Majesty's Government, in matters of such deep interest as those now under consideration. In all others, even when the interests of the colonies have been sensibly blended with those of other parts of the empire; the House, however they may have felt the pressure of some Ministerial acts, have ever as yet submitted to them in respectful silence. But on subjects in immediate and exclusive connection with the peculiarly organized system of slave property in the West Indies, the House trust, that, without any fair imputation of arrogance, they may presume upon their own experience on the spot, as having placed them in a situation to take the most correct views of the policy and bearings of all measures affecting that particular species of property, more especially when such measures emanate from a distant country, where it is impossible that *that* policy and those bearings can be so well understood; blinded as the British public have too long been by prejudice, excited by as gross a tissue of interested and malignant falsehood and misrepresentation as ever imposed upon the credulity of that or any other nation.

The House cannot conclude without an assurance to your Excellency, that they unfeignedly regret that a strong sense of the great impolicy, and absolute danger of making any further innovations at present in the Slave system of the colony, and a decided conviction of the correctness of the principles on which they are now acting, compel them to return this answer to your Excellency's friendly message. For although the views which they have taken of the present painfully interesting subject, differ in some degree from those of your Excellency, the House, nevertheless, are fully persuaded, that your Excellency's suggestions were dictated by a sincere and earnest desire to maintain the credit, and promote the welfare of the colony.

And the first resolution being read a second time:—

The following amendment was moved thereto, as follows; that after the word 'That,' the remainder of the same be left out, and the following words inserted in their place:—"a select Committee be appointed to prepare and bring in a bill, containing such alterations and amendments to the Consolidated Slave Bill of last session, as are suggested by Earl Bathurst in his dispatch to his Excellency the Governor, marked 'separate,' or otherwise, as the said Committee shall deem requisite, with a due regard to the just rights of private property, and the security and well being of the colony."

And the previous question being moved to that amendment, and the question being put that the question on the said amendment be now put:—

The House divided:

Ayes. 6. *Nays.* 15.

So it passed in the negative.

The question on the original resolution, being then put;

The House divided:—*Yeas* 15. *Nays* 6.

Resolved, in the affirmative.

And the said resolution being read a second time;

Resolved that the House do agree to the same.

After which, his Excellency was pleased to close the session with the following Speech:—

Mr. President and Gentlemen of the Council,

Mr. Speaker and Gentlemen of the House of Assembly,

Although nothing has been done by the Legislature during this session, in

regard to affording co-operation to His Majesty's Government in the prominent colonial question which now occupies public attention, I, nevertheless, entertain the expectation, that when the measures contemplated come to be less novel, and more clearly discriminated from previous impressions, you will be found duly to appreciate the position which His Majesty's Ministers have assumed, and afford them that support on which they have placed their reliance.

Mr. Speaker and Gentlemen of the House of Assembly,

I thank you for the supplies you have voted for the public expenditure of the ensuing year, and have no doubt that the means of raising them will be equally easy on your constituents as heretofore has been usual.

I am sorry to have to observe, that I cannot altogether acquiesce in the arguments contained in your reply of 14th December, to my message of 3d December; nor in the conclusions which you have there drawn; but I shall refrain from entering upon any argumentative discussion of particulars, as I conceive nothing whatever is more likely to create and keep alive in the colonies irritation in one class of persons, and excitement in another, than the giving unnecessary publicity to the various speculative opinions which are likely to be formed on a subject of such extent.

Mr. President and Gentlemen of the Council,

Mr. Speaker and Gentlemen of the House of Assembly,

The business of the session being now over, I hereby prorogue this Assembly until the 1st February next ensuing.

Council Chamber, 29th December 1824.

LEWIS GRANT.

Reply.

SIR,

Government House, Barbadoes, 26th June 1824.

I HAVE been honoured by your letter of this day's date, and I regret extremely to learn that the Bill for revising the Slave laws, and for extending further protection and amelioration to the Slaves, which had so long occupied your attention, and that of the House of Assembly, has so suddenly and unexpectedly been rejected; and I may express my sincere sorrow, that you have at such a period felt it necessary to absent yourself from the arduous duties of Speaker; feeling sensible of your highly laudable and patriotic exertions to amend the slave laws, and to meet the wishes of the Imperial Parliament of England, as expressed by His Majesty's Ministers on many points, which you considered in perfect consonance with the true interests and welfare of your country.

I have the honor to be, &c. &c.

(Signed) HENRY WARDE.

No. 2.

MY LORD,

Government House, Barbadoes, 12th July 1824.

REFERRING to my dispatch, of the 1st inst., I have now the honour to forward to your Lordship a copy of my message to the House of Assembly, on their meeting the 8th inst. pursuant to summons, together with their reply, and to state to your Lordship that a Committee of the House was formed on that day, and a message sent to the Legislative Council, inviting them to form a similar one, to meet and conjointly to consider on and to propose a consolidated Act for the amendment and amelioration of the Slave laws; which proposal was acceded to by the Council; and from the rumours which are now afloat, I feel disposed to think that the Speaker of that House is likely to resume his duties.

I have the honour to be, &c.

(Signed)

HENRY WARDE.

*The Earl Bathurst, K. G. &c. &c. &c.**Council Chamber, July the 8th, 1824.*

The Governor having deemed it expedient to call together the Honourable the House of Assembly for the dispatch of public business, has now most earnestly to recommend to them the adoption of such measures for the speedy revision, amendment, and amelioration of the Slave laws, as they may deem best calculated for that purpose.

*The Honourable the Speaker, and the Honourable the
Members of the House of Assembly, &c.*

*Reply.**July 8, 1824.*

THE House of Assembly, acknowledging the receipt of His Excellency's message of this day's date, "recommending to them the adoption of such measures for the speedy revision, amendment, and amelioration of the Slave Laws, as they may deem best calculated for that purpose, beg leave most respectfully to inform his Excellency the Governor, that they are at this moment occupied on the subject to which his Excellency's message refers.

By Order of the House of Assembly.

(Signed)

ROBERT HAYNES, pro tempore Speaker.

His Excellency the Governor.

No. 3.

SIR,

Downing-Street, London, July 26, 1824.

I HAVE the honour of inclosing a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad, and I have also to notify to you His Majesty's appointment of two Bishops, the one for Jamaica, and the other for the Leeward Islands, to whom are to be entrusted the controul of the clergy of the Church of England within their respective dioceses, and the duty of reporting upon the state of the Ecclesiastical establishment, particularly as it relates to the Slave population, and upon the best means of diffusing the benefits of religious instruction to that part of the community.

I call your attention to these measures at this moment for the purpose of enabling you to bring more completely under the consideration of the Legislature, the whole of the measures which His Majesty's Government have in contemplation, for the melioration of the state of the Slave Population.

His Majesty's Government have been anxious to prove the deep interest which they feel in the encouragement of the religious and moral instruction of the Negroes, by at once taking upon themselves the whole charge of placing the clergy of the West Indies under episcopal controul; and they have directed that a given sum shall be forthwith placed at the disposal of the Bishops, for the purpose of providing for the more immediate wants of persons in holy orders within their respective dioceses; and His Majesty confidently expects to receive every assistance from the Legislature, to promote the establishment of a system so calculated to produce the most beneficial effects on the morals and habits of the Slave population.

With respect to the Order in Council for meliorating the condition of the Slaves in Trinidad, similar provisions to those which are contained in that Order will be extended to Demerara and Essequibo, Berbice, St. Lucie, the Cape, and Mauritius, with such modifications as may be necessary to adapt them to the Dutch and French laws which are respectively in force in those possessions.

The Assembly of Barbadoes shewed their anxiety for the improvement of the Slave Code by undertaking its revision and consolidation previously to the arrival in Barbadoes of my communications upon the subject; and I learnt with satisfaction, from an Address of the House of Assembly to you, that measures promising great melioration of the condition of the Slaves had been in a state of progress. It cannot be too much deplored, that any interruption to these measures should have arisen in consequence of want of unanimity in the branches of the Legislature upon minor questions; and it is the confident expectation of his Majesty's Government, that on an occasion of such high importance to themselves, and to the well-being of the population under their care, and of such deep interest no less to Parliament and to his Majesty's Government than to all classes in this country, the Members of the Legislature of Barbadoes will not suffer any considerations not necessarily involved in the question before them, to interfere with their sense of duty, and their concern for the public interests.

On referring to the Minutes of Proceedings in the House of Assembly, I observe that petitions have been preferred to that body by the inhabitants of certain parishes of Barbadoes, praying that the proceedings for the revision and consolidation of the Slave Laws might be immediately resumed; and that at a meeting of the Assembly on the 18th of December, the Speaker introduced the Bill comprising that object which had been before the House in a previous Session.

Under these circumstances, I assure myself that you will meet with the less difficulty in strongly impressing upon each branch of the Legislature the expediency of proceeding without delay in the consideration of those measures which have already engaged their attention; and on attentively considering the provisions of the Order in Council, they will not fail to perceive much which practice has already established in Barbadoes, and to confirm which the sanction of law only is required.

In comparing it with their own law, and with the amendments of that law which they have admitted to be desirable, they will observe, that upon the same principles many of the suggested alterations must be considered as improvements, and by embodying in their statutes the other provisions of the Order in Council, they will lay the foundation of such a system of gradual improvement of the condition of the Slave Population as will prove equally honourable to the Assembly, and beneficial to those for whose advantage it appears to be more immediately intended.

You will readily anticipate the serious extent of the disappointment which His Majesty's Government will experience, if, unfortunately for their best interests as well as for the cause of humanity the Legislature of Barbadoes shall reject the substance of these regulations, which they must be aware have received the sanction of Parliament, and the general approbation of the country.

Sir Henry Warde,
 &c. &c. &c.

I am, &c.
 (Signed) BATHURST.

No. 4.

MY LORD, *Government-House, Barbadoes, August 5, 1824.*

WITH reference to my dispatches of the 1st and 12th July, I have now the pleasure to inform your Lordship that the Speaker having resumed his seat in the House of Assembly, a bill has passed that branch of the Legislature, for amending and ameliorating the Slave laws, and as the bill was submitted previous to its passing the House of Assembly, to a Committee formed from that House and His Majesty's Council, I entertain little doubt of its being approved of by the Board. The bill in question I am given to understand, offers considerable amelioration to the present condition of the Slaves in its revised state, though some parts proposed by the Speaker, who I understand to have been the original framer of the bill, have been rejected, and, though the present House of Assembly expires on the 1st of September next, I have great hopes by the next packet to announce its having passed into law.

I have the honour to be, my Lord,
 with great respect, your Lordship's,
 most obedient, and very faithful servant,

The Earl Bathurst, K. G.
 &c. &c. &c.

(Signed) HENRY WARDE.

No. 5.

Extract of a Dispatch from Lieutenant General Sir Henry Warde, addressed to Earl Bathurst, dated Barbadoes, 3d September 1824.

A COPY of the Bill accompanies this, and I have added a report from the Honourable the Speaker of the House of Assembly to my Address, together.

with four written documents annexed to it, and various other papers, numbered as follows :

No. 5. Copies of an Address to His Majesty's Council, and of a message sent to the Honourable House of Assembly by His Excellency the Governor, on the 27th August 1824.

No. 6. Reply of the House of Assembly to the Governor's message of the 27th August 1824.

No. 7. Letter addressed to the Governor by the Members of His Majesty's Council, presented to His Excellency at that Board, on the 2d September 1824

MAY IT PLEASE YOUR EXCELLENCY, *Barbadoes, August 31st 1824.*

I HAVE the honour to lay before your Excellency, agreeably to an Order of the House of Assembly made at its sitting on the 28th inst. a copy of the Consolidation Slave Bill, which passed the House on the 27th ult. and also copies of communications thereon, between the Honourable the Council and the House; by which your Excellency will perceive, that the labours of the House in effecting the very important work of revising and consolidating the present Slave Laws, and ameliorating the condition of the Slaves, have been entirely lost. A result like this was by no means anticipated by me, and I must say, fills my mind with painful concern and disappointment. As this Bill originated with me, I feel myself called on to detail to your Excellency the course of proceeding pursued by the House, and in how far the suggestions of Earl Bathurst in his despatch to your Excellency under date of the 9th of July 1823, and submitted by your Excellency to the consideration of the House, on the 23d of September last, were adopted, under that line of conduct laid down by the House in their reply to your Excellency on that day, namely, "that the propositions of his Lordship would be duly considered in their deliberations, and such measures pursued, as local circumstances, the safety of the inhabitants, the interests of their property, and the welfare of the Slaves themselves would admit."

On the 23d of October 1821, long prior to the receipt of his Lordship's Despatch, and the discussions in Parliament, which led to it, I called the attention of the House to the necessity of meeting once a fortnight at least, until the Slave Code should be revised and settled; and on the 8th of January 1822, a Bill for that purpose was read a first time, and ordered to be printed, for the better information of Members. As soon as it was printed, the Members of Council, and also of the House, were furnished with copies, but nothing further took place in that Session; early in the following Session, I again introduced the Bill, which was in a state of great progress at the time of the prorogation.

So soon as it was practicable, I again introduced it in the present Session, and in its progress through the Committee and the House, the suggestions of Earl Bathurst received the fullest consideration, and were adopted so far "as local circumstances, &c." would at present allow. And the Bill finally passed in Committee on the 8th of July last.

The Bill being thus agreed to, the House, in order to obviate all difficulties which could possibly arise from a difference of opinion between the Council and the House upon this important subject, invited the Honourable Board to appoint a Committee to meet and confer with a special Committee of the House, that it might be known what objections would be made, or amendments proposed to any of its Clauses, before proceeding further on it in the House.

Nothing could more strongly mark the anxious desire of the House to ensure the success of the Bill at the Council Board, than this deviation from regular constitutional forms, in asking for a conference on the Bill, after it had passed in Committee; the conference lasted two days, and at the meeting of the House on the 27th ult. when the order of the day was called over for a

second reading of the Bill in the House, the objections and alterations, which were made and proposed at the conference were submitted, and, I may say, agreed to with very trifling difference either in form or substance (excepting their proposals to abolish Sunday markets, to alter the law of manumissions, to enact regulations for encouraging marriages, and respecting the dying declaration of Slaves, which were not taken up), and the Bill finally passed the House. The Bill being fairly engrossed, was delivered over to the Council, and contrary to the expectation of the House, it was returned on the 28th inst. with a message in writing (No. 1), accompanied with certain remarks (No. 2). As the House could not constitutionally receive the remarks of the Honourable Board, as amendments to the Bill (it being a Money Bill), and finding it too late in the Session to originate it *de novo*, they addressed the reply (No. 3) to the Honourable Board, to which they returned an answer (No. 4).

The House still impressed with the impracticability of originating and passing, *de novo*, a Bill of such vast importance through all the regular stages prior to the expiration of the Session, which takes place to-morrow, came to an adjournment; that day being Saturday, and most of the Members of the House having been previously summoned to attend the committee of public accounts, and of the mole head department on this day, to settle the accounts of the late treasurer, who died on Tuesday last, in order that the balance of money due to the public might be ascertained, and paid over to his successor; which circumstance was made known to the Council by a message from the House after the receipt of their last communication.

I should be guilty of a dereliction of the duty which I owe to the House, and myself, were I to refrain observing upon some of the remarks, and in my judgment the most important, which the Honourable Board has been pleased to make.

Their first remark is on the second clause of the Bill, *as it now stands*, in which they say, "The Council think that at least nine Jurors out of twelve should agree in a verdict of conviction on a trial for a capital offence." It would seem by this, as if the House was disposed to place less value on the life of a Slave than the Council; but when I inform your Excellency of all that was done by the House, and of all that passed between the Committee of the House and the Committee of the Council upon this very subject, your Excellency will be enabled to determine in which of the branches of the Legislature the strongest feeling was manifested towards affording the full benefits of the Trial by Jury to a Slave charged with a capital offence.

It was settled in the Committee of the House, that a Jury of twelve, and three Justices, should try all offences charged upon Slaves, not of a capital nature; but if of a capital nature, that then the Trials should take place at our regular Courts of Grand Sessions, and be conducted in like manner as the trial of white or free coloured persons charged with capital offences: in this shape the Bill was taken to the Committee of Conference; this mode of trial was, however, objected to on the part of the Council, and the clause which now settles it, and enacts that a majority of the Jury shall be sufficient to convict, was actually furnished by their Committee. When the Bill came back to the House, this alteration was strongly opposed, as being too great an innovation in the form of trial, designed by the House for the better protection and security of the lives of the Slaves; but after some discussion, the point was yielded, and the clause, as furnished by the Council's Committee, adopted. The first objection now made by the Council is to this very clause.

I cannot admit that the House of Assembly passed the clause (No. 43) from inadvertency, as charged upon them by the Council, knowing, as I do, that it was very maturely deliberated upon; this clause is considered essentially necessary; for in a community, constituted as this is, "the attempt by a Slave to strike, maim or injure a white person," must in most, if not all cases, be attended with circumstances of a rebellious nature, and as the common law distinguishes manslaughter and justifiable homicide from cases of murder, as between equals, it would seem an absurdity in legislation not to allow a free

man the benefit of these distinctions in repelling the attack of a Slave; and I think I may here add, that there is nothing in that clause contrary to the enactments provided for the government of the army and navy.

Their remark on the 60th clause (allowing Slave testimony,) if admitted, and the evidence of Slaves restricted, so as not to affect the life of a free-coloured person, as suggested by the Council, the amelioration and protection designed by the Bill for Slaves would be diminished in proportion to the extent of numbers in that class of our population with whom the Slaves are more immediately connected; this seems to be the design of His Majesty's Government, as communicated in the despatch of my Lord Bathurst, and is clearly manifested by a later document (the Trinidad Order in Council of the 10th of March last), in which the restriction on Slave evidence is only so far as regards the life of a white person.

The Council, in the conclusion of their remarks, say, "that they observe with considerable regret that certain important clauses for ameliorating the condition of the Slaves, which they recommended, have been rejected by the House of Assembly, particularly one for abolishing Sunday markets, and another for dispensing with all fines on manumissions.

Unless this charge is answered, it may appear to your Excellency as if the House of Assembly was really not disposed to ameliorate the condition of the Slaves, and that they had rejected important clauses on that head; the only clauses, however, that were rejected, are the two thus particularized by them, and one concerning marriages, and another respecting the dying declaration of Slaves. The first of these clauses required more consideration than the House was then prepared to give to a subject which would at once strike at the very root of old habits and firmly fixed prejudices amongst the Slave population, and was viewed with some alarm by the House, as calculated, if too suddenly attempted, to produce discontent and dissatisfaction; but at the very next Meeting of the House, a separate Bill for that purpose was introduced, which led to much discussion, and was lost, as far as I could gather the feeling of the House, from the conviction of its being a premature measure, not suited to the disposition of the Slaves, until arrangements should be made for their more general religious instruction under the auspices of the Bishop and new Episcopal establishment about to be sent to the West Indies; such indeed were the declared sentiments of several members, and are in unison with those of my Lord Bathurst, for he says, "Unless the time withdrawn from the market were employed in the more becoming occupations of the day, it would too probably be passed by the slaves without benefit to themselves, and perhaps with material detriment if not danger to the community." And his Lordship further adds in his despatch, "that the immediate abolition of Sunday markets is not insisted upon until the means of religious instruction shall have been provided." And in the Order in Council for Trinidad, to which Lord Bathurst has been pleased to direct our attention, the final abolition of Sunday markets is not contemplated, until effectual provision shall be made for the religious instruction of the Slaves in that Island. With information such as this before the House, they did not feel themselves called on to consider such a measure as a preliminary step to the amelioration of the Slaves, nor did they conceive that the omission of immediate Enactments on this head could possibly have led to the final rejection of the Bill by the Council. That it will be fully considered and duly attended to in the next session I entertain the most sanguine hope, as there can be no doubt, from the general feeling of the country (and of which the Council must certainly be aware), that all the members of the present House will be returned to serve in the next; under this conviction the pledge was made, which the Council thought proper to treat so lightly.

With respect to the clause for dispensing with all fines on manumissions, it is true that it was rejected, but not, I believe, from any decided wish to continue such fines, but more from the importance of the subject, and the interests which it involved; for on referring to the clause furnished by the Council, it was found that no provision was made for giving the benefit of testimony to

that class of persons freed by English manumissions subsequent to the Free Testimony Bill of 1817, and who by the tenor of that Bill are excluded from giving evidence, the benefits of it being denied to any who might be freed thereafter, contrary to the laws of this Island; nor was any provision made by the clause to enable persons to direct Slaves to be freed by will. These two important points being wholly unnoticed by the Council in the Manumission clause furnished by them, and the House perceiving the difficulties and nice considerations which they involved, it is not to be wondered at, when the proposed clause came before them at a late hour in the evening, and was found to be thus defective, that it should have been rejected. The marriage-clause proposed by the Council, and which is a subject recommended by my Lord Bathurst, the House thought unnecessary to be enacted into law, as they are not aware of a single instance in which the solemnization of marriage amongst Slaves has ever been in the least opposed, and they fear that the contrary might be assumed by such an enactment.

The House fully agreed with Earl Bathurst, "that the permanent exclusion of the testimony of Slaves must essentially interfere with the provisions adopted for their protection," added a clause to the Bill, extending that most important privilege to the Slaves, under certain qualifications as to religious knowledge, &c. but without any restriction, except in the cases pointed out by his Lordship: indeed, so anxious was the House on this particular subject, as affording the best and surest means of protection to the Slaves, that they felt it to be an act of justice to that unfortunate class of people, when brought into court with the lower orders of white or free coloured people, who might be their associates, not to suffer the plea of slavery, under the want of religious qualification, to be a bar to their competency as witnesses, and therefore they enacted, that in such cases it shall not be necessary to produce certificates of qualification.

As regards the checking, detecting, and punishing acts of cruelty towards the Slaves, the House endeavoured, in their judgment, to make such provisions as will, they trust, deter those who have not the feelings of humanity, from wantonly abusing their unfortunate fellow-creatures, and, as is declared in the preamble to one of the clauses on that head, "that as the cruelty of punishment by flogging necessarily depends much more upon the manner of inflicting it, than upon the number of stripes." They felt that they would best consult the ends of humanity, and more securely protect the Slave from acts of cruelty, by leaving it to the good feeling of the Justices, before whom complaints for such offences might be brought, to determine upon the fact of cruelty or not, without binding them down to receive and consider as lawful "a given number of stripes," which, if once fixed by law, might, in the hands of a relentless executioner, be so inflicted, as to amount to an act of cruelty, without his being punishable for it.

How far we can interfere with the sale of Slaves for payment of their owners' debts, is a subject of the most serious nature, and more properly belongs to that class of laws by which our court-proceedings are regulated; the House did not therefore take up that part of my Lord Bathurst's suggestions in the present Bill, nor did they enter on the last point to which his Lordship directed their attention, namely, the establishing of Savings' Banks, but I have no doubt both these subjects will occupy the early attention of the next House. I have thus endeavoured to give to your Excellency a full and particular detail of the proceedings of the House, and of their portion of *their* views and feelings upon a subject which has no less occupied a considerable time, than it has that of the Imperial Parliament and of His Majesty's Government; and happy, indeed, should I feel, could I add, that their time had not been spent in vain.

I have the honour to be, &c.

(Signed)

CHEESMAN MOE, Speaker.

A BILL

To repeal several Acts and Clauses of Acts respecting Slaves ; and for consolidating and bringing into one Act the several Laws relating thereto ; and for the better Order and Government of Slaves, and for giving them further Protection and Security ; for altering the Mode of Trial of those charged with Capital and other Offences, and for other Purposes.

WHEREAS many circumstances arising out of the present state of the Slave population, render it necessary that the laws enacted by the prudence and wisdom of our forefathers for their government should be revised, consolidated, and brought into one law in order to prevent confusion, and that justice may more effectually be executed. And whereas, for the purpose of giving further protection and security to Slaves, the mode of trial of those charged with capital or other offences should be altered. And whereas, to the end that such desirable objects may be effected, it is necessary that all the hereinafter mentioned Acts and Clauses of certain Acts should be repealed, viz. an Act, entitled "An Act for the governing of Negroes;" passed the eighth day of August, in the year of our Lord one thousand six hundred and eighty-eight. Also one other Act, entitled "An Act for the encouragement of all Negroes and Slaves that shall discover any Conspiracy;" passed the twenty-seventh day of October, in the year of our Lord one thousand six hundred and ninety-two. Also one other Act, entitled "An additional Act to an Act, entitled 'An Act for the governing of Negroes,'" passed the said twenty-seventh day of October, one thousand six hundred and ninety-two. Also one other Act, entitled, "An Act for prohibiting the selling of Rum or other strong liquors to any Negro or other Slave;" passed the said twenty-seventh day of October, one thousand six hundred and ninety-two. Also one other Act, entitled "An Act for the encouragement of such Negroes and other Slaves that shall behave themselves courageously against the enemy in time of invasion;" passed the thirtieth day of November, in the year of our Lord one thousand seven hundred and seven. Also one other Act, entitled "An Act to prohibit the Inhabitants of this Island from employing their Negroes or other Slaves in selling or bartering;" passed the sixth day of January, in the year of our Lord one thousand seven hundred and eight. Also the first, second, third, and fourth Clauses, the second and last Proviso to the nineteenth Clause, the twenty-fourth and twenty-sixth Clauses, the Proviso to the thirtieth Clause, and the thirty-third Clause of one other Act, entitled "An Act to secure the peaceable possession of Negroes and other Slaves to the Inhabitants of this Island, and to prevent and punish the clandestine and illegal detinue of them;" passed the twenty-fourth day of June, in the year of our Lord one thousand seven hundred and nine. Also one other Act, entitled "An Act for the Punishment of Runaway Slaves, and of Slaves who shall wilfully entertain, harbour, and conceal any runaway Slaves;" passed the eleventh day of November, in the year of our Lord one thousand seven hundred and thirty-one. Also one other Act, entitled "An Act for the better governing of Negroes, and the more effectually preventing the Inhabitants of this Island from employing their Negroes or other Slaves in selling or bartering;" passed the twenty-second day of May, in the year of our Lord one thousand seven hundred and thirty-three. Also one other Act, entitled "An Act for amending an Act of this Island, entitled An Act for the governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians, or Mulattoes, as hereafter shall be manumitted or set free; as also for preventing certain Inconveniences from them, arising to the Inhabitants of this Island;" passed the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and thirty-nine. Also one other Act, entitled "An Act for rendering more effectual, and for supplying many Defects in the several Laws of this Island for the governing of Negroes;" passed the ninth day of August, in the year of our Lord one thousand seven hundred and forty-nine. Also one other Act, entitled "An Act to amend an Act entitled An Act for the govern-

ing of Negroes," passed the fifteenth day of April, in the year of our Lord one thousand seven hundred and sixty-six; also one other Act, entitled "An Act to remove Doubts concerning the Trial of Slaves manumitted after the commission of Felonies, of which they may stand accused," passed the fourteenth day of March, in the year of our Lord one thousand eight hundred and nine; also one other Act, entitled "An Act to repeal part of an Act, entitled An Act for the governing of Negroes, and for building and regulating a new Cage," passed the second day of December, in the year of our Lord one thousand eight hundred and seventeen; also one other Act, entitled "An Act for the better Prevention of the Practice of Obeah," passed the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and eighteen; and also one other Act, entitled "An Act to repeal and amend certain Acts made for the Government and Protection of Slaves," passed the twenty-ninth day of July, in the year of our Lord one thousand eight hundred and eighteen. And whereas it is necessary to make further and other provision for the better protection, order, and government of Slaves, that justice may be more effectually administered.

CLAUSE 1st.—Be it therefore Enacted by his Excellency Sir Henry Warde, Knight Commander of the most Honorable Military Order of the Bath, His Majesty's Captain-General and Governor in Chief of this Island, Chancellor, Ordinary and Vice-Admiral of the same; the Honorable the Members of His Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, all and every the hereinbefore mentioned Acts and clauses of Acts, and every part thereof; as also all and every such Acts, or clauses of Acts, as are or may be thereby repealed, shall be and stand annulled, repealed, and made void to all intents and purposes whatsoever, any thing in the said Acts and clauses of Acts, or in any other Act or Acts contained to the contrary in anywise notwithstanding.

CLAUSE 2d.—And be it further Enacted by the authority aforesaid, "That from and after the passing of this Act, whenever any complaint shall be made to any Justice of the Peace within this Island, of any crime or offence whatsoever, committed by any Slave or Slaves, and which shall subject such Slave or Slaves, under this Act, or any other Act, of this Island, to suffer death, transportation, or imprisonment, such Justice shall thereupon issue his warrant for apprehending such Slave or Slaves, and for all persons that can give evidence, to be brought before him. And if, upon examination, it shall appear probable that the Slave or Slaves is or are guilty, then the Justice before whom such Slave or Slaves is or are brought, shall, at his discretion, take security for his, her, or their forthcoming, or shall send him, her, or them to prison, and bind over the prosecutor and witnesses to appear at the trial of such Slave or Slaves; and the said Justice, with all convenient speed, shall join to him any other two Justices of the Peace, and these three Justices shall by their warrant or precept to be issued seven days previously, and directed to any constable, summon and call to them eighteen able, good, and legal freeholders of the parish in which the offence is charged to be committed, and any of the adjoining parishes, or any or either of them (such freeholders to be persons who are not exempt by law from serving on juries), and thereupon twelve of the said freeholders so summoned as aforesaid shall by any of the said Justices (the charge against such Slave or Slaves being first reduced into writing and publicly read) be duly sworn "well and truly to try the matter before them, and a true verdict to give, according to the evidence," and shall hear and examine all evidences, proofs, and testimonies, as to the crime or offence charged against such Slave or Slaves, and also all evidences, proofs, and testimonies, on the part of such Slave or Slaves; and if the jurors or the major part of them shall, upon hearing the evidence, as well upon the part of the prosecution as upon the part of the prisoner or prisoners, find the Slave or Slaves guilty of the crime or offence wherewith he, she, or they shall stand charged, then any one of the said Justices shall pass sentence of death upon the princi-

pal or principals and accessory or accessaries before the fact, in case of a conviction of murder; and upon conviction of any other felony, crime, or offence, hereby made cognizable, a majority of the said Justices having first agreed, any one of the said Justices shall pass sentence of death, transportation for life, imprisonment and hard labour in the public service, or imprisonment without such hard labour, according to the nature of the crime or offence, and the circumstances of the case, upon the principal or principals, or his, her, or their accessory or accessaries before the fact; and if the sentence be death, the said Justices shall by their warrant, to be directed to some white constable, cause execution to be done by such constable upon such Slave or Slaves at such time, not less than forty-eight hours after passing such sentence, in such place as a majority of the said three Justices shall think proper; and such Court to be so formed and constituted as aforesaid, shall be denominated "A Slave Court." And be it further Enacted, That if any freeholder duly summoned to attend as a juror in manner aforesaid, shall not in obedience to such summons appear at the said Court (after being three times called in open Court, and proof made of his having been duly summoned), or shew to the satisfaction of the said Court such lawful cause as hereinafter mentioned, such person shall be adjudged by the said Court to forfeit and pay the sum of two pounds ten shillings current money to the public uses of this Island, to be levied and raised by warrant, from under the hand and seal of the Treasurer of this Island for the time being, and the same proceedings shall be had thereon as in the case of servants' wages: and the clerk hereinafter directed to be engaged by the Court shall, within seven days after the sitting of the Court is over, return to the said Treasurer a list of such freeholders summoned as jurors as shall be in default for not attending the said Court, to the intent that the said Treasurer may at the expiration of fourteen days after such defaults having been made, proceed against all and every the persons in such list named in the manner hereinbefore directed, unless such defaulters any or either of them should have been prevented attending the said Court by reason of the death or extreme sickness of a wife, father, mother, child, brother, sister, grandfather, grandmother, or grandchild, or the death or extreme illness of any relation or friend at the defaulter's own house, or the extreme illness of any patient or patients of physicians, surgeons, or apothecaries, whom the said physicians, surgeons, or apothecaries, were obliged to attend, or the sickness of the defaulter himself, or his being of the age of sixty years, which causes any or either of them shall be deemed reasonable and sufficient; and being proved on oath before any Justice of the Peace, and a certificate thereof produced to the said Treasurer within ten days after such default being made shall be sufficient to discharge such defaulter from the fine or forfeiture aforesaid; and if the said Clerk shall neglect or refuse to return within the time above stated, a true and faithful list to the said Treasurer of all such defaulters as aforesaid, he shall forfeit and pay the sum of five pounds current money for each and every defaulter so omitted to be returned; and if the said Treasurer shall neglect or refuse to proceed in the manner hereinbefore directed against each, every, or any of the defaulters so returned to him as aforesaid, within four days after the end and expiration of the said ten days above limited for the sending in of certificates, he shall forfeit and pay the sum of ten pounds currency for each and every defaulter against whom he shall so neglect or refuse to proceed as aforesaid; such forfeitures and penalties against the said Clerk and Treasurer to be recovered before any Justice of the Peace, as in the case of servants' wages; one moiety thereof to the informer, and the other moiety to be paid into the Treasury for the public uses. Provided always, that it shall and may be lawful for the Governor or Commander in Chief of this Island for the time being, to remit any of the fines or forfeitures incurred under the provisions of this Clause, when in his judgment he shall see just cause for so doing. Provided always, nevertheless, that if a sufficient number of freeholders so summoned as aforesaid, shall not be present to form a jury, or in case any or either of the freeholders nominated and

impannelled, shall become sick or absent, it shall and may be lawful for the Court to make up a full jury from any one or more of the by-standers, who may be qualified to serve as Jurors, whether such by-standers be residents in that parish or not, and shall be returned instanter by the Constable of the Court; and the said Constable shall be entitled to the sum of one shilling and six pence three farthings current money for summoning each juror, and the further sum of five shillings like current money for each day's attendance on the Court, to be paid to him by the Treasurer, and who is hereby directed to pay the same, on his producing a certificate signed by the senior Justice of the Court in the words following:

To A. B. Treasurer,

You are hereby required to pay unto C. D. sworn Constable, the sum of
for summoning a Jury, and for his attendance at a
Slave Court, held this day of in the parish of
for the Trial of

(Signed) E. F. Senior Justice of the Court.

CLAUSE 3rd.—And be it further Enacted by the authority aforesaid, That where any Slave or Slaves shall be charged with any capital offences affecting the life of any such Slave or Slaves, and the owner, possessor, overseer, or other person, having the charge and direction of any such Slave or Slaves, shall be the prosecutor, by reason of the offence having been committed against the person or property of such owner, possessor, overseer, or other person, as aforesaid, the Senior Justice of the Court before whom such Slave or Slaves is or are to be tried, shall, and he is hereby directed and required to engage a solicitor for the accused, and also to engage some fit and proper person as a clerk to attend the said Court, for the purpose of taking the minutes and proceedings of the Court upon every such trial as aforesaid; and the said clerk is hereby directed and required to return all such minutes and proceedings to the Crown Office of the Island, there to be preserved as records; and the Solicitor so engaged shall be paid his just and lawful fees by the Treasurer of this Island, on his producing to the said Treasurer a certificate, signed by the Justices of the said Court, as follows:

To A. B. Treasurer.

You are required to pay unto C. D. the sum of current
money, for his attendance at a Slave Court, held at in
the parish of on the day of for the
purpose of affording every requisite legal assistance to a Slave or Slaves,
named the property of for
a criminal offence against his, her, or their owner's person or property,
and affecting the life of the said Slave or Slaves, the owner, or his or
her representative, being under the necessity of prosecuting.

And the person so to be engaged as a clerk shall be paid by the said Treasurer the sum two pounds ten shillings currency for each day's attendance on the Court, upon his producing a certificate agreeably to the above form, signed by the said Justices of the Court.

CLAUSE 4th.—And be it further enacted, by the authority aforesaid, That if, on the trial of any Slave or Slaves, before the said Justices and Freeholders as aforesaid, and after judgment of death, or transportation for life, shall be given therein, the owner or possessor of such Slave or Slaves, or any person in his or her behalf, shall desire to appeal from such judgment, the execution of such judgment shall, and is hereby directed and required to be stayed for the space of ten days, that such owner or possessor may have time to apply to the Governor or Commander in Chief of this Island for the time being, for a Writ of Error for transmitting the papers and proceedings on such trial to the Court of Error, there to be heard and determined, and in the mean time the criminal or criminals shall, by the said Justices, be committed to the common gaol of this Island, there to continue at the owner's or possessor's

charge and expence until the said ten days shall be expired, or until such Writ of Error shall be heard and determined: And the said Court of Error shall and is hereby fully authorised and empowered to give such judgment as may appear to be proper, according to the circumstances of the case, without being confined either to affirm or reverse the judgment or sentence, and such judgment so to be given by the said Court of Error, shall and is hereby declared to be binding and conclusive, and to be strictly observed by all parties concerned. And be it further Enacted, That the Governor or Commander-in-Chief of this Island for the time being, and the Council, shall be, and they are hereby fully empowered, and humbly desired, if they think fit, to award costs against any person or persons who shall appear to them to be obstinate and vexatious, in not complying with what the Justices shall direct or appoint, or for bringing a Writ of Error from their judgment, without having good cause for so doing.

CLAUSE 5th.—And be it further Enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons to take up any Slave found on his or her plantation or property, and after giving notice thereof in writing, or by a white person, to the owner or proprietor of such Slave, he or she may detain such Slave until the sum of twelve shillings and sixpence currency be paid to him or her by the owner or proprietor of said Slave, as and for his or her trouble in taking up said Slave: Provided always, and be it further enacted, That in every such case, if the owner or proprietor of such Slave shall make it appear to the satisfaction of any Justice of the Peace, either by his or her own oath, or the oath of any other person, that such Slave was not a fugitive Slave, and had gone abroad without his or her privity or consent, such Owner or Proprietor shall pay the sum of five shillings currency only to the person or persons so taking up said Slave. And be it further Enacted, That if any Slave shall be found out of his or her owner's or proprietor's plantation, or property, armed with any warlike or offensive weapon or weapons, such Slave shall and may be apprehended and detained, in manner as aforesaid, unless he or she shall have a letter or paper descriptive of such weapon or weapons, and as being the property of his or her owner or proprietor: And the person taking up such Slave shall, on producing the weapon or weapons to any Justice of the parish in which such Slave was so taken up, and making oath, which oath the said Justice is hereby authorised and empowered to administer, that such weapon or weapons were found in the actual possession of a Slave named _____ belonging to _____ be paid the sum of six shillings and three pence currency by the warden of the parish by the order of the Justice: And if any person or persons shall, within three weeks after, claim the said weapon or weapons, and produce full and sufficient proof to the said warden of his or her property therein, and also repay to the said warden the said sum of six shillings and three pence, the said warden shall, and he is hereby directed to restore such weapon or weapons to the owner or owners. But should no such claim, proof of property, and repayment of the said sum of six shillings and three pence be made within the said three weeks, then, and in such case, the said warden shall, and he is hereby directed to have such weapon or weapons sold, and to apply the money arising therefrom to the uses of the parish for which he is warden.

CLAUSE 6th.—And be it further Enacted by the authority aforesaid, That if any owner, or proprietor, or overseer, or in his absence any book-keeper, or other person having the care, direction, and management of any plantation or place, shall suffer any Slaves to assemble together to beat drums, or blow horns or shells, or to use any instruments for the purpose of dancing, save and except as is hereinafter provided, every such owner or proprietor, overseer, book-keeper, or other person, as aforesaid, shall, upon conviction thereof, before any Justice of the Peace, forfeit and pay the sum of ten pounds currency, to be levied and raised as in the case of servant's wages, one moiety thereof to the informer, and the other moiety to be applied to the public uses of the island. Provided always, that nothing herein-contained shall be con-

strued to prevent any master, owner, or proprietor, or the attorney of any plantation or place, or the overseer thereof, from granting liberty at any time or times to the Slaves of such plantation or place for assembling together upon such plantation or place, and to allow any other Slaves, not their own, to assemble with them, and for dancing and diverting themselves in the Mill-yard, or any other place as such master, owner, proprietor, attorney, or overseer, may think proper to allow, and so as such master, owner, proprietor, attorney, or overseer, do give previous notice in writing to a Justice of the Peace before such assembly or dance shall take place, and so as such amusements are put an end to by nine o'clock at the latest, the Slaves and other persons attending such dancing and amusements, not to be permitted or allowed to re-assemble in the negro houses, or any other part of the plantation or property, or in any public or private road leading through or near to such plantation or property. The owner, proprietor, or overseer of such plantation or property, to be present thereon during the time such dancing or amusements are kept up, and for two full hours after the same shall be over. And be it further Enacted, That no owner, proprietor, or overseer, or other person in charge of any plantation or place, shall suffer or permit the funeral of any Slave, within such plantation or place, after the hour of seven o'clock at night, or any music or singing on any such occasions: And if any owner, proprietor, or overseer, or other person in charge of any plantation or place shall be guilty of any offence under this clause, or shall neglect or refuse to observe or enforce the particular directions, matters, and things therein contained, he shall, unless so far as the same may already be provided for, forfeit and pay the sum of ten pounds, to be levied and raised, as in case of servants' wages; one moiety shall be to the use of the informer or informers, and the other moiety to be paid into the treasury of this Island: Provided that all complaints under this clause be made within ten days after the commission of any offence against the provisions of the same.

CLAUSE 7th.—And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the Governor or Commander in Chief of this Island for the time being, whenever he shall think fit or deem it advisable so to do, to issue his order or proclamation, directing and requiring all owners or possessors of Slaves, and all other persons having Slaves under their charge, not to grant permission to or suffer their Slaves, or the Slaves under their charge, to assemble together and dance for and during the time and period to be mentioned in said order or proclamation. And every person disobeying or violating such order or proclamation, shall forfeit and pay the sum of fifty pounds current money of this Island; half to the use of the informer, and the other half to the public use, to be recovered before any Justice of the Peace, as in the case of servants' wages: Provided that complaint thereof be made within fourteen days after the offence shall be committed.

CLAUSE 8th.—And be it further Enacted by the authority aforesaid, That the Governor or Commander in Chief of this Island for the time being, shall and may whenever he shall think fit, issue his order to the Commanding Officer of any regiment, battalion, or corps of militia of this Island, directing and requiring him (at the time to be mentioned in such order,) to have the negro houses within the parish of such regiment, battalion, or corps, or any of them, searched diligently and effectually by the men composing such regiment, battalion, or corps, or by a sufficient number thereof necessary for such service, in order to discover and ascertain whether any fugitive or runaway Slaves, or any warlike or mischievous weapons or articles are concealed in such negro houses; and his report thereof forthwith to make to the Governor or Commander in Chief for the time being, who is hereby authorised and empowered to act on such report, by and with the advice of the Council, as may seem best for the safety of the Island. And every Commanding Officer of any regiment, battalion, or corps, refusing or neglecting to perform and discharge the duty so required of him by the Governor or Commander in Chief, shall forfeit and pay

the sum of fifty pounds currency, to be recovered before any Justice of the Peace, and levied and raised as in the case of servants' wages.

CLAUSE 9th.—And be it further Enacted by the authority aforesaid, That every owner, proprietor, or possessor of any Slave or Slaves, shall furnish and provide such Slave or Slaves in each and every year with decent clothing, according to the custom of the Island. And if any owner, proprietor, or possessor shall make default in furnishing such decent clothing as aforesaid within each and every year, or in making compensation for the same to such Slave or Slaves, or in allowing or affording the means to such Slave or Slaves of furnishing and providing himself, herself, or themselves, with such decent clothing as aforesaid, every person so offending shall, on full and satisfactory proof being thereof made to any Justice of the Peace, forfeit and pay the sum of twenty shillings for each and every Slave who shall not have been decently clothed within the year as aforesaid, or to whom no compensation for the same, or the means of obtaining such clothing shall have been afforded as aforesaid; one moiety of such forfeiture to be paid to the informer, and the other moiety to be paid into the public treasury.

CLAUSE 10th.—And be it further Enacted by the authority aforesaid, That all and every person and persons who shall hereafter take up or apprehend any runaway or fugitive Negro or Negroes, or other Slave or Slaves, shall, and he, she, and they is and are hereby ordered and directed to take the said Slave or Slaves to any Justice of the Peace, and shall before him make oath of his, her, or their name or names, and place or places of abode, with the time when, and the place where he, she, or they apprehend such fugitive Slave or Slaves, and that he, she, or they does or do suspect, and has or have good cause to believe that the said Slave or Slaves is or are runaway, a certificate of which oath shall be sent to the Treasurer of this Island, who is hereby required to take and enter the same into a book, to be by him kept for that purpose; to the intent that all owners of Slaves may come to the right knowledge and understanding when their Slaves were apprehended, and by whom, and whether they might be wrongfully taken up or not: And the said Treasurer is hereby directed and required upon the certificate of such oath as aforesaid being lodged with him, to pay out of the public treasury of this Island, to the person or persons so apprehending such Slave or Slaves, and so having made such oath, the sum of twelve shillings and six pence currency for each and every Slave if apprehended in the country, and six shillings and three pence if apprehended in Bridge Town. And in case the said Treasurer shall neglect or refuse to pay either of the sums to which such person or persons shall be so entitled, the same shall be recovered against the said Treasurer on complaint of the person or persons so apprehending such Slave or Slaves before any Justice of the Peace, as in the case of servants' wages; and after such oath shall be taken as aforesaid, the person or persons so apprehending such Slave or Slaves shall, under the penalty of five pounds, to be recovered on the complaint of any person as in the case of servants' wages, carry such Slave or Slaves, and deliver him, her, or them to the Provost Marshal of this Island, or his lawful deputy or deputies, who is and are hereby strictly charged and required, under a penalty of twenty pounds currency, to receive and keep such Slave or Slaves in safe custody in the new cage lately established on the pier head of Bridge Town, and to furnish the said Slave or Slaves with good and sufficient food and drink, which is to be proved upon oath, if by the owner of the said Slave or Slaves it shall be so required: Provided always, That if the said Provost Marshal shall suffer any Slave to escape, he shall make such satisfaction to the owner as by the Governor and Council shall be thought fit; and shall repay to the said Treasurer the said twelve shillings and six pence, or six shillings and three pence, as the case may be, which he paid on apprehending such Slave. And if the said Provost Marshal shall suffer any Slave to be any ways employed out of the cage, in any other manner than hereinafter directed, before he or she shall be legally released, he shall forfeit for each Slave so suffered to be employed as aforesaid to the owner thereof, the sum of five

pounds currency, and the further sum of three shillings and nine pence a day for each day, or any part of a day said Slave shall be so employed, to be recovered as aforesaid: Provided nevertheless, that nothing herein contained shall be construed to prevent any person taking up or apprehending any such Slave or Slaves from carrying him, her, or them to his, her, or their owner or owners, and receiving the like sum from such owner or owners as he would be entitled to receive from the public treasury, which, if not forthwith paid, shall and may be recovered from such owner or owners before any Justice of the Peace, as in the case of servants' wages.

CLAUSE 11th.—And be it further Enacted by the authority aforesaid, That the male and female Slaves confined in the cage, be kept in confinement in separate apartments without any communication between them; and not more than eleven males and eleven females be kept and confined at the same time in the said cage. And that the names and descriptions of all such Slaves, so confined as aforesaid, together with the names of their respective owners, if known, be advertised by the Provost Marshal or his lawful Deputy, two successive times in two of the public newspapers of this Island. And after such Slave or Slaves shall be confined in the said cage for the space of ten days, and after such two advertisements as aforesaid, the said two advertisements to be made within the said ten days such Slave or Slaves shall be sent by the said Provost Marshal to the common gaol of this Island, there to be safely and securely confined. And if such Slave or Slaves shall not be claimed by his or her owner or owners, or his, her, or their lawful agent or agents, attorney or attorneys, manager or managers, or other person or persons lawfully authorised to claim the said Slave or Slaves within three calendar months, commencing from the day on which the said Slave or Slaves may be sent by the said Provost Marshal to the said gaol, and payment made of the expences hereinafter mentioned, it shall and may be lawful to and for the Provost Marshal of this island for the time being, or his lawful deputy or deputies, and he and they is and are hereby fully authorized and empowered to have such Slave or Slaves appraised by any three or more competent freeholders, and to sell and dispose of such Slave or Slaves for the appraised value or greater sum, if a purchaser can be obtained, giving due notice of the time and place of such sale in two of the said public newspapers of this Island, for two successive times, immediately after the said Slave or Slaves shall have been so confined in the said gaol, before such sale takes place, and the money arising from the sale of the said Slave or Slaves, after deducting all fees and expences payable to the said Provost Marshal, shall be paid by the said Provost Marshal into the public Treasury of this Island, for the uses of the island. And in case the purchaser or purchasers of such Slave or Slaves shall not pay to the said Provost Marshal the sum or sums agreed to be given for such Slave or Slaves within ten days; or in case the said Provost Marshal, after receiving the same, shall refuse or omit to pay it over to the said Treasurer within ten days after he shall have so received the same; and in either of such cases happening, the same proceedings shall be had against the said purchaser or purchasers, by the said Provost Marshal, or against the said Provost Marshal by the said Treasurer, as the case may be, for raising the said money with twenty *per cent.* thereon, as are had and used at sales at outcry in the Courts of Common Pleas; and all necessary writs for that purpose shall be issued under the hand and seal of the Chief Judge for the time being, of the precinct of Saint Michael. Provided always, nevertheless, That if at any time after the sale of such Slave or Slaves, it shall appear to the satisfaction of the Governor and Council, on application for that purpose, that the owner or owners of such Slave or Slaves so sold as aforesaid, was or were absent from this Island, or labouring under any legal disability, so that he or she could not claim the said Slave or Slaves, then, and in such case, it shall and may be lawful to and for the said Governor and Council, to issue their order to the Treasurer of this Island for the time being, to pay over to such owner or owners, the net amount raised by the sale of his or her Slave or Slaves. Provided always, nevertheless, that if a tenant for life shall not

claim such Slave or Slaves at or before the time of sale, and the person or persons entitled in remainder or reversion, or any person by him or her lawfully authorized, shall in his or her behalf put in a claim for the same, and pay all expences which have been incurred at the cage and gaol, he or she shall be entitled to immediate possession in fee of all such Slave or Slaves, and the tenant for life shall forfeit his or her estate in the same. Provided always, that until such Slave or Slaves can be sold for the appraised value, he, she, or they shall be kept at work in the chain gangs hereinafter directed to be formed. Provided always, that in case any person committed to the said cage or common gaol, under the authority of this Act, as being a Slave, shall claim to be free, but shall not be able satisfactorily to prove the same, the said Provost Marshal of the Island for the time being, or his lawful deputy, shall forthwith put advertisements in the several newspapers of the Island, describing the person so committed, and requiring all and every person and persons having knowledge of the person so committed, to appear before him the said Provost Marshal, or his lawful deputy, within three months then next after, to the end that it may be ascertained whether such person is free or not; and which said advertisements shall be continued in the said several newspapers of the Island for three months. And if at the expiration of the said three months, the said Provost Marshal, or his lawful deputy, shall not have received satisfactory information of the freedom of such person, he is hereby authorized and required to certify the same to the Governor or Commander in Chief of this Island for the time being, and the Members of His Majesty's Council, who are hereby fully authorized and empowered to hear and determine upon the case so certified to them by the said Provost Marshal, or his lawful deputy, and either to send such person from the Island, or to direct the said Provost Marshal, or his lawful deputy, to sell him or her for the public uses of the Island in the manner hereinbefore directed, as to the said Governor or Commander in Chief, and Council, shall seem meet and proper. Provided always, that instead of such person so committed under the authority of this Act as a Slave, but claiming to be free, being held in custody, it shall and may be lawful to and for the said Provost Marshal, or his lawful deputy, to take bail in two good and sufficient securities, in the sum of one hundred pounds current money, to him and his successors in office, for the uses of the public of this Island, for the appearance of such person before the Governor or Commander in Chief and Council, when his or her case shall come on to be heard; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

CLAUSE 12th.—And be it further Enacted by the authority aforesaid, That if upon any male or female Slaves being brought to the said cage for admission therein it shall happen that the number of Slaves brought for admission, together with the Slaves then in confinement, exceed the number of male and female Slaves allowed by this Act to be confined at one and the same time in the said cage, then and in such case those Slaves who have been the longest confined in the said cage, notwithstanding they may not have been there ten days, shall be delivered to the keeper of the common gaol, there to be safely and securely kept. Provided nevertheless, that the same advertisements as are herein-before required to be made respecting Slaves confined in the cage, shall be made of and concerning the said Slave or Slaves, so removed under the circumstances aforesaid, in the same manner as if the said Slaves had remained under confinement in the said cage, save and except that in the said advertisements, or either of them, it shall be stated that the said Slave or Slaves hath or have been removed to the said gaol in consequence of the number of persons therein confined; and such Slave or Slaves, so removed from the cage to the gaol aforesaid previous to the time when he, she, or they should have been so removed, shall be sold in the event of not being claimed within three calendar months after being so sent to the said gaol, in the same manner, and under and subject to the same rules and regulations, as herein-before mentioned with respect to those Slaves who shall be removed from the cage to the gaol in the regular time prescribed by this Act.

CLAUSE 13th.—And be it further Enacted by the authority aforesaid, That when any Slave or Slaves shall be claimed to be released, either from the said cage or from the gaol, it shall and may be lawful to and for the said Provost Marshal, or his lawful deputy or deputies, to demand and receive from the owner or owners of such Slave or Slaves the said twelve shillings and sixpence, or six shillings and threepence, as the case may be, so paid as aforesaid by the said Treasurer on the apprehending any such runaway Slave or Slaves as aforesaid, and pay the same over to the said Treasurer; and until the same be paid, it shall and may be lawful for the said Provost Marshal to detain and keep such Slave or Slaves in his possession as aforesaid: and the said Provost Marshal shall also demand and receive the following fees, which must be paid before the said Slave or Slaves shall be delivered up; to wit, the sum of two shillings and sixpence for each Slave who shall have been so confined and delivered up; and sevenpence halfpenny for every twenty-four hours for feeding each Slave: and in case the said fees shall not be paid, the said Slave or Slaves shall be sold in the same manner as if no claim had been made. Provided always, and it is hereby further Enacted, that the keeper of the cage, or the keeper of the gaol, if the Slave or Slaves shall have been removed to gaol, shall, and each of them is hereby strictly charged and required, before delivering up any Slave or Slaves who shall be claimed, to take a receipt from the person or persons claiming such Slave or Slaves, that he, she, or they have, either in his, her, or their own right, or in any other right, claimed and received such Slave or Slaves. And the said receipt shall also contain the name and full description of the person or persons claiming such Slave or Slaves, together with the place of his, her, or their residence, and also the name and description of the Slave or Slaves so claimed and delivered up; which receipts shall be taken and recorded in one or more proper bound book or books, to be kept for that purpose respectively by the keeper of the cage and the keeper of the gaol; which books shall and may be inspected at any time in the day by any person or persons whomsoever, without any fee or reward being payable for the same.

CLAUSE 14th.—And be it further Enacted by the authority aforesaid, That the said cage shall be, and the same is hereby expressly declared to be, placed under the immediate care and direction of the Provost Marshal of this Island for the time being, or his lawful deputy, who is hereby declared to be the keeper of the said cage, and to be responsible for the good government and conduct of the same. And the said Provost Marshal, or his lawful deputy, shall every month make a true, just, and correct return, on oath, to the Clerk of the General Assembly of this Island for the time being of the number of Slaves who have been confined in the said cage or gaol, the day on which the said Slave or Slaves was or were first confined in the cage, and the day on which discharged; the number sent to gaol and discharged or sold; which return shall be laid by the said Clerk before the House of Assembly at the meeting succeeding the receipt of the same.

CLAUSE 15th.—And be it further Enacted by the authority aforesaid, and it is hereby expressly declared, That the Magistrates of this Island are the proper and legal inspectors, visitors, and supervisors of the said cage and other prisons allotted for the confinement of Slaves, and they, and each and every of them, have and hath hereby full and ample power and authority given to and vested in them to visit and inspect the cage and other prisons whensoever they shall think proper so to do. And the said Magistrates are, and each and every of them is, hereby required to see that the said cage and other prisons be constantly kept clean, healthy, and wholesome, and that good and sufficient food be allowed to the said Slaves in confinement.

CLAUSE 16th.—And be it further Enacted by the authority aforesaid, That if the keeper or keepers of the said cage or other prisons allotted for the confinement of Slaves, or any of their deputies, shall be guilty of any crime, misdemeanor, or offence, or shall misbehave himself or themselves in their respective situations, he or they shall and may be punished, according to the nature of the said crime, misdemeanor, or offence, by fine and imprisonment,

or either, at the discretion of any two Justices of the Peace; such imprisonment not to exceed one month, and such fine not to exceed five pounds current money.

CLAUSE 17th.—And be it further Enacted by the authority aforesaid, That the keeper of the said cage shall not receive into the said cage any Slave or Slaves without a certificate from a Justice of the Peace, under a penalty of five pounds, to be recovered, levied, and raised, as in the case of servants' wages, on the complaint of any person whomsoever; one half of the said forfeiture to the use of the public, the other half to the use of the informer.

CLAUSE 18th.—And be it further Enacted by the authority aforesaid, That the Slaves so confined in the said cage, as also those who shall be removed therefrom and confined in the gaol, shall be employed in gangs in cleaning and repairing the streets of Bridge Town and the public roads within one mile of said town, or on any public works within the town, or within the distance of a mile from it, under the directions of the Commissioners for the time being for the repairs of the roads of the parish of Saint Michael; and when so employed they shall, in order to prevent their escape, be secured with such fetters as are usually used in working convicts at his Majesty's depots at Portsmouth or Plymouth, to be provided by the Treasurer of this Island for the time being at the public expence; and on such occasions each gang shall be under the immediate care and inspection of some proper person, to be hired for that purpose by the said Commissioners, who shall be paid from the Treasury for his care and trouble the sum of six shillings and three pence *per* day; and the person so to be employed shall be answerable for their security. And in case any Slave whilst so employed shall escape from such gang, the person so hired and in charge of such gang shall re-pay to the said Treasurer the said twelve shillings and sixpence, or six shillings and threepence, as the case may be, by him paid on the apprehending of such Slave, to be levied and raised by the said Treasurer on complaint to any Justice of the Peace, as in the case of servants' wages. And the said Provost Marshal shall be accountable to the said Treasurer for such fetters as shall be provided by him for the purposes aforesaid. And if the said Provost Marshal shall suffer the same to be stolen or lost, the value thereof shall be recovered against him on complaint of the said Treasurer before any Justice of the Peace, as in the case of servants' wages.

CLAUSE 19th.—And be it further Enacted, by the authority aforesaid, That the several Coroners of this Island shall, and they are hereby severally and respectively required and directed, whenever they hold inquests on the bodies of Slaves, to transmit copies of every such inquests, and of all the evidence taken thereon, and of the proceedings thereof, to the Governor or Commander in Chief of this Island for the time being, within five days after the taking of every such inquest; and also within the same time to return the original inquisition, evidence, and proceedings to the Crown Office of the Island, there to be kept and preserved as records. And where any such inquest shall be held on the body of any Slave who may happen to die in the cage, gaol, or other prison, the Coroner taking the same shall also within the time above limited transmit copies of the same, and of all the evidence taken thereon, and of the proceedings thereof, to the owner or proprietor of said Slave, or to his or her representative, attorney, or overseer. And if any Coroner shall neglect or refuse to conform himself to the directions in this clause contained, he shall, for every such neglect or refusal, forfeit and pay the sum of ten pounds current money, to be recovered before any Justice of the Peace, as in the case of servants' wages; one moiety to be to the use of the complainant, and the other moiety to be paid into the Public Treasury.

CLAUSE 20th.—And be it further Enacted by the authority aforesaid, That any Justice of the Peace, or any other person having the warrant of a Justice of the Peace for that purpose, shall and may, upon notice given of the harbouring place of any fugitive Slaves, raise and arm a guard of any number of men, not exceeding twenty, to apprehend and take them; and the said guard shall be entitled to the sum of fifty shillings currency, to be paid by the owner or pos-

essor of every fugitive Slave taken by them, on such Slave being delivered into the possession of such owner or possessor; which, if not forthwith paid, shall and may be recovered before any Justice of the Peace, as in the case of servants' wages. And if in the taking of any such fugitive Slaves as aforesaid, such Slaves shall resist the authority of the guard, and any of them, in consequence of such resistance, shall be killed or wounded by the said guard, the said guard, or any one or more of them, shall not be punished or punishable for the same, either criminally or otherwise; any Law to the contrary notwithstanding.

CLAUSE 21st.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, if any owner, proprietor, attorney, overseer, or other person, having the charge, management, or direction of any Slave or Slaves, shall suffer or permit any such Slave or Slaves to go at large for the purpose of supporting and feeding himself, herself, or themselves, or paying hire for himself, herself, or themselves, or to follow any trade, business, or occupation, for the benefit and advantage of said Slave or Slaves, or for the benefit and advantage of such owner, proprietor, attorney, or overseer, or other person having the charge, management, or direction of any such Slave or Slaves, or for the benefit and advantage of any other person or persons whomsoever; every person so offending shall forfeit and pay the sum of five pounds current money of this Island for each and every such Slave, to be recovered before any Justice of the Peace, as in the case of servants' wages; one moiety thereof to the use of the informer, and the other moiety to be paid into the Public Treasury. And in every such case the *onus probandi*, whether any such Slave or Slaves do or do not go at large contrary to the true intent and meaning of this clause, shall, where the same cannot be fully proved by the complainant, rest upon the party complained against, but who shall nevertheless be allowed to discharge and absolve himself or herself from the penalty aforesaid by his or her own oath. Provided always that nothing in this clause contained shall extend, or be construed to extend, to any Slave or Slaves who shall be regularly settled in any house, shop, or place, in carrying on any kind of trade or business for the benefit of his, her, or their master or mistress, provided such Slave or Slaves be furnished with half-yearly licences for that purpose by his, her, or their master or mistress.

CLAUSE 22d.—And be it further Enacted by the authority aforesaid, That if any person shall, from and after the passing of this Act, employ any Slave or Slaves without first agreeing with the owner or other person having the charge, management, or direction of such Slave, such person so offending shall, for every Slave so employed, forfeit and pay the sum of five pounds current money, to be recovered and applied in such manner as directed in the immediate preceding clause. Provided always, that nothing in this clause contained shall extend, or be construed to extend, to any person who may employ any Slave or Slaves regularly settled in trade or business, and furnished with such licences, in the manner provided for in the immediately preceding clause of this Act.

CLAUSE 23d.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for any person or persons to seize and apprehend any Slave or Slaves in whose possession may be found any sugar canes, sugar, rum, cotton, ginger, aloes, plate wrought or melted down, iron, lead, copper, pewter, brass, tin or other article or thing of what nature or kind soever, and take from such Slave or Slaves all such goods and articles, unless he, she, or they be furnished with a ticket or note, descriptive of the same; and within five days after to restore the same to the lawful owner or owners (if known) on being paid the sum of ten shillings current money, by such owner or owners, as and for the trouble of such person or persons in seizing and taking away the same. But if the owner or owners of any article or thing not of a perishable nature, which may be so seized and taken away, cannot be found or known within the said five days, then and in such case the person or persons so seizing and taking away the same, shall cause advertisements to be published three times in the several newspapers of

this island, fully describing such articles or things, and when and where seized, under a penalty of twenty pounds current money, to be recovered before any Justice of the Peace, as in the case of servant's wages; one moiety thereof to the informer, and the other moiety to the party or parties aggrieved. And every Slave so found in the possession of any such articles or things, without a ticket or note descriptive of the same, as aforesaid, shall on conviction thereof before any Justice of the Peace, be whipped at the discretion of such Justice, not exceeding thirty-nine stripes. Provided always, and be it further Enacted, That where any Slave or Slaves shall plant cotton, ginger, or aloes, to his, her, or their own use, the same shall be reaped under the immediate inspection of some white servant living on the plantation or place to which such Slave or Slaves shall belong; and if there be no white person living on such plantation or place, then the same shall be reaped under the inspection of some fit and proper white person; and when reaped, the same shall, before being bartered, sold, or disposed of, be inspected by some one or more of the cotton inspectors, in like manner as by Law they are required to inspect cotton, and certificates thereof given so as to authorise the same being sold, bartered, or disposed of, the person or persons under whose inspection the same was reaped making oath before the said cotton inspectors or some one of them, that the said cotton, ginger, or aloes, was actually and bonâ fide reaped under his, her, or their immediate inspection, from the lands or gardens of such Slave or Slaves.

CLAUSE 24th.—And be it further Enacted by the authority aforesaid, That if any Slave liable to be seized and apprehended for having in his or her possession any article or thing contrary to the provisions of this Act, and such Slave shall be in charge of any waggon, cart, cattle, or horses belonging to his or her owner, proprietor, or possessor, it shall not be lawful to seize and detain such Slave to the prejudice of such owner, proprietor, or possessor, but only to seize and detain the articles or things found in his or her possession, and to make report thereof to such owner, proprietor, or possessor, within twenty-four hours after; to the end that such Slave may be brought to trial.

CLAUSE 25th.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, if any person shall purchase or receive any stolen goods from any Slave or Slaves, knowing the same to have been stolen, such person shall, on conviction thereof, at the Court of Grand Sessions, be adjudged as the actual thief or stealer thereof, and be punished accordingly by the said Court. Provided always, that such conviction of any such person shall not absolve from punishment the Slave or Slaves according to the provisions of this Act, from whom such goods were purchased or received.

CLAUSE 26th.—And be it further Enacted by the authority aforesaid, That where any stolen goods shall be found in the custody of any person, and the person from whom the same were stolen, or any other person, cannot swear or depose against such person in whose custody such goods were found, as the actual thief or stealer thereof, or it cannot be proved that the same were purchased or received from any Slave or Slaves with the knowledge of their being stolen; every such person shall be proceeded against as receivers of stolen goods, knowing the same to be stolen, are proceeded against in that part of Great Britain called England; and he or she shall be taken and deemed an accessory to such felony after the fact, and on conviction thereof before the Court of Grand Sessions, be adjudged the same punishment as an accessory to the felony after the fact committed. Provided always, that it shall and may be lawful for the said Court of Grand Sessions to order and direct such accessory to be prosecuted as for a misdemeanor, before the principal shall be convicted, as to the said Court, from the nature and circumstances of the case shall seem proper; and if thereof convicted, shall be punished by fine and imprisonment, which shall exempt such offender from being punished as accessory to the felony, though the principal should thereof be afterwards convicted, any law, custom, or usage to the contrary in anywise notwithstanding.

CLAUSE 27th.—And be it further Enacted, by the authority aforesaid, That

from and after the passing of this Act, if any Slave or Slaves shall be guilty of quarrelling, threatening, or fighting with one another, or of insolent language or gestures to or of any white person, or of swearing or uttering obscene speeches; or of drunkenness, or making, selling, throwing, or firing of squibs, serpents, or other fire works; or of cock-fighting or gaming; or of riding upon a faster gait than a walk; or of driving on a faster gait than a gentle trot on any road of this Island, or through any of the streets or lanes of the towns of this Island, or of cruelly whipping, beating or ill-using any horse, mare, gelding, mule, ass, or cattle, whilst under his, her, or their charge in the drawing of any waggon, cart, carriage, or chaise, or of negligently or improperly driving any such waggon, cart, carriage, or chaise; or of any disorderly conduct or misbehaviour, every such Slave shall upon conviction thereof before any Justice of the Peace, be whipped at the discretion of such Justice according to the nature of the offence, not exceeding thirty-nine stripes: but the punishment of pregnant women shall be commuted for imprisonment.

CLAUSE 28th.—And be it further Enacted by the authority aforesaid, That if any person knowing or having notice from any constable, or otherwise, that any Slave hath been guilty of any offence against the provisions of the immediately preceding clause of this Act, and shall harbour, conceal, or convey away any such Slave, whether the Slave be or be not his or her own property, in order to screen such slave from justice; or shall in any manner whatsoever obstruct the due execution of this Act, or of any part thereof, or abuse, ill-treat, or threaten any person or persons for pursuing, enforcing, and putting the same into execution; every person so offending shall for every such offence forfeit and pay the sum not less than five pounds, and not exceeding twenty-five pounds current money of this Island (unless where the same shall otherwise be provided for under this Act), to be recovered in a summary manner before any Justice of the Peace, as in the case of servants' wages; one moiety thereof to the informer, and the other moiety to be paid into the public Treasury.

CLAUSE 29th.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, if any person shall knowingly suffer or permit any species of gaming to be carried on by Slaves, within his or her plantation, property, or premises, such person shall, for the first offence, on conviction thereof at the Court of Grand Sessions, forfeit the sum of twenty-five pounds current money, and suffer one month's imprisonment in the common gaol of this Island: and for each subsequent offence the like fine, and the imprisonment to be doubled; provided that complaint thereof be made to a Justice of the Peace within one month after the happening of the offence.

CLAUSE 30th.—And be it further Enacted by the authority aforesaid, That the several constables within this Island are hereby strictly enjoined and required to use their best endeavours at all times to prevent Slaves from gaming, assembling at huxters' shops, tipping, or dram shops, or any unlawful meetings, and, if necessary, it shall and may be lawful for them to take to their aid and assistance, a sufficient guard to disperse such Slaves; and in case of resistance, to seize and secure such Slaves, and to take them before any Justice of the Peace to be examined and dealt with according to law: And any two Justices of the Peace are hereby empowered to fine all Constables neglecting to put the several clauses of this act into force, in the sum of five pounds current money for every offence, or commit him to gaol, for not exceeding fourteen days.

CLAUSE 31st.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, if any person shall let or hire to any other person's Slave, or permit any such Slave, at the instance, or on the credit of any other person, to have the use or ordering of any land, house, room, or shed, except in case of sickness, or except with the consent of the owner, proprietor, or other person having the lawful charge of such Slave, the person so offending shall pay to the Churchwarden of the parish where the offender lives at the rate of five pounds current money *per* month for every such Slave

for so long a time as he or she shall have the use, ordering, or possession of any such land, house, room, or shed, as aforesaid; to be recovered by such Churchwarden before any Justice of the Peace, as in the case of servants' wages, and applied to the uses of such parish.

CLAUSE 32d.—And be it further Enacted by the authority aforesaid, That if any Slave shall commit any theft or larceny, or attempt to commit any theft or larceny under the value of forty shillings, or shall steal, or attempt to steal any canes, trash, cane-tops, corn-stalks, pea-trees, cotton, wood, fruit, goods, or chattels, or any ground provisions whatsoever, whether the same be growing, or not growing, under the value of forty shillings, the property of any other person than his or her master or mistress, every Slave so offending, and being brought before any Justice of the Peace of this Island, upon complaint of the party injured, or of any person on his or her behalf, and being convicted thereof, shall suffer such corporal punishment and imprisonment, with or without hard labour, in the public service, or any or either of them, as such Justice shall think proper, due regard being always had to the circumstances of the case, and to the age, sex, state of health, condition, and character of the Slave to be so punished: Provided always, that the Justice before whom any offender under this clause may be brought for trial, shall, in awarding punishment, be well satisfied that the offender was not driven to the deed from a want of food; and in case it should appear, on proper enquiry, that such offender was on that account urged to the commission of the offence, the Justice shall, and he is hereby required to lessen the punishment in proportion to the excitement which led to the offence: And where, on the trial of any Slave for any such offence as aforesaid, it shall appear that the owner of such Slave cannot afford the necessary food for his or her subsistence; or if it shall appear that the owner of any such Slave had ample means to furnish such Slave with food, and withheld the same, the Justice before whom any such Slave shall be brought to trial, is hereby required, and in either of such cases with all convenient speed to join to him two other Justices of the Peace, and these three Justices shall, and they are hereby authorized, empowered, and directed by their precept or warrant to call to them eighteen freeholders, and to form a Jury in such manner as is directed by the second clause of this Act; and the said Jury shall, and they are hereby required to enquire into the matter upon their oaths, and should the Jury, upon their oaths, determine that the owner of such Slave cannot afford the necessary food for his or her subsistence, the Treasurer of the Island shall, by order of the Court, take temporary possession of such Slave, and have him or her hired out, and his or her hire paid to such owner, until the circumstances of such owner shall be bettered, or he or she be able to dispose of said Slave; or should the Jury, upon their oaths, determine that the owner of such Slave had ample means to furnish said Slave with food, and withheld the same, he or she shall be fined at the discretion of the Court, in any sum not exceeding fifty pounds, or imprisonment for any time not exceeding one month; and the said Treasurer shall, by order of the said Court, forthwith take such Slave into possession, and have him or her sold for the most money that can be obtained, and such sale by the said Treasurer shall be, and it is hereby declared to be good and valid against all claims and demands whatsoever: And until such Slave shall be sold, he or she shall be hired out by the said Treasurer, and the money arising by such sale or hire, after deducting thereout all necessary expenses, shall be paid over by the said Treasurer to the owner of such Slave, unless any judgment, creditor or creditors of such owner, shall, in the mean time, claim such money; in which case the same shall be paid to such creditor or creditors, according to his, her, or their legal priority: Provided always, That in case any such Slave shall be owned by any person who is only tenant for life, instead of such Slave being so sold, as aforesaid, the tenant for life shall absolutely forfeit his or her estate in such Slave, and the person next in remainder or reversion shall be entitled to the possession of such Slave, and may enter and take possession of such Slave, subject, nevertheless, in the

hands of such reversioner, or remainder-man, to all levies and incumbrances attaching on and affecting the life estate of such offender.

CLAUSE 33d.—And be it further Enacted by the authority aforesaid, That if any Slave shall wilfully strike or assault any white person, such Slave shall for the first offence, upon conviction thereof before any Justice of the Peace, suffer imprisonment not exceeding six months, and corporal punishment not exceeding one hundred stripes; and for the second offence to be tried before three Justices of the Peace and a jury as hereinbefore mentioned, and be punished with transportation for life, imprisonment, and hard labour in the public service, or imprisonment without such hard labour, according to the nature of the offence and the circumstances of the case as the Court shall in its discretion think proper to inflict; provided that such striking or assault be not in the necessary defence and protection of his, her, or their owner's person or property.

CLAUSE 34th.—And be it further Enacted by the authority aforesaid, That if any Slave shall strike, or offer or dare to strike or use any violence towards his or her master or mistress, such Slave shall for the first offence, upon conviction thereof before a Slave Court, suffer death without benefit of clergy, transportation, solitary confinement, or such corporal punishment as the nature of the offence may deserve, and as the Court in its discretion shall think proper to inflict; and for a second offence of the like nature, such Slave shall suffer death without benefit of clergy.

CLAUSE 35th.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, if any Slave or Slaves shall be guilty of treason, or shall enter into or be concerned in any rebellion or rebellious conspiracy, or shall plan, excite, raise, or in any way promote mutiny or rebellion, or any thing that shall have a tendency thereto, or make preparation of arms, powder, bullets, or offensive weapons, or hold any council or conspiracy for, or compass or imagine for the purpose of mutiny, rebellion, or insurrection within this Island; or shall wilfully or maliciously commit any murder, rape, forgery, felony, or robbery; or shall wilfully set fire to any house, out-house, negro-house, canes, stacks of cane trash, cane-tops, corn-stalks, pea-trees, cotton, wood, or piles of lumber, or shall enter or break into any house, out-house, negro-house, or other building, either at night or in the day time, whether any persons be therein or not, with an intent to steal, or shall steal thereout any goods or chattels above the value of forty shillings currency, or shall compass or imagine the death of any person or persons whomsoever, and declare the same by some overt act, or shall steal any horned cattle, sheep, goat, horse, gelding, mare, mule, or ass, or shall steal any other live stock, or feathered stock, such live stock or feathered stock being above the value of forty shillings currency, such Slave or Slaves shall for every such offence, upon trial and conviction thereof, suffer death without benefit of clergy; and where any Slave or Slaves shall commit any other crime not hereinbefore or hereinafter provided for, the commission of which crime within this Island by any white, free coloured, or free black person or persons, would subject such white, free coloured, or free black person or persons to a prosecution for felony either by the laws of this Island, by the statute laws of Great Britain in force in this Island, or by the common law of Great Britain, such Slave so offending shall, on conviction thereof at a Slave Court, suffer death without benefit of clergy, transportation for life, imprisonment and hard labour, or imprisonment without hard labour, or such other punishment as the Court in its discretion, and according to the nature of the case shall think fit to inflict.

CLAUSE 36th.—And be it further Enacted by the authority aforesaid, That if any Slave shall wilfully and in a wanton manner, cut, chop, shoot at, or otherwise maim, lacerate, or injure, or administer poison to any horned cattle, horse, mare, mule, ass, sheep, goat, hog, or any feathered stock, such Slave shall for every such offence be tried before any one Justice of the Peace, and the said Justice shall, on conviction of such Slave, order and direct such corporal punishment, imprisonment and hard labour, or imprisonment without hard

labour, either together or separately to be inflicted on him or her, as such Justice shall think proper, such corporal punishment not exceeding one hundred stripes, and such imprisonment not to exceed the term of six months; and in all cases where from such treatment as above set forth, any horned cattle, horse, mare, mule, or ass shall be killed, or shall die within ten days next after the offence committed, although the carcass or any part of the flesh thereof may not be stolen, such Slave shall be tried for such killing or death at a Slave Court, and on conviction thereof shall suffer death without benefit of clergy, transportation for life, imprisonment and hard labour, or imprisonment without such hard labour as the Court shall, on consideration of all the circumstances of the case, think proper.

CLAUSE 37th.—And be it further Enacted by the authority aforesaid, that in all cases where any Slave or Slaves shall be put upon his, her, or their trial, and shall receive sentence of death or transportation for life, the Jury at the time of trying such Slave or Slaves, shall also enquire upon their oaths what sum or sums of money the owner, proprietor, or possessor of the said Slave ought to receive: provided that such sum or sums of money do not exceed the sum of one hundred pounds current money of this Island for each Slave so sentenced as aforesaid, and the Court before whom such Slave or Slaves may be tried shall make certificate thereof to the Treasurer of this Island for the time being, therein requiring the said Treasurer to pay (who is hereby directed to pay) the value of said Slave or Slaves to the owner or owners thereof; and where any such Slave or Slaves shall be owned by any person or persons who is or are only tenant or tenants for life, the Jury at the time of assessing the value of such Slave or Slaves, shall also settle and determine what part or parts of such sum or sums of money shall be paid to the tenant or tenants for life, and what part or parts thereof shall be paid to the person or persons next in remainder or reversion of such Slave or Slaves, and which shall be binding upon all parties interested in any such Slave or Slaves, subject nevertheless and without prejudice to any claims which may be preferred to the said Treasurer by any creditor or creditors having liens on such Slave or Slaves, whose claims and demands shall be paid in due priority out of the sum or sums of money at which such Slave or Slaves may be so valued as aforesaid.

CLAUSE 38th.—And be it further Enacted by the authority aforesaid, That in case upon any accusation against any Slave or Slaves for murder, where malice prepense shall not be proved to the satisfaction of the Jury, such Jury shall be at liberty to find such Slave or Slaves guilty of manslaughter, if the nature of the case shall require it; and the Slave or Slaves so found guilty of manslaughter shall suffer such punishment as the Court shall think fit to inflict, not extending to life.

CLAUSE 39th.—And be it further Enacted by the authority aforesaid, That if any white, free coloured, free black person, or slave, shall wilfully, maliciously, and unlawfully pretend to any magical and supernatural charm or power, in order to promote the purposes of insurrection or rebellion of the Slaves within the Island, or to injure and affect the life or health of any person whomsoever, or wilfully and maliciously shall use or carry on the wicked and unlawful practice of Obeah, and shall be thereof convicted, the offender shall suffer death without benefit of clergy, or transportation, as the Court by which such offender may be tried shall think proper.

CLAUSE 40th.—And be it further Enacted by the authority aforesaid, That if any white, free coloured, free black person, or slave, wilfully and maliciously, in the practice of Obeah or otherwise, shall mix or prepare, or have in his or her possession, any poison or any noxious or destructive substance or thing, with an intent to administer to any person whomsoever, or wilfully and maliciously shall actually administer to or cause to be administered to, or taken by any person whomsoever any poison or any noxious or destructive substance or thing whatsoever, although death may not ensue, every such offender, together with his or her counsellors, aiders, or abettors, knowing of and being privy to such evil intentions and offences, shall, upon conviction thereof, suffer death

without benefit of clergy, transportation, or such other punishment as the Court by which such offender may be tried shall think proper.

CLAUSE 41st.—And be it further Enacted by the authority aforesaid, That if any person or persons, pretending to have the power of divination, shall in any manner, or by any means whatsoever, carry on or practice what is commonly called fortune-telling, or shall pretend to possess the charm or power of discovering, or leading to the discovery of any lost or stolen goods, articles, or things, and shall practice or attempt to practice the same in any manner, or by any means whatsoever, every person convicted thereof before any Justice of the Peace, and being a Slave, shall be whipped, imprisoned, or worked in the said chain-gang at the discretion of the said Justice; and being a white, free-coloured, or free black person, he or she shall forfeit and pay the sum of ten pounds currency, to be recovered as in the case of servants' wages; one moiety thereof to the informer, and the other moiety to be paid into the public treasury.

CLAUSE 42d.—And be it further Enacted by the authority aforesaid, That if any person shall hereafter wilfully and maliciously kill and murder, or cause to be killed and murdered, any Slave, whether such Slave be the property of the person so killing and murdering, or causing the killing and murdering, or of any other person or persons, such person so offending shall, on conviction thereof at the Court of Grand Sessions, by the testimony of any one or more credible witness or witnesses, be adjudged guilty of felony, and shall suffer death without benefit of clergy; Provided always, that such conviction shall not extend to the corrupting the blood, or the forfeiture of lands, tenements, slaves, goods, or chattels; any law, custom, or usage to the contrary, in any wise notwithstanding.

CLAUSE 43d.—And be it further Enacted by the authority aforesaid, That if any person shall hereafter unfortunately kill by accident the Slave of another, such person shall only be liable to an action at law for the value of the Slave so killed by the owner of such Slave; but if any Slave shall hereafter be killed whilst committing or attempting to commit any robbery or theft, or in the act of breaking at night into any house, out-house, or negro-house; or in the act of setting fire, either at night or in the day time, to any house, out-house, negro-house, canes, stacks of cane trash, cane-tops, corn-stalks, pea-trees, or cotton-wood, or stacks of dry fuel, or piles of lumber, or whilst maliciously setting fire to any property of any value; or in the attempt to strike, maim, or injure any white person; the person or persons killing any such Slave shall not be punished for the same either criminally or otherwise, any law, usage, or custom to the contrary notwithstanding.

CLAUSE 44th.—Whereas it is highly expedient to restrain owners and other persons having the government and direction of Slaves from indiscriminately, wantonly, or cruelly exercising the power they possess over the Slaves; And whereas as the cruelty of punishment by flogging necessarily depends much more upon the manner of inflicting it, than upon the number of stripes; it is therefore deemed most conducive to the ends of humanity to trust to the discretion and good feelings of the Justices before whom complaints of such offences shall be made. Be it therefore Enacted by the authority aforesaid, That if any person shall hereafter commit any wanton act or acts of cruelty towards any Slave or Slaves, or if the same shall be committed by his or her direction or order, or with his or her knowledge, privity, or consent, or shall wantonly, maliciously, and cruelly whip, beat, bruise, cut, or wound any Slave or Slaves, or keep in confinement, without sufficient food and support, any Slave or Slaves, or shall suffer, permit, cause, or procure the same to be done, whether such Slave or Slaves may or may not belong to him or her, such person or persons shall and may be summoned before any two Justices of the Peace to answer for the offence; and such Justices are hereby ordered and empowered, on conviction thereof, to impose a penalty on the person so offending, not exceeding twenty-five pounds, according to the nature of the offence: And it shall and may be lawful for any Justice of the Peace, and he is hereby authorized and required, upon complaint or information of any

offence aforesaid being made or given to him by any person whomsoever, whether such person be a white, free coloured, or free black person, or a Slave, to summon the offender or offenders, and such Slave or Slaves so alleged to have been cruelly punished, and all such witnesses as may be material to prove the said offence, and to take down the examination of such offender or offenders in writing, and also the state, appearance, marks, and condition of the Slave or Slaves, and all other circumstances that may be necessary to prove the fact, and to join to him some other Justice of the Peace, and to examine into the alleged offence, which, if proved to their satisfaction, they shall set a fine on the offender or offenders not exceeding twenty-five pounds currency each, for every Slave so cruelly punished as aforesaid, whether such Slave or Slaves may or may not belong to such offender or offenders. But if such offence cannot be fully proved, and the Slave or Slaves so alleged to have been cruelly punished, shall be produced before the said Justices, and if the marks or traces of recent flogging, laceration, or punishment shall appear on the person or persons of such Slave or Slaves; and if such Slave or Slaves shall before the said Justices declare such marks or traces to be the consequence of such cruel and unlawful punishment or correction, and being duly examined by the said Justices, shall make a particular, consistent, and probable statement of all the circumstances attendant on such cruel and unlawful punishment, then, and in every such case, although such Slave or Slaves may not be a competent witness or witnesses within the provisions of this Act, yet the party or parties accused shall thereupon be considered guilty of the offence, and be convicted in any sum not exceeding the penalty aforesaid, unless such party or parties shall by his or her, or their oath or oaths, or by the oath or oaths of some credible witness or witnesses, prove that the punishment (of which the marks or traces may be apparent) was not inflicted by him, her, or them, or by his, her, or their procurement, or with his, her, or their knowledge or consent. Provided always, That if any Slave or Slaves shall make complaint of any such offence as aforesaid, and upon the hearing thereof before the said Justices the same shall appear to them to be frivolous, vexatious, or unfounded, the said Justices are hereby directed and required to order every such Slave to be whipped, not exceeding one hundred stripes, and not less than fifty stripes. And be it further Enacted, That if any white or free person shall maim, mutilate, or dismember, or cause to be maimed, mutilated, or dismembered any Slave or Slaves, whether such Slave or Slaves may or may not belong to him or her, he or she shall for every such offence be prosecuted at the Court of Grand Sessions, and upon conviction thereof shall be punished by fine and imprisonment, or either, as the Court shall think fit; and it shall and may be lawful for the Judge and Justices of the said Court of Grand Sessions, and they are hereby required to order and adjudge such Slave or Slaves, if maimed, mutilated, or dismembered by his, her, or their owner, or by the direction of such owner, to be delivered to, and taken possession of by the Treasurer of the Island for the time being, to be by him forthwith sold and disposed of to some person of good and humane repute, for the best price that can be obtained for the same, and the money arising by such sale to be paid over to the late owner of such Slave or Slaves so disposed of, unless there be any debt or debts affecting the said Slave or Slaves, in which case the money shall be paid to the creditor or creditors of his, her, or their owner, in due priority. And it is hereby further Enacted, That such sale from the said Treasurer shall be held and deemed competent and sufficient in law to vest the absolute property in, and to give a good title to the purchaser or purchasers of such Slave or Slaves. Provided always, That if any owner or proprietor guilty of any of the offences in this Clause mentioned, shall be only tenant for life, in such case the estate for life shall be forfeited, and the person next in remainder or reversion, shall forthwith be entitled to the possession of such Slave or Slaves, and may enter and take possession of him, her, or them accordingly; subject nevertheless, in the hands of such reversioner or remainderman, to all liens and incumbrances attaching on and affecting the

life estate of such offender; and for a second offence the party shall forfeit the possession of the whole of his or her property in lands and Slaves, and the same shall become vested in certain trustees to be appointed by the Governor or Commander in Chief of this Island for the time being, and Council, to be thereafter by the said trustees conducted for the benefit of such owner or proprietor, and his or her creditors, and all others interested therein; but if such offender shall be tenant in fee simple, and he or she shall so desire it, such property in lands and Slaves shall and may be sold by an order of the Governor or Commander in Chief of the Island for the time being, and Council, and the purchase money thereof paid to the creditors (if any) of such owner; and if there be no such creditors then to the owner, for his or her use and uses; but if such offender shall be only tenant for life, in such case the property shall be vested in trustees as aforesaid, during the life of such tenant; and the person so offending shall for the second offence be rendered incapable of holding the possession of, or having any control, management, or direction whatsoever over Slaves.

CLAUSE 45th.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act all punishments by whipping prescribed by this Act, as also all private punishments by or under the orders of the owners or proprietors of Slaves, or other persons lawfully authorised thereto, shall be inflicted with the like instrument, and in the like manner, now in use and practice in his Majesty's navy and army, and in no other manner whatsoever. And where the punishment of female Slaves by whipping shall be necessary, the same shall be inflicted on the shoulders only of any such female Slave, and in a decent manner, without any unnecessary exposure of the body of any such female Slave. And where any female Slave shall be in a state of pregnancy, she shall not, on any pretence whatever, be punished in any other way than by confinement. And if any person shall offend against the provisions of this clause, every such person shall, for every such offence, forfeit and pay the sum of five pounds current money of this Island, to be recovered before any Justice of the Peace, as in the case of servants' wages.

CLAUSE 46th.—And be it further Enacted by the authority aforesaid, That if any person, on any pretence whatsoever, shall fix, or cause to be fixed, any iron collar round the neck of any Slave (whether such Slave be his or her own property or otherwise), or shall fix or place, or cause to be fixed or placed, any chains, weights, or irons, of any kind, shape, or form whatsoever, on the body or limbs of any Slave, such person shall be prosecuted at the Court of Grand Sessions, and punished by fine and imprisonment. Provided always, that nothing in this clause contained shall prevent owners of Slaves from confining refractory and disorderly Slaves, or such as are addicted to run away, in iron or wooden stocks, or secure places of confinement, or by other means of security, so that such Slaves are thereby confined without bodily hurt; and all and every the Justices of the Peace of this Island are hereby authorised, directed, and empowered, on information of such offence, and view of such Slaves, to order such collar, chain, weights, and irons, to be immediately taken off from the Slave or Slaves bearing the same. Provided also, and to the end that runaway and refractory Slaves may be fully punished, Be it further Enacted, that the owner, proprietor, or possessor of any runaway or refractory Slave or Slaves shall and may send him, her, or them to the chain gang hereinbefore directed to be formed, to be kept at work for any term not exceeding six months at any one time. And if such owner, proprietor, or possessor can make it appear to the satisfaction of any Justice of the Peace, upon his or her own oath, or the oath of any credible witness or witnesses, that such the improper conduct of such Slave or Slaves was not occasioned for the want of food or clothing, or from cruel treatment, such owner, proprietor, or possessor shall be allowed and paid, out of the Public Treasury of the Island, the sum of sevenpence halfpenny *per* day for each and every day that every such Slave shall work in said gang. Provided always, that the expence of feeding all such Slaves as shall be sent to

the chain gang for punishment shall be defrayed out of the Public Treasury of the Island.

CLAUSE 47th.—And be it further Enacted by the authority aforesaid, That if any Slave shall hear any other Slave or Slaves speak any words tending to mutiny, insurrection, or rebellion, or know of his, her, or their having in possession, or concealed, any gunpowder, warlike, or mischievous weapon, for the purposes of insurrection or rebellion, and shall not immediately disclose or discover the same to his or her owner, proprietor, or possessor, or to some Justice or Representative, every such Slave shall, upon conviction thereof, suffer death without benefit of clergy, transportation, or such other punishment as the Court before whom such offender may be tried shall think fit to inflict.

CLAUSE 48th.—And be it further Enacted by the authority aforesaid, That if any Slave shall discover and give information of any evil designs or plots of any other Slave or Slaves, or of any free person or persons of any description whatsoever, for the beginning, encouraging, or keeping up of any mutiny, insurrection, or rebellion; or of the possession or concealment by any Slave or Slaves of any gunpowder or mischievous or warlike instruments for the purpose of insurrection or rebellion, whereby the accused shall be thereof legally convicted, every such Slave, so causing such conviction as aforesaid, shall be appraised at his or her full value, not exceeding two hundred pounds current money, by the Jury before whom the accused may be tried; and the Court shall make certificate thereof to the Treasurer of this Island for the time being, requiring him to pay (and he is hereby directed to pay) the value of such Slave to the owner thereof. And be it further Enacted, That such Slave, so making such discovery, and giving such information as aforesaid, shall, on full conviction of the accused as aforesaid, be declared free, and shall accordingly from thenceforth be absolutely free, to all intents and purposes whatsoever, and shall, at the public expence, be sent wherever his or her wishes may point out, and be paid the annual sum of ten pounds current money from the Public Treasury; but should such Slave prefer remaining in his or her owner's possession to being freed, such Slave shall in that case annually, and every year, be paid the sum of twenty-five pounds current money from the Public Treasury during his or her natural life.

CLAUSE 49th.—And be it further Enacted by the authority aforesaid, That if any white, free black, or free coloured person shall sell, barter, or give to any Slave or Slaves, any gunpowder, warlike, or mischievous weapon or weapons, or any poison, noxious or destructive drug, substance or thing, and the same shall be established to the satisfaction of any two Justices of the Peace, the said Justices are hereby authorised and empowered to set a fine upon the person so offending in any sum not exceeding the sum of fifty pounds current money of this Island; but if such offence cannot be fully proved, and the Slave or Slaves to whom any such gunpowder, warlike or mischievous weapon or weapons, or such poison, noxious or destructive drug, substance, or thing, was or were alleged to have been sold, bartered, or given by any such person, shall be produced before the said Justices, and shall make a particular, consistent, and probable statement of all the circumstances of such sale, barter, or gift; then, and in every such case, although such Slave or Slaves may not be a competent witness or witnesses within the provisions of this Act, yet the party accused shall thereupon be considered guilty of the offence, and be convicted in a penalty not exceeding the sum of fifty pounds as aforesaid, unless such party shall by his or her own oath, or the oath or oaths of some credible witness or witnesses, prove that he or she did not sell, barter, or give to such Slave or Slaves any such gunpowder, warlike or mischievous weapon or weapons, or any such poison, noxious or destructive drug, substance, or thing as aforesaid. And be it further Enacted, That if on the trial of any offender under the provisions of this Clause, it shall appear to the said Justices upon clear and positive testimony, that such offender knew that such gunpowder, warlike or mischievous weapon or weapons, or such poison, noxious or destructive drug, substance, or thing so by him or her sold, bartered, or given to any Slave or Slaves, was or

were for any mischievous and illegal purpose or purposes, the said Justices shall, and they are hereby empowered and directed, forthwith to commit such offender to the common gaol of this Island, there to remain without bail or mainprize, until such offender can be tried at the Court of Grand Sessions, and who on conviction thereof at the said Court of Grand Sessions shall suffer death without benefit of clergy, or transportation for life, as the Court in its discretion shall think fit to inflict.

CLAUSE 50th.—And be it further Enacted by the authority aforesaid, That every Slave who in the time of invasion by any foreign foe or enemy, or other attempt to be made on this Island, or in case of rebellion, shall engage and courageously behave in battle, or who shall by any means kill or destroy one or more of the enemy or rebels, shall upon the report thereof, supported by the oath of any two credible white persons, before the Commander in Chief of this Island for the time being, be rewarded at the public expence in such manner as the Legislature may think fit to direct; and should the Legislature conceive that such Slave should be rewarded with freedom, it shall and may be lawful for them to declare such Slave free, and have the value of such Slave ascertained and paid to the owner thereof, from the public treasury, not exceeding the sum of one hundred pounds current money.

CLAUSE 51st.—And be it further Enacted by the authority aforesaid, That if any Slave engaged in battle in time of invasion as aforesaid shall be killed, the value of such Slave, not exceeding the sum of one hundred pounds current money, to be set and ascertained before any Justice of the Peace by the oaths of two credible witnesses, shall be paid to the owner of such Slave out of the Public Treasury, by certificate under the hand of the Commander in Chief of this Island for the time being.

CLAUSE 52d.—Provided always, and be it further Enacted by the authority aforesaid, That in all cases not already provided for, when any Slave or Slaves shall be paid for out of the public treasury under any of the provisions of this Act, and such Slave shall be owned and possessed by any person or persons who is or are only tenant or tenants for life, the authority determining the question which may lead to such Slave or Slaves being so paid for as aforesaid, shall at the same time settle and determine what part or parts of the sum or sums of money so to be paid for such Slave or Slaves shall be paid to such tenant or tenants for life, and what part or parts shall be paid to the person or persons next in remainder or reversion of such Slave or Slaves, and which shall be binding upon all parties interested in any such Slave or Slaves; subject nevertheless and without prejudice to any claims which may be preferred to the said Treasurer by any creditor or creditors having liens on such Slave or Slaves, whose claims and demands shall be paid in due priority out of the sum or sums of money at which such Slave or Slaves may be so valued agreeably to the directions of this Act.

CLAUSE 53d.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, if any person shall directly or indirectly tempt or persuade any Slave or Slaves, to leave his, her, or their owners' or proprietors' service, or conceal him, her, or them, or shall entertain, harbour, secrete, or employ any Slave or Slaves who may be absent or runaway from such service, such person so offending shall, for every such offence, upon conviction thereof by his or her own confession, or the oath of any one or more credible witness or witnesses, before any two Justices of the Peace, be adjudged to pay, and shall pay to the owner or proprietor of such Slave or Slaves the sum of ten pounds current money for each and every such Slave; and the further sum of ten shillings, like current money, for every day, or any part of a day, which the offender shall be proved or adjudged to have unlawfully detained any such Slave, contrary to the provisions of this Act; and in case any complainant under this clause cannot fully support his or her complaint, it shall and may be lawful to and for the said Justices, and they are hereby authorised and empowered, to examine the party complained against upon his or her oath, touching the matter of such complaint, and which examination shall be held, taken, and considered, as good evidence for the purposes aforesaid. But

if any offender, legally summoned, and return thereof made to the said Justices, upon the oath of the constable (except in case of extraordinary sickness, so as to disable him or her), shall neglect or refuse to appear, or appearing shall refuse to be sworn and examined in manner as aforesaid, the complaint shall be taken *pro confesso*, and the said Justices shall give judgment thereon accordingly, as if the same had been otherwise fully proved. And the said Justices before whom any such offender shall be tried are hereby strictly enjoined to command and direct him or her to deliver and restore to the complainant, and into his or her safe possession, each and every such Slave or Slaves; and in default or refusal thereof, the said Justices shall further adjudge such offender to forfeit and pay the sum of two hundred pounds current money of this Island, as and for the value of each and every Slave so detained: Provided, nevertheless, that if any Slave or Slaves so entertained, harboured, secreted, or employed, contrary to the provisions of this Act, shall happen to die a natural death, at any time before the day of complaint, or between that day and the time of giving judgment as aforesaid, and the same be duly proved to the satisfaction of the said Justices, by the oath of any one or more credible witness or witnesses, such offender shall not be liable to the forfeiture of two hundred pounds current money, as and for the value of such Slave as aforesaid, any thing in this Act to the contrary notwithstanding.

CLAUSE 54th.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, if any Slave shall run away or absent himself or herself from the service of his or her owner, proprietor, or other person having the lawful charge or direction of such Slave, and he be thereof convicted before any Justice of the Peace, such Slave shall, for every such offence, be whipped at the discretion of the said Justice, not exceeding thirty-nine stripes, or be sentenced to work in the chain-gang for any time not exceeding six months.

CLAUSE 55th.—And be it further Enacted by the authority aforesaid, That where any Slaves, unlawfully detained, contrary to the provisions of this Act, are or shall be lent, rented, or hired out, the borrower, renter, or hirer, shall not incur the penalties imposed by this Act, unless such borrower, renter, or hirer, shall refuse to restore any such Slaves, or either of them, when lawfully demanded or recovered; but the person lending, renting, or hiring out, shall be liable and subject to all such penalties, and be levied upon for the same accordingly. And be it further Enacted, That if any person or persons shall be lawfully possessed of the Slave or Slaves of any other person or persons, as attorney, overseer, agent, renter, or otherwise, for any certain time or term, and shall, after the end and expiration thereof, refuse to deliver up and restore such Slave or Slaves to the lawful owner or owners, every such person shall be declared an unlawful detainer, and shall be subject and liable to the like forfeitures as hereinbefore appointed, in cases of the unlawful detaining of Slaves.

CLAUSE 56th.—And in order to give due encouragement to Slaves, be it further Enacted, by the authority aforesaid, That every Slave or Slaves who shall take up any runaway Slave or Slaves, or inform against any person who shall have or conceal any runaway Slave or Slaves, so that such runaway Slave or Slaves may be taken and restored to his, her, or their owner or owners, proprietor or proprietors, every such Slave or Slaves so taking up any such runaway Slave or Slaves, or so informing as aforesaid, shall be entitled to the sum of twelve shillings and sixpence, to be paid by the owner or owners, proprietor or proprietors, of such runaway Slave or Slaves; and which, if not forthwith paid, the same shall be recovered before any Justice of the Peace, as in the case of servants' wages, upon complaint of the owner or proprietor of the Slave or Slaves entitled to the same.

CLAUSE 57th.—And be it further Enacted by the authority aforesaid, That in all cases not otherwise provided for, where any forfeitures or penalties shall be awarded by any Justice or Justices of the Peace, under any of the provisions of this Act, such Justice or Justices, at the time of awarding the same, shall issue an execution or executions under his or their hand and seal or hands and

seals, directed to any Constable, for levying and raising such forfeitures or penalties as in the case of servants' wages. And the Constables levying executions under the authority of this Act, shall be entitled to demand and receive the like fees as the Provost-Marshal of the Courts of Common Pleas within this Island is entitled to demand and receive on levying executions to him directed from the said Courts.

CLAUSE 58th.—And be it further Enacted by the authority aforesaid, That if any person or persons, who, on the sale at outcry of any goods, chattels, or effects, by virtue of this Act, shall happen to be the highest bidder or bidders, shall not pay the sum by him, her, or them, bid at such sale at outcry within twenty days after, then, and in such case, the Justice or Justices awarding the judgment or judgments in satisfaction of which such goods, chattels, or effects may be sold, or any other Justice or Justices of the Peace, shall issue a writ of twenty *per cent.* against the person or persons who shall so fail in payment, directed to any constable, to be proceeded on in the same manner as writs of twenty *per cent.* issuing from the Judges of the Common Pleas. And for satisfying such writ, the goods, chattels, or effects so purchased shall be subject and liable, prior and preferable to any other debt or demand against such purchaser or purchasers, and what the same shall prove insufficient for raising, shall be levied and raised on any other estate of such purchaser or purchasers. And in case any Constable to whom any execution or writ of twenty *per cent.* shall be directed, shall, after raising the whole or any part of the money for which the same was issued, neglect to pay the same over within ten days to the person or persons entitled to such money, the Justice or Justices issuing such execution or writ of twenty *per cent.*, or any other Justice or Justices of the Peace, shall, and he and they is and are hereby required forthwith to issue an execution against such constable, directed to some other constable, for levying and raising in manner as aforesaid whatever sum of money he shall so make default in paying over; and by the order of any two Justices of the Peace, such constable so making default shall stand committed to prison for six months and further, until the whole amount received by him be actually paid.

CLAUSE 59th.—And be it further Enacted by the authority aforesaid, That it shall and may be lawful for any Justice of the Peace to issue precepts or warrants for apprehending and bringing before him, or any other Justice of the Peace, any white, free black, or free coloured persons or slaves, charged with having committed any offence or offences against the provisions of this Act; to the end that proper bail may be taken (where the offences areailable) for their appearance before the Court or Courts authorized and empowered to try such offenders, and in default or refusal to give such bail, the offenders may be committed to prison by warrant under the hand and seal of any such Justice of the Peace; but if any such offender or offenders shall be charged with the commission of any crime, which, under the provisions of this Act may subject such offender or offenders to suffer death or transportation, and there shall be just cause shewn to any such Justice that the charge is well founded, such Justice shall, by warrant under his hand and seal, commit such offender or offenders to the common gaol of this Island, except where the same is otherwise provided under this Act, there to remain without bail or mainprize, until he, she, or they shall be tried or released by a due course of law.

CLAUSE 60th.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, the evidence of Slaves shall, as heretofore, be taken and received in all cases against each other. And be it further Enacted, that where any Slave shall hereafter produce, in any of the Courts of this Island, a certificate of baptism, and also a certificate from under the hand of the Clergyman of the parish in which he or she shall reside, that he or she hath been so far instructed in the principles of the Christian religion, and is of such general good character, as in the judgment of the Clergyman certifying, adequately to understand the nature and obligation of an oath, it shall and may be lawful for the Court to which such certificate shall be produced and shewn, and the said Court is hereby directed and required to receive the testimony of the Slave producing such certificate in all cases whatsoever which shall come

before the said Court (save and except in such cases where the owner of such Slave shall be Plaintiff or Defendant, or where the life of a white person may be effected): Provided always, that in every such case, the master or owner of any such Slave, or any other person or persons, shall and may be summoned and examined in Court as to the character of any such Slave, in order the more satisfactorily to determine whether such Slave is worthy of credit or not. And be it further Enacted, that where any white, free coloured, or free black person or persons shall associate himself, herself, or themselves with any Slave or Slaves in cock-fighting, gambling, getting drunk together, or in the commission of any theft, crime, or offence, or who shall associate and live with any Slave or Slaves as man and wife, the evidence of any Slave or Slaves shall in all cases, and in all Courts, be taken and received against such white, free-coloured, or free black person or persons, excepting where the life of any such white person or persons may be affected, although such Slave or Slaves may not be a competent witness or witnesses within the provisions of this Clause: Provided always, and be it further Enacted, That in case any Slave shall wilfully, and with an evil intent, give any false evidence in any trial, such Slave being thereof convicted, shall suffer the same punishment as the person or persons on whose trial such false evidence was given, if convicted, would have been liable to suffer, or such other punishment as the Court, in its discretion, shall think fit to inflict.

CLAUSE 61st.—And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, if any Slave or Slaves shall commit any capital or other offence against the provinces of the provisions of the present, or any other Act of this Island, and such Slave or Slaves shall thereafter be manumitted and set free from slavery, such Slave or Slaves shall, nevertheless, be tried in like manner, and be subject and liable to the same punishment for any such offence, as if she, he, or they had not been so manumitted and set free, but still continued in slavery. Provided always, that if the offence committed by any such Slave or Slaves be a minor offence only, subjecting such Slave or Slaves to be whipped, such Slave or Slaves shall not be liable to be punished for the same as a Slave, unless complaint thereof be made to some Justice of the Peace within one month after such offence shall be committed.

CLAUSE 62nd.—And be it further Enacted by the authority aforesaid, That in all cases in which any person shall be adjudged to be transported, the transportation shall be adjudged to be, and shall be to such place or places as the Governor or Commander-in-Chief of this Island for the time being, with the advice of his Privy Council, shall direct or appoint; and the expence attending such transportation shall be defrayed out of the public treasury by an order from the Governor or Commander-in-Chief of the Island for the time being, by and with the advice and consent of the Council, upon the usual address for that purpose being made by the General Assembly for the time being: And be it further Enacted, That in case any person ordered or adjudged to be transported, shall be found at large within this Island after sentence of transportation pronounced, he or she shall be guilty of felony, and shall suffer death without benefit of clergy.

CLAUSE 63rd.—And be it further Enacted by the authority aforesaid, That if any owner, proprietor, or other person, shall wilfully or knowingly send off, or cause to be sent off this Island any Slave or Slaves charged with any capital offence, in order to evade the punishment of such Slave or Slaves, every person so offending shall, on conviction thereof at the Court of Grand Sessions, be adjudged to pay a fine not exceeding five hundred pounds, and not less than two hundred pounds.

CLAUSE 64th.—And be it further Enacted by the authority aforesaid, That in all cases where any Slave shall be sentenced to death, the execution shall be performed with all due solemnity at such time and place as the Court shall order and direct, and care shall be taken by the gaoler that such Slave is free from intoxication at the time of his or her trial, and from thence to and at the time of his or her execution, under a penalty of five pounds current mo-

ney to be paid into the public treasury : and the mode of such execution shall be hanging by the neck, and no other, and the body shall be afterwards disposed of in such manner as the Court shall direct : And be it further Enacted, That where any Slave or Slaves shall, by order of any Slave Court or Courts be imprisoned, such Slave or Slaves, during such imprisonment, shall be fed at the public expence, and shall and may, if so directed by the said Court or Courts, be worked in chain-gangs, together with the Slaves confined in the cage in the manner in this Act hereinbefore directed and required.

CLAUSE 65th.—And be it further Enacted by the authority aforesaid, That all fines, forfeitures, and penalties by this Act imposed, for any offence or offences against the provisions of the same, where the manner of applying the same is not otherwise particularly directed, shall, when levied and raised, be paid into the Treasury of the Island to and for the public use ; and the Treasurer of the Island for the time being shall account with the Committee of Public Accounts for all monies received by him by virtue of this Act in the same manner as he is required to do for any other of the public monies in his hands.

CLAUSE 66th.—And be it further Enacted by the authority aforesaid, That all crimes and offences committed by Slaves, or any other persons, against the provisions of any of the Acts or clauses of Acts herein and hereby repealed, which shall not be heard, tried, and determined at the time of the passing of this Act, shall, if Slaves be heard, tried and determined in the manner herein provided by three Justices, and a Jury of twelve freeholders ; and such Slaves punished in the manner directed in the said Acts or Clauses ; and if white, free coloured, or free black persons, they shall be amenable thereto, and be punished as therein directed : and to that end the said Acts and Clauses of Acts shall be deemed and taken to be in full force and effect for punishing all such crimes and offences as shall be committed thereunder prior to the passing of this Act : any thing hereinbefore mentioned, seeming to the contrary notwithstanding.

CLAUSE 67th.—Provided always and be it further Enacted by the authority aforesaid, That this Act, or any thing therein contained, shall not be in force until His Majesty's pleasure on the same shall be known.

Read three times, and passed the General Assembly this twenty-seventh day of July, one thousand eight hundred and twenty-four.

JOHN MAYERS, Clerk of the General Assembly.

No. 1.

Council Chamber, August 28th, 1824.

THE Council beg to return to the House of Assembly the Consolidation Slave Bill, with their remarks thereon, for their consideration. The Council, anticipating no serious opposition to the amendments therein suggested, wait upon the House of Assembly in the hope that it will be returned again to the Council in time to day to be passed during the present Session.

No. 2.

THE Council respectfully recommend to the consideration of the House of Assembly the following remarks on certain Clauses of the Consolidation Slave Bill.

CLAUSE 2nd.—The Council think that at least nine Jurors out of twelve should agree in a verdict of conviction on a trial for a capital offence. The fine on Jurors not obeying the summons of a Magistrate for the trial of Slaves too

small; the Council think the fine should be the same as for non-attendance on all other Juries.

CLAUSE 5th.—The Council do not conceive that any Law is required to authorize a master or overseer to take up a strange Slave found upon the property under his care, if it be necessary; and the penalty of five shillings is objectionable, as being very liable to abuse. Owners may be daily incurring this fine by means of their Slaves visiting their wives and husbands, and other connections upon neighbouring estates, and the tenth Clause accomplishes all that is desirable in this.

CLAUSE 11th.—This Clause does not, in the opinion of the Council, effectually provide against the possibility of a free person being condemned to slavery. The sole object in view being to protect the right of property, will not the following amendment accomplish that object quite as well, and with less danger to the interests of liberty? After the words “his lawful deputy,” in line , page , substitute, “and unless it shall be proved to the satisfaction of the Governor and Council that the person so claiming to be free, is *bond fide* a Slave, they shall and are hereby authorized and empowered forthwith to set him or her at liberty, and such person is hereby declared to be and to be held and taken as a free person, unless the contrary shall hereafter be proved before the Governor and Council. Provided nevertheless, that if it shall appear to the Governor and Council that such person so claiming to be free is not a native of this island, they shall, if they think proper, order him or her to quit this Colony within twenty one days, and if he or she shall fail to comply with such order so given, it shall and may be lawful for any constable to apprehend the person so offending, and commit him or her to the common gaol of this Island, there to be confined until he or she shall be sent away from the Island. The Council also think, that a person in the predicament above described, should be set at liberty on the recognizance of one surety in a bond of fifty pounds; and that the party should be allowed to enjoy the privileges of a free coloured person, while the question of freedom is *sub judice*.

CLAUSE 25th.—The House of Assembly could never intend to make the receiving of stolen goods a capital offence.

CLAUSE 33d.—The Council cannot approve of the great extension of corporal punishments authorized by this and two other Clauses of this Bill.

CLAUSE 36th.—Would it not be better to omit “feathered stock”?

CLAUSE 43d.—The words “or in the attempt to strike any white person,” in the latter part of this Clause, the Council have no doubt, passed the House of Assembly through inadvertency. These few words render nugatory that part of the Bill which makes the murder of a Slave by a white person a capital felony; for if the mere attempt to strike a white person be sufficient to justify the taking the life of a Slave so offending, it will require but little ingenuity to make out almost every case of murder a lawful Act.

CLAUSE 44th.—At page 38 of this Clause, the words “cut or wound” had perhaps be better omitted, inasmuch as cutting and wounding belong more properly to the more atrocious class of offences for which the offender is liable to be indicted. The Council also think that the punishment for making frivolous and unfounded complaints is too severe.

CLAUSE 45th.—Would it not be better to prohibit the use of instruments of punishment more severe than such as are used in His Majesty’s service, without compelling the master to employ that specific instrument and no other; for by this law a master may incur a penalty by his lenity; for instance, punishing a child with a small rod would be an offence against the law, and subject the master to the fine.

CLAUSE 47th.—“*Ignorantia legis non excusat*,” is a maxim which does not admit of the most rigid and exact construction even in very enlightened communities, and when applied to ignorant Slaves, it is fraught with much injustice. Should they be punished for ignorance of the law, with which it is not possible for them to make themselves acquainted?

CLAUSE 34th.—This is too much in the spirit of the early laws of this

country, and more violent than the circumstances and habits of the Slave population of the present day require.

CLAUSE 60th.—Would it not be advisable to omit the words “or who shall associate or live with any Slave as man and wife.” Ought a freed Slave, for instance, to suffer for not repudiating the woman who was his wife before his emancipation?

The Council beg leave to suggest the following amendment: “or when the life of a white or *free coloured person* may be affected, unless it shall be proved that such free coloured person had been in the habit of associating themselves with Slaves in gambling, getting drunk, or in the perpetration of any crime or offence, in which case the testimony of such Slaves as are by this Bill declared competent witnesses, shall be taken and received as evidence on the trial of such free person.” The Council think that it is very desirable to relieve the master from the responsibility of inflicting such punishments as very heinous domestic offences may deserve: they therefore recommend that a clause should be drawn, authorising the master to apply to a Magistrate in such a case, and compelling the Magistrate to hear and determine such complaint.

The Council observe, with considerable regret, that certain important clauses for ameliorating the condition of the Slaves, which they recommended, have been rejected by the House of Assembly; particularly one for abolishing Sunday markets, and another for dispensing with all fines on manumissions.

The existence of these fines serves but to furnish our enemies with topics for obloquy and reproach, while the facility with which the law is now evaded, defeats the policy which dictated it, even admitting that policy to be sound. And as to the abolition of Sunday markets, the Council really anticipated no opposition to so obvious an improvement in the police of the town, placing higher considerations out of view, and they are at a loss to discover the grounds of opposition. And after the liberal provision which the Imperial Parliament has made for promoting the religious instruction of the Slaves, it will appear but an ungracious return, to discountenance a measure so indispensable to that very important object.

No. 3.

House of Assembly, 28th August, 1824.

THE House of Assembly, in reply to the communication just received from the honourable Board of Council, accompanying the Return of the Consolidation Slave Bill, with their remarks thereon, for the consideration of the House, beg to say, that they regret the consideration of them, with the view to their being introduced into the Bill, cannot be effected, unless the Bill itself is introduced, *de novo*; and they find that the advanced period of the Session, which expires on the 1st *proximo*, renders such a proceeding quite impracticable.

The House of Assembly, feeling every desire to co-operate with the Council, will, at an early period in the next Session, give their particular attention to the remarks and suggestions of the honourable Board, in a Supplemental Bill.

The House, in again returning the Bill to the honourable Board in its original form, request that it may not be considered as a determination on their part to reject altogether their remarks and suggestions, and they anticipate that a Bill of such vast importance will not be lost in the present Session, upon points which may be adjusted at an early period in the next.

No. 4.

Council Chamber, August 28, 1824.

THE Council are much grieved to find that the House of Assembly have returned the Consolidation Slave Bill without adopting any of the amendments suggested by the Council; but seeing that certain Clauses of this Bill place the Slave almost out of the protection of the law, as the Council endeavoured to point out in their remarks, particularly on the 43d Clause, they cannot think of entertaining the Bill in its present form. Defective as the existing laws are, it appears to the Council that they consult the interests of the Slaves in preferring to maintain them in their present state to passing a Bill containing such a Clause as the one above alluded to, nor are many of the other Clauses which are noticed by the Council less objectionable. The Council, moreover, cannot conceive how the present House of Assembly can take upon themselves to give a pledge that certain measures shall be adopted by a new House; feeling, nevertheless, deeply impressed with the vast importance of passing an ameliorating law without further loss of time, the Council are willing to attend the House of Assembly every day that remains of the existence of the present House of Assembly, if there yet exists any chance of accomplishing a measure which appears to the Council to involve the character and dearest interests of the country.

 No. 5 A.

Council Chamber, August the 27th, 1824.

Mr. President, and Gentlemen of His Majesty's Council,

IN submitting the annexed letter from Earl Bathurst, together with a message which I propose (with your concurrence) to transmit to the Honorable the Speaker and House of Assembly, the views and wishes of His Majesty's Ministers are so clearly pointed out in the former as to render any remark of mine superfluous, further than the expression of my sincere and anxious hope that nothing will prevent the Consolidation Act for the amendment and amelioration of the Slave code, now under your consideration, from passing into law previous to the expiration of the present House of Assembly.

 No. 5 B.

Government House, 26th August 1824.

THE Governor has the honor to submit the copy of a letter received by the last Packet from Earl Bathurst, to the Honorable the Speaker and the House of Assembly, and having been given to understand that they have already passed an Act which is now before the Honorable the President and Members of his Majesty's Council, he feels confident that much has been anticipated of what is recommended by Earl Bathurst, should the Bill pass into a law; that he only strongly recommends to their future consideration such points as may not have already been provided for.

*To the Honorable the Speaker of the Honorable the
House of Assembly, &c. &c. &c.*

No. 6.

House of Assembly, 28th August 1824.

THE House of Assembly beg leave respectfully to acknowledge the receipt of His Excellency's message of yesterday's date, submitting for their consideration a communication from Earl Bathurst, under date of the 26th ultimo, with a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad, with the view, as expressed by his Lordship, of bringing more completely under their consideration the whole of the measures which His Majesty's Government have in contemplation for the amelioration of the state of the Slave population: in reply to which, they are most happy in being enabled to state that the Consolidation Slave Bill, which engaged a large portion of their time in the present Session, finally passed on the 27th ultimo, and is now before the Honourable Board of Council. This Bill embraces as many of the points suggested by the noble Secretary for the Colonies as present circumstances will allow, and they have a pleasing confidence that such points as have not been adopted will form a subject of early consideration in the next Session.

The House cannot omit this opportunity of expressing the grateful sense they entertain of the liberality and anxious solicitude of His Majesty's Government for the moral and religious improvement of all classes, but more particularly of the Slaves, as manifested by the late appointment of Bishops to superintend the Ecclesiastical Establishments in the West Indies, and they trust that nothing will be found wanting on their part to further the views and wishes of His Majesty's Government in so laudable a design.

By Order of the House of Assembly.

(Signed) CHEESMAN MOE, Speaker.

To his Excellency Sir Henry Warde, K. C. B.

&c.

&c.

&c.

No. 7.

SIR,

WE presume your Excellency will feel it your duty to acquaint Earl Bathurst with the loss of the Consolidation Slave Bill.

Fearing that his Lordship may, through want of particular information, attribute this unfortunate occurrence to contumacy against the Government, or to the influence of a party spirit in the Legislature, we are very anxious that he should be fully informed upon the subject, and we trust your Excellency will not refuse to transmit to his Lordship the following statement of certain transactions connected with the preparation, progress, and ultimate loss of the Bill.

The very conciliatory and condescending tone in which Earl Bathurst has been pleased to express the wishes and expectations of His Majesty's Government respecting the improvement of the Laws for the future regulation of the Slave population in his last dispatch, increases in no small degree the earnest desire of the Council to give his Lordship the fullest satisfaction in these matters which it is in their power to afford.

It is not, indeed, without deep feelings of mortification, that we find that Earl Bathurst has been led to believe that "an interruption to the measures of amelioration has arisen in consequence of want of unanimity in the branches of the Legislature upon minor questions;" for although it is true that there has been a want of unanimity, we solemnly declare we do not believe that the measures in question have been retarded one day by that cause, and in proof of this declaration, we beg that his Lordship may be referred to the minutes of this Board for the whole Session; and although we are unacquainted with the minutes of the House of Assembly, confiding in their accuracy, we will add to the minutes of that House also. Indeed, we feel confident that the history of these measures will satisfy Earl Bathurst that although their progress has been lamentably slow, the delay has arisen from other causes, and that every consi-

deration of personal or party feeling has been made to yield to a just sense of the paramount importance of these measures.

At an early period of the late Session, the Council appointed a Committee for the purpose of revising, amending, and consolidating the Slave Laws. After having for some time diligently applied themselves to this important task, the Committee sketched the outline of a Bill, and then obtained, through your Excellency, the assistance of the Crown Lawyers in framing it technically. Just about the same period the House of Assembly, who had also been engaged in a similar labour, proposed a conference with the Council upon the measures of amelioration. The Committees accordingly met, each furnished with the Bill of its respective House. The Gentlemen from the Assembly, in conformity they said with their instructions, required that their Bill should be made the basis of the projected Code, and after some discussion, which did not occupy twenty minutes, it was agreed that such of the Council's Clauses as appeared preferable to the corresponding Clauses in the Assembly's Bill, as well as others relating to points not provided for in that Bill, should be extracted and recommended for the adoption of the House of Assembly, and upon this agreement the Committee of the Council yielded. The conference was conducted with the most uninterrupted harmony, and the result of it was, that many of the original Clauses were expunged, but not being in possession of that Bill, we cannot undertake to enumerate or describe them; and the following new Clauses were engrafted upon the Bill, *viz.* Clauses 2, 4, 6, 41, and 46, and others were altered agreeably to the suggestions of the Committee of the Council.

It having, however, been settled at the conference, that neither House was pledged to ratify all the points agreed upon by their respective Committees, certain Clauses which were extracted from the Council's Bill were rejected by the Assembly; and some of the points passed over by the Committee of the Council, were noticed and objected to by the Board; nor is this to be wondered at, when it is considered that that the Members of the Council, who attended the conference, heard the Bill read but once before it was sent up in its present form, passed by the House of Assembly.

The Council, solicitous to preserve a Bill upon which so much time and pains had been bestowed, and desirous at the same time to render it as complete as the circumstances of the period would permit, drew up a series of remarks on the Bill, in which they endeavoured to point out what appeared to them to be defects, and for these they suggested certain amendments; to enable your Excellency to understand the views of the Council on these questions, we have enclosed you a copy of the remarks to which we refer you. You will perceive that many of them relate to points of minor importance; but there are others which your Excellency will no doubt concur with us in considering as most essential to the professed objects of the Bill, particularly the remarks on the 11th, 43d, and the second remark on the 60th Clause; the remarks were drawn in the most succinct form to save time, and are not intelligible without being collated with the Clauses to which they refer in the Bill itself; to this therefore we beg to direct your attention; and for the same reason we must request, that your Excellency will be pleased to forward copies of both these documents to Earl Bathurst along with this statement.

The original Clause of the Assembly's Bill corresponding to the present 11th, assumed that the presumption was, *prima facie*, against the claim of a Negro or coloured person who asserted himself to be free without being able to adduce satisfactory proofs of the fact. The Council objected to the principle, and recommended that a new Clause should be drawn, throwing the presumption the other way; however, when the Bill came up we found, that although this Clause had been much improved, yet the original principle was still maintained to a certain degree; and thinking that every man ought to be considered free against whom no party had proved a right of property, we again urged this maxim in our remarks.

The objection to the 43d Clause appeared to us insuperable, and indeed it is

too palpable to require any further observation than what is contained in the remark on that Clause. With respect to the 60th, although Earl Bathurst in his dispatch of July, 1823, on the subject of amelioration, recommends that the testimony of Slaves should not be received on a trial "affecting the life of a white person," omitting all mention of free coloured persons; yet it appears to us so reasonable to extend the same principle to every class of Slave-owners, that we suppose the omission may have arisen from inadvertency; and having also learnt that this distinction had excited considerable dissatisfaction amongst that class of persons who were to be affected by it, and not being able to foresee that any mischief could possibly arise from extending the principle to *all free persons*, we ventured to recommend such an amendment.

We also again endeavoured to enforce the propriety of abolishing Sunday Markets, and dispensing with fines on manumissions. The Bill was accordingly returned to the House of Assembly accompanied by the remarks so often alluded to, enclosed in the following note:

"The Council beg to return to the House of Assembly the Consolidation Slave Bill, with their remarks thereon, for their consideration. The Council, anticipating no serious opposition to the amendments therein suggested, wait upon the House of Assembly, in the hope that it will be returned to the Council in time to-day to be passed during the present Session.

"*Council Chamber, August 28th 1824.*"

A short time afterwards the Bill was again brought up to us with this Message:

"The House of Assembly, in reply to the communication just received from the Honourable Board of Council, accompanying the return of the Consolidation Slave Bill, with their remarks thereon, for the consideration of the House, beg to say, that they regret the consideration of them, with the view to their being introduced into the Bill, cannot be effected unless the Bill itself is introduced, *de novo*, and they find that the advanced period of the Session, which expires on the first *proximo*, renders such a proceeding quite impracticable. The House of Assembly, feeling every desire to cooperate with the Council, will at an early period in the next Session give their particular attention to the remarks and suggestions of the Honourable Board in a Supplemental Bill.

"The House, in again returning the Bill to the Honourable Board in its original form, request that it may not be considered as a determination on their part to reject altogether their remarks and suggestions, and they anticipate that a Bill of such vast importance will not be lost in the present Session, upon points which may be adjusted at an early period in the next.

By Order of the House,

CHEESMAN MOE, Speaker."

August 28, 1824.

Had the points adverted to by the Council related to matters of comparatively trivial import, we would cheerfully have acquiesced in the arrangement proposed in the above message, but if the Council are not altogether mistaken as to the construction of which they think the forty-third Clause susceptible, they could not, with any consistency, consent to make such an enactment the law of the country for one hour; and moreover, presuming that the same Members will be returned to the next House of Assembly (which we admit to be very probable) and that they therefore will be able to redeem their pledge, to what does it amount; these Gentlemen say only that they request that the sending back the Bill "may not be considered as a determination on their part to reject altogether the remarks and suggestions of the Council."

Now, whatever difference of opinion may arise, it is obvious will most likely occur upon the points of the greatest importance, we thought it therefore most prudent and safe to get these points finally settled at once if possible. Had we once sanctioned measures which we did not approve, and some of which we think would place the Slave in a worse condition than he now is, it may have

been no longer in our power to correct or remove them, and deeming the matter in hand too important to be governed by ordinary considerations of etiquette or custom, we thought proper once more to address the House of Assembly in the following message.

“The Council are much grieved to find that the House of Assembly have returned the Consolidation Slave Bill, without adopting any of the amendments suggested by the Council; but seeing that certain clauses of this Bill place the Slave almost out of the protection of the Law, as the Council endeavoured to point out in their remark, particularly on the forty-third Clause, they cannot think of entertaining the Bill in its present form. Defective as the existing Laws are, it appears to the Council that they consult the interests of the Slaves, in preferring to maintain them in their present state, to passing a Bill containing such a Clause as the one above alluded to; nor are many of the other Clauses which are noticed by the Council much less objectionable. The Council moreover cannot conceive how the present House of Assembly can take upon themselves to give a pledge that certain measures shall be adopted by a new House; feeling, nevertheless, deeply impressed with the vast importance of passing an ameliorating Law, without further loss of time, the Council are willing to attend the House of Assembly every day that remains of the existence of the present House of Assembly, if there yet exist any chance of accomplishing a measure which appears to the Council to involve the character and dearest interests of the Country.

Council Chamber, 28 August 1824.”

To this they replied verbally, that there was not time sufficient remaining in the present Session to enter upon the Bill again, as many of their Members were engaged upon Committees of importance.

Thus has the Bill unfortunately fallen to the ground for the present. The subject, however, will be speedily resumed. Within a month from this period the election will be completed, and as we have reason to believe that many of the Members of the Assembly concur with the Council in wishing to go as great lengths in mitigating the rigours of slavery as is either safe or practicable with the still irritated and highly excited state of the public mind, we confidently anticipate better success at a very early period of the next Session; and in the mean time, although we are fully sensible of the very great imperfection of our existing laws, the liberal spirit which at this moment very generally prevails on all topics connected with Slave treatment, forbid us to apprehend that any serious inconvenience will arise from the temporary disappointment.

No. 6.

My LORD,

Barbadoes, 21st Oct. 1824.

I HAVE the honour to enclose, for your Lordship's information, a document which contains my Addresses to both branches of the Legislature of this Island, on the commencement of the present Session, the 28th Sept. 1824, together with their replies thereto, and

Have the honour to be, &c.

(Signed)

HENRY WARDE.

The Earl Bathurst, K. G. &c.

Mr. President, and Gentlemen of His Majesty's Council,

IN once again meeting you at the commencement of a New Sessions of the Legislature, I have to acknowledge your desire for the melioration and amendment of the Slave Laws, by the Bill which you framed for that purpose, and on which you bestowed so much labour and time during the last Sessions; and

consequently I entertain no doubt that you will consider on, and endeavour to adopt such measures as may best tend to remove the difficulties which have, and may again occur, to prevent the completion of this most salutary and most necessary law.

Mr. Speaker, and Gentlemen of the House of Assembly,

I have called you together at the very earliest opportunity for the dispatch of public business, feeling the urgent necessity of the immediate renewal of those labours which occupied so large a portion of your time during the last Session, in the consideration of a Police Bill, and more particularly of that for the melioration, amendment, and consolidation of the Slaves Laws which was framed by the Speaker, and ultimately adopted for consideration by both branches of the Legislature, but which did not pass into law.

I have to offer to you, Mr. Speaker, and to the House, my warmest acknowledgements of the uniform pleasing and courteous terms in which your replies have been couched to all my Messages, which it has been my duty as His Majesty's Representative to submit to you during a most eventful and interesting period.

Mr. President, and Gentlemen of His Majesty's Council.

Mr. Speaker, and Gentlemen of the House of Assembly.

I cannot conceal from you the great disappointment I have experienced from the failure of a well grounded hope that some Bill for the amendment of the Slave Laws would have been, long 'ere this, enacted, as both branches of the Legislature, immediately after the close of the last Sessions, honoured me with their separate statements, in explanation of the delays which had occurred; and as it has been, is, and ever will be, my anxious desire that all the branches of the Legislature should, if possible, co-operate most cordially for the public welfare; and as the documents previously alluded to have both been transmitted to Earl Bathurst for His Majesty's information, I shall forbear from making a single comment further, than by remarking it is a very great consolation to me, that the sentiments expressed in both statements, lead me again to expect that every exertion will be made for the speedy completion and enactment of a Bill for the Melioration, Amendment, and Consolidation of the Slave Laws; and I now seize with pleasure and sincerity this public opportunity to express those sentiments most unequivocally, which have long been felt but never called forth, that though cases as exceptions do exist, which under similar circumstances would exist in every other part of the globe, so long as men are imperfect, and their dispositions differ in an innumerable variety of shades from good to evil; yet after more than three years' constant residence in this Island, it is my firm conviction (as far as it has come within my own observation to judge) that the Slaves, as a body throughout the Colony, are uniformly treated with kindness, lenity, and liberality, and to which their general appearance of cheerfulness and happiness may be fairly attributed.

Council Chamber, 24th Sept. 1824.

MAY IT PLEASE YOUR EXCELLENCY.

IN reply to the Address which your Excellency made to the Members of His Majesty's Council on the opening of the present Session, we beg to assure you, that the desire which you are pleased to say we evinced for the melioration and amendment of the Slave Laws during the last Sessions, will not be lessened in this, and that no labour shall be spared on our part, nor any time lost, not only to remove the difficulties which have occurred, and any which may again unfortunately occur, but to endeavour to effect as speedily as possible, the enactment of so desirable a law.

We are very much gratified to find, that your Excellency's observation on the condition of the Slaves in this Colony, after a residence of three years, enables

you to speak so favourably of the kindness, lenity, and liberality with which they are treated; and we trust your Excellency's impartial testimony will contribute to repel the unjust calumnies of our enemies.

We are, may it please your Excellency,

Your Excellency's most obedient servants,
 (Signed) JOHN A. BECKLES, J. EYCROFT BEST,
 JOHN BRATHWAITE, R. SKINNER,
 R. A. ALLEYNE, J. H. GITTENS,
 R. HAMDEN, PHILIP L. HINDS,
 N. LUCAS, J. A. HOLDER.

To his Excellency Sir Henry Warde, Knight, Commander of the Most Honourable Military Order of the Bath, His Majesty's Captain-General and Governor in Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY,

WE, the representatives of the people of this Island in General Assembly this day assembled, beg leave to return your Excellency the thanks of this House, for the Speech which you were graciously pleased to deliver at the opening of the present Session, and more especially for the prompt attention of your Excellency to the interests of the Colony, in enabling this branch of the Legislature to resume its political functions at so early a period after its dissolution.

We feel equal disappointment with your Excellency, that the Bill for the Melioration, Amendment, and Consolidation of the Slave Laws, which occupied so large a portion of the time of the late House had not passed into law at the close of the last Session.

The sentiments of the House on this most important subject have been so ably and so fully communicated to your Excellency in the statement submitted to your Excellency by the Speaker, and to which your Excellency alludes, that we deem it unnecessary at present to say more on the occasion; we beg leave however to add, that as we have no doubt your Excellency will be furnished by the Earl Bathurst without loss of time with His Majesty's opinion on the respective proceedings of the Council and Assembly, transmitted by your Excellency for the information of His Majesty, we conceive it advisable under existing circumstances, to suspend the further consideration of the subject until such opinion shall be made known to us.

It is a matter of deep concern to us, that the Police Bill which passed the late House after much consideration, and every possible care to render it efficient for the purposes intended, and for which the occurrences of almost every day increase the necessity, should have been rejected by the Honourable Board of Council.

The approving terms in which your Excellency is pleased to express yourself of the respectful manner in which the replies of the Assembly to your Excellency's Messages have always been couched, is highly gratifying to us. We have ever felt, and shall ever continue to feel it our duty to address the representative of our Sovereign in terms of the highest deference and respect, but more especially so when we behold in that representative, as we do in your Excellency, a gentleman who has on all occasions evinced a sincere desire to promote the happiness and well-being of all classes under his government.

We cannot conclude without tendering to your Excellency our warmest acknowledgements for the avowal of those sentiments, which your Excellency is pleased to say, you have long entertained of the kindness, lenity, and liberality with which the Slaves of this Island are treated. A spontaneous declaration like this from your Excellency, after a residence of more than three years in this Colony, cannot, we presume, fail to produce a favourable impression on the minds of those to whom we always look with confidence for justice and pro-

tection, and must shew, that although our laws are defective, our practice is found, by one so well qualified as your Excellency to decide, to be in conformity with the mild dictates of justice and humanity.

(Signed) CHEESMAN MOE, Speaker.

House of Assembly, 19th Oct. 1824.

No. 7.

SIR,

Downing Street, 25th October 1824.

I HAVE had the honor of receiving your despatch of the 3d of September, and cannot but express my regret at finding that the unfortunate differences of opinion which exist between the Council and the Legislative Assembly on the measures to be adopted for meliorating the condition of the Slave population, have led to the rejection of the Slave consolidation Act by the Council.

As both the Council and the Assembly profess the most sincere wish to promote the improvement of the state of slavery in Barbadoes, I willingly entertain a sanguine hope that in the course of the ensuing Session they will concur in such a Slave consolidation Act as will fulfill the expectation of His Majesty's Government, and reflect credit on the Island of Barbadoes.

I have the honour to be, Sir, your obedient servant,

(Signed) BATHURST.

Lieutenant-General Sir Henry Warde, K. C. B.

No. 8.

MY LORD,

Barbadoes, 4th December 1824.

YOUR Lordship's despatch of the 25th October last, in reply to mine, of the 3d September, has been received, and copies of it immediately laid before the Council and House of Assembly, with a message, expressing my earnest hope that the wishes of Government would be speedily accomplished by the Enactment of a Slave Consolidation Bill; the replies which I have received to my message from both those branches of the Legislature, offer assurances of the Slave Amelioration Bill being again immediately brought forward, and I sincerely trust that I shall ere long be enabled to report to your Lordship, that a Bill of this nature, in consonance with the views and expectations of His Majesty's Government, has passed into law.

I have the honor to be, &c. &c.

(Signed) HENRY WARDE.

The Earl Bathurst, K. G. &c. &c.

THE Council beg leave respectfully to acknowledge the receipt of his Excellency's communications, inclosing Earl Bathurst's dispatches.

That relative to the Slave bill shall receive their earliest consideration; with regard to the other, directing the names of the Commissioners to be put into the Commission of the Peace, they cannot have any objection, but certain forms are necessary previous to their nomination in Privy Council, for which they beg leave to refer him to the Clerk of the Crown.

Council Chamber, 30th November 1824.

THE House of Assembly, in reply to His Excellency's message of this day, inclosing a copy of a dispatch from Earl Bathurst, on the subject of the Slave Consolidation Act, beg leave most respectfully to inform his Excellency that notice has this day been given by their Speaker to introduce at the next meet-

ing the bill which passed the late House for that purpose; and they trust that the earnest hope so graciously expressed by his Excellency, for the enactment of such a law will very soon be realized.

By order of the House,
(Signed) CHESMAN MOE, Speaker,

November 30, 1824.

No. 9.

Downing Street, 8th January 1825.

SIR,

I HAVE received your dispatch of the 21st October last, communicating the Addresses which you had delivered on the opening of the Session to both branches of the Legislature of the Colony under your government, together with the replies which you had received.

I have already conveyed to you the expression of my regret that the differences of opinion arising between the Council and the House of Assembly on some parts of their proceedings in their former Session, should have occasioned a delay in passing a Law for the melioration of the condition of the Slaves; but I at the same time expressed a confident hope, founded indeed on the assurances of both branches of the Legislature, that the first opportunity would be taken of remedying this evil, which I was led to consider had only not been then remedied from want of time before the close of the Session. It is therefore unnecessary that I should make known to you the additional regret and disappointment which cannot but be felt that any cause whatsoever should have led to the prolongation of this delay. With regard to the cause now alleged, you must be aware that it is by no means necessary that the Legislature should suspend its proceedings (a purpose intimated in the Address of the House of Assembly), in order to await my opinion upon them, since they have been already fully made acquainted with the wishes of his Majesty's Government, and a comparison of their proceedings with the documents which have been laid before them is all that can be requisite to enable them to judge of the opinion which will be formed of the result of their labours when complete; and it is obvious that a discussion and interchange of explanations between this Country and Barbadoes concerning the parts of the work whilst incomplete, could only tend to embarrass its progress, and to protract the delays which, I trust, each branch of the Legislature has sincerely deprecated.

I have the honor to be, Sir, your obedient servant,

(Signed) BATHURST.

Lieutenant General Sir Henry Warde, K.C.B. &c. &c.

No. 10.

Extract of a Dispatch addressed to Earl Bathurst by Sir H. Warde, dated Barbadoes, 2d March 1825.

YOUR Lordship's dispatch of the 8th January 1825, reached me on the 12th ult a few hours previous to my embarkation on board His Majesty's ship Eden, to proceed on a tour of military inspection on the northern islands of this command, from which I returned on the 25th of the same month; I however immediately forwarded it to the President, with the request that he would lay the same without delay before both branches of the Legislature, and as soon as the replies to his communications are received, copies of them shall be immediately forwarded to your Lordship; every means within my power has been resorted to for the purpose of expediting the enactment of a Slave Consolidation Bill, and I entertain a strong hope that it will be speedily adopted.

D O M I N I C A.

No. 1.

SIR,

Downing-Street, London, July 26, 1824.

I HAVE the honour of inclosing a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad; and I have also to notify to you His Majesty's appointment of two Bishops, the one for Jamaica, and the other for the Leeward islands, to whom are to be entrusted the controul of the clergy of the Church of England within their respective dioceses, and the duty of reporting upon the state of the Ecclesiastical establishments, particularly as it relates to the Slave population, and upon the best means of diffusing the benefits of religious instruction to that part of the community.

I call your attention to these measures at this moment for the purpose of enabling you to bring more completely under the consideration of the Legislature, the whole of the measures which His Majesty's Government have in contemplation for the melioration of the state of the Slave population.

His Majesty's Government have been anxious to prove the deep interest which they feel in the encouragement of the religious and moral instruction of the Negroes, by at once taking upon themselves the whole charge of placing the clergy of the West Indies under episcopal controul; and they have directed that a given sum shall be forthwith placed at the disposal of the Bishops, for the purpose of providing for the more immediate wants of persons in holy orders within their respective dioceses: and His Majesty confidently expects to receive every assistance from the Legislature, to promote the establishment of a system so calculated to produce the most beneficial effects on the morals and habits of the Slave population.

With respect to the Order in Council for meliorating the condition of the Slaves in Trinidad, similar provisions to those which are contained in that Order will be extended to Demerara and Essequibo, Berbice, St. Lucia, the Cape, and the Mauritius, with such modifications as may be necessary to adapt them to the Dutch and French laws, which are respectively in force in those possessions.

In late years the Legislatures of several colonies in the West Indies have, with much advantage, respectively effected the consolidation of their laws relating to the Slave population into one act, and the Legislature of Dominica, in the year 1821, passed an act, not strictly an act of consolidation, but many of the enactments of which were highly creditable to themselves, and beneficial to the Slave population. During last year their favourable reception, in its earliest stages of a bill, which, though not in every respect fulfilling the wishes of His Majesty's Government, it is impossible not to regard as comprising many humane and judicious enactments, evinced a continuance on the part of the Legislature in the same disposition. Under these circumstances I assure myself that you will meet with the less difficulty in strongly impressing upon the Legislature the desire which is felt by His Majesty's Government, that they will consolidate the whole of their Slave laws into one act, comprising the substance of the provisions of the Order in Council, and repealing such statutes as may yet remain in force, which are at variance with its spirit or provisions.

On attentively considering the provisions of the Order in Council, they will not fail to perceive much, which practice has already established in Dominica, and which requires little more than the formal sanction of a law to complete. In comparing it with the provisions of their own act, they will observe that, upon the principle of those provisions, many of the suggested

alterations must be considered as improvements; and by incorporating in their statutes those additional provisions of the Order, which as yet are not to be found in their consolidation act, they will lay the foundation for such a system of gradual improvement of the condition of the Slave population, as will prove equally honourable to the Assembly and beneficial to those for whose advantage it appears to be more immediately intended.

You will readily anticipate the serious extent of the disappointment which His Majesty's Government will experience, if, unfortunately for their best interests, as well as for the cause of humanity, the Assembly of Dominica shall reject the substance of these regulations, which, they must be aware, have received the sanction of Parliament, and the general approbation of the country.

I have, &c.

(Signed) BATHURST.

*Officer Administering the Government,
Dominica.*

No. 2.

Extract of Dispatch from Major-General Nicolay, addressed to Earl Bathurst, dated Government House, Dominica, 3d August 1824.

THE Assembly, at present prorogued, is to meet on the 10th instant, and one of the first subjects of deliberation will be the bill for the melioration of the condition of the Slaves, which I have reason to believe will be carried into effect agreeably to your Lordship's wishes.

G R E N A D A.

No. 1.

MY LORD,

Government House, Grenada, 24th March 1824.

I HAVE the honour to inform your Lordship, that the Legislature of this colony met on the 8th instant, for the dispatch of public business, when a bill, intituled, "a bill for the better protection, subsisting, clothing and government of Slaves," was introduced into the House of Assembly, and read a first and second time. The House stands now adjourned to the 20th of next month, when the bill will go into a Committee, and I shall not fail to report to your Lordship the proceedings upon it in its subsequent stages.

I have the honour to be, &c.

(Signed) GEO. PATERSON, President.

The Right Hon. Earl Bathurst K. G.
 &c. &c. &c.

No. 2.

SIR,

Downing-Street, London, 26th July 1824.

I HAVE the honour of inclosing a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad, and I have also to notify to you His Majesty's appointment of two Bishops, the one for Jamaica, and the other for the Leeward Islands, to whom are to be entrusted the controul of the clergy of the Church of England within their respective dioceses, and the duty of reporting upon the state of the Ecclesiastical establishments, particularly as it relates to the Slave population, and upon the best means of diffusing the benefits of religious instruction to that part of the community.

I call your attention to these measures at this moment for the purpose of enabling you to bring more completely under the consideration of the Legislature, the whole of the measures which His Majesty's Government have in contemplation for the melioration of the state of the Slave population.

His Majesty's Government have been anxious to prove the deep interest which they feel in the encouragement of the religious and moral instruction of the Negroes, by at once taking upon themselves the whole charge of placing the clergy of the West Indies under episcopal controul; and they have directed that a given sum shall be forthwith placed at the disposal of the Bishops, for the purpose of providing for the more immediate wants of persons in holy orders within their respective dioceses; and His Majesty confidently expects to receive every assistance from the Legislature, to promote the establishment of a system so calculated to produce the most beneficial effects on the morals and habits of the Slave population.

With respect to the Order in Council for meliorating the condition of the Slaves in Trinidad, similar provisions to those which are contained in that Order will be extended to Demerara and Essequibo, Berbice, St. Lucia, the

No 4.

MY LORD,

Grenada, October 23, 1824.

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch in duplicate, inclosing a copy of the Order in Council, for the improvement of the Slaves in Trinidad, and a notification of His Majesty's appointment of two Bishops, the one for Jamaica, and the other for the Leeward Islands, and at the same time recommending the adoption of measures similar to those contained in the above Order in Council, with regard to the Slave population in Grenada.

The Legislature of the colony met, on the 21st of the present month, and I lost no time in laying before them your Lordship's communication, with a copy of the Order in Council, at the same time, calling their immediate and most serious attention to the measures therein recommended. The House of Assembly, in reply to my message, expressed their readiness to take the same into their immediate consideration, but they deemed it expedient that a call of the House should take place, and I therefore on their application consented to grant them an adjournment to the 16th of next month, and I shall not fail at that time to make your Lordship acquainted with the result of their deliberation.

I have the honour, to be, &c.

(Signed) GEO. PATERSON, President

The Right Honourable Earl Bathurst, K. G.

&c.

&c.

&c.

No. 5.

Extract of a Dispatch from Mr. President Paterson, addressed to Earl Bathurst, dated Government-House, Grenada, December 8, 1824.

HIS Majesty's Council, in their legislative capacity, are framing a bill for the general melioration of the Slaves of this colony, taking for its ground work the Order in Council transmitted by your Lordship, so far as it can with safety be adopted, which I trust, when passed into a law, will be satisfactory to His Majesty's Government.

The progress of the bill for the consolidation of the Slave laws before the Honourable House of Assembly, which has been printed, and is now in Committee in that House, has been in some measure impeded by the great difference of opinions which exists on some points, but I hope to have the satisfaction to forward the copy of an act to your Lordship before the rising of the next Session of the Imperial Parliament, as the Legislature meets on the 14th instant.

It is with much pleasure, that I am enabled to add, that the Slaves within this government appear to me in general to be perfectly quiet and contented; and I believe there are no persons in any part of the world more anxious to make them so, than those under whose immediate protection they are placed.

No. 6.

MY LORD,

Government House, Grenada, 3d January 1825.

I HAVE the honour to inform your Lordship that the bill for the melioration of the Slave population, brought into the House of Assembly, has passed the Committee of that body, and is now engrossing, and had not the approaching holydays made it necessary for the country members to repair for their respective plantations, I have no doubt but that it would have been

sent up to the Council for their concurrence. The House stands adjourned to the 15th of next month, when, I have no doubt, it will be passed by that branch.

I have the honour to be, &c.

(Signed) GEO. PATERSON, President.

The Earl Bathurst, K. G.

&c. &c. &c.

No. 7.

MY LORD,

Government-House, Grenada, 5th March 1825.

I HAVE now the honour to inform your Lordship that a bill for the consolidation of all the Slave laws, as well as for the melioration of that class of persons, has passed the House of Assembly, and is now before the Council, and I have every reason to believe that I shall be enabled by the next packet to transmit the same, passed into a law, for the approval of His Majesty's Government.

I have the honour to be, &c. &c.

(Signed) GEO. PATERSON, President.

The Right Hon. Earl Bathurst, K. G.

&c. &c. &c.

A N T I G U A.

No. 1.

SIR,

Downing-Street, London, July 26, 1824.

I HAVE the honour of inclosing a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad, and I have also to notify to you His Majesty's appointment of two Bishops, the one for Jamaica, and the other for the Leeward Islands, to whom are to be entrusted the controul of the clergy of the Church of England within their respective dioceses, and the duty of reporting upon the state of the Ecclesiastical establishments, particularly as it relates to the Slave population, and upon the best means of diffusing the benefits of religious instruction to that part of the community.

I call your attention to these measures at this moment for the purpose of enabling you to bring more completely under the consideration of the Legislature, the whole of the measures which His Majesty's Government have in contemplation, for the melioration of the state of the Slave Population.

His Majesty's Government have been anxious to prove the deep interest which they feel in the encouragement of the religious and moral instruction of the Negroes, by at once taking upon themselves the whole charge of placing the clergy of the West Indies under episcopal controul; and they have directed that a given sum shall be forthwith placed at the disposal of the Bishops, for the purpose of providing for the more immediate wants of persons in holy orders within their respective dioceses; and His Majesty confidently expects to receive every assistance from the Legislature, to promote the establishment of a system so calculated to produce the most beneficial effects on the morals and habits of the Slave population.

With respect to the Order in Council for meliorating the condition of the Slaves in Trinidad, similar provisions to those which are contained in that Order will be extended to Demerara and Essequibo, Berbice, St. Lucia, the Cape, and Mauritius, with such modifications as may be necessary to adapt them to the Dutch and French laws which are respectively in force in those possessions.

As the Assembly of Antigua have evinced their anxiety for the improvement of the Slave code, by their favourable reception in its earlier stages of a bill, by the provisions of which that object might have been most essentially promoted, it is not doubted, that when, on a due consideration of the Order in Council, they become fully apprised of the whole of the measures which His Majesty's Government desire to propose for their adoption, the Members of the Legislature of Antigua will use their best exertions to carry them into effect.

In late years the Legislatures of several colonies in the West Indies, have respectively effected the consolidation of their laws relating to the Slave population into one act, comprising many additional enactments of essential benefit to that class, as well as the repeal of others which, though often obsolete in practice, had brought a degree of discredit on the respective colonies, which ought not to have been suffered to attach to them, in consequence of a mere omission formally to rescind what the humane spirit of the people, and the tone of public feeling, had long brought into disuse. The laws of Antigua are, I am aware, in some points, so much at variance with the practice of the inhabitants as to render acts of repeal a peculiar duty of the Legislature, in justice to their constituents; and this cannot be executed with more convenience than by an act of consolidation.

As a Committee of the Legislature was last year appointed to take these subjects into consideration, it is the hope of His Majesty's Government that an act of consolidation may have been already framed; and that it may have embodied the substance of the suggestions which were contained in my circular dispatches of last year, and which form also the substance of the Order in Council now transmitted. But whatsoever may have been the result of the deliberations of the Committee, you cannot too strongly impress upon the Legislature the desire of His Majesty's Government to receive their co-operation, by embodying in their statutes the substance of the provisions of the Order in Council, by which they will lay the foundation for such a system of gradual improvement of the condition of the Slaves, as will prove equally honourable to the Legislature, and beneficial to those for whose advantage it appears to be more immediately intended.

You will consider these instructions as equally intended for your guidance, with respect to the communications which it will be your duty to make to the Legislature of Montserrat.

Under the favourable anticipation which I cannot but entertain, from the disposition which was originally evinced by the Legislature of Antigua to meet the views of His Majesty's Government, I am confident that it is unnecessary for me to impress upon you the serious extent of the disappointment which His Majesty's Government will experience, should the Legislatures of Antigua and Montserrat, unfortunately for their best interests, and the cause of humanity, withhold their effectual co-operation, in measures which they must be aware have received the sanction of Parliament, and the general approbation of this country.

I have, &c.

(Signed)

BATHURST.

*Officer Administering the Government,
Antigua.*

No. 2.

Extract of a Dispatch from Mr. President Athill, addressed to Earl Bathurst, dated Government House, Antigua, September 3, 1824.

ON the 31st ult, by the Chichester packet, I had the honour to receive your Lordship's dispatch of the 26th July, accompanied by the Order in Council for the improvement of the condition of the Slaves in Trinidad, and observe your notification of His Majesty's appointment of two Bishops, the one for Jamaica, the other for the Leeward Islands, to whom are to be entrusted the controul of the Clergy of the Church of England within their respective dioceses. I have to express my cordial hopes that every advantage contemplated by Government may be derived from the efforts and arrangements of these exalted ecclesiastical characters; they will find (at any rate I will say in this colony) that the religious instruction of the Slave population has by no means been neglected.

The Committee to form the bill for consolidating the laws respecting the Slave population into one act, have not proceeded with as much industry as might have been expected from the importance of the subject. Since I received your Lordship's letter, I have called the attention of the Chairman to the subject, and I hope that will be more completely done by the consideration of the dispatch itself, when laid before the Assembly at their meeting on the 9th of this month.

Your Lordship does the inhabitants of this colony but justice in saying, that the laws of Antigua are, in some points, much at variance with the practice of the individuals.

I shall lose no time in forwarding a copy of your Lordship's letter to Mr. President Herbert, at Montserrat, and calling his attention and that of the Legislature of that island to its contents.

ST. CHRISTOPHER.

No. 1.

SIR,

Downing Street, 26 July 1824.

I HAVE to notify to you His Majesty's appointment of two Bishops, the one for Jamaica, and the other for the Leeward Islands, to whom are to be entrusted the control of the Clergy of the Church of England, within their respective Dioceses, and the duty of reporting upon the state of the Ecclesiastical Establishments, particularly as it relates to the Slave population, and upon the best means of diffusing the benefits of religious instruction to that part of the community.

You will already have received a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad, and I now call your attention to these measures, in order that you may bring more completely under the consideration of the Legislature the whole of the measures which His Majesty's Government have in contemplation for the melioration of the state of the Slave population.

His Majesty's Government have been anxious to prove the deep interest which they feel in the encouragement of the religious and moral instruction of the Negroes, by at once taking upon themselves the whole charge of placing the Clergy of the West Indies under Episcopal control, and they have further directed, that a given sum shall be forthwith placed at the disposal of the Bishops, for the purpose of providing for the more immediate wants of persons in Holy Orders within their respective Dioceses, and His Majesty confidently expects to receive every assistance from the Legislature, to promote the Establishment of a system so calculated to produce the most beneficial effects on the morals and habits of the Slave population.

With respect to the Order in Council for meliorating the condition of the Slaves in Trinidad, similar provisions to those which are contained in that Order will be extended to Demerara and Essequibo, Berbice, St. Lucia, the Cape, and the Mauritius, with such modifications as may be necessary to adapt them to the Dutch and French laws, which are respectively in force in those possessions.

In late years the Legislatures of several Colonies in the West Indies have respectively effected the consolidation of their laws relating to the Slave population into one Act, which, whilst in many instances it comprised additional enactments of essential benefit to that class, afforded a convenient opportunity of effecting the repeal of others which, though often obsolete in practice, had brought a degree of discredit on the respective Colonies which ought not to have been suffered to attach to them, in consequence of a mere omission formally to rescind what the humane spirit of the people and the tone of public feeling had long brought into disuse.

You will therefore recommend to the Legislature of St. Christopher's, to frame a similar Act of consolidation, and at the same time convey to them the satisfaction which is felt by His Majesty's Government in anticipating, from the favourable disposition already evinced by that body, that they will incorporate in such Act the substance of the suggestions which were contained in my Circular Dispatches, and which form also the substance of the Order in Council; and that they will repeal any Acts which may yet remain in force that are at variance with the spirit of the Order; thus laying the foundation for such a system of gradual improvement of the condition of the Slave population, as will prove equally honourable to the Assembly, and beneficial to those for whose advantage it appears to be more immediately intended.

It will of course become your duty to communicate to the Legislatures of Tortola and Nevis the measures which His Majesty's Government have taken

upon themselves for the purpose of ensuring the religious instruction of the Slave population. You will, at the same time, cause to be brought under their notice, the whole of the measures which it is desired to recommend for their adoption; and you will readily anticipate the disappointment which His Majesty's Government will experience if they shall fail to receive the effectual co-operation of the respective Legislatures of Tortola and Nevis in measures which, they must be aware, have received the sanction of Parliament, and the general approbation of this country.

I have, &c.
(Signed) BATHURST.

Governor Maxwell, &c. *St. Christopher's.*

No. 2.

Government House, St. Christopher, Sept. 7, 1824.

MY LORD,
AGREEABLY with your Lordship's directions to communicate all proceedings relative to the improvement of the labouring classes of this community, I have the honour to enclose a copy of a letter received from His Honour the Chief Justice, who has kindly consented to frame and consolidate into one Act, upon the suggestions of your Lordship's circular letters, and other communications, a Bill for the general improvement of the Slaves in this Colony.

I have the honour to be, my Lord,

Your Lordship's most obedient Servant,

(Signed) CHARLES W. MAXWELL.

To the Right Hon. Earl Bathurst, K. G. &c.

Chambers, Sept. 2, 1824.

SIR,
AS it was upon the suggestions of your Excellency, that the Legislature confided to me the duty of preparing a Bill which should have regard to the welfare of our Slave population, I beg leave to report that I have applied myself to that important object with as much diligence as my other public avocations would afford; and that I have brought it to such a state of forwardness as will enable me to lay it before the Board of Council at our next meeting.

Knowing the deep interest which your Excellency takes in this momentous subject, I shall proceed to detail the plan which I have pursued, which will develop the outline of the proposed Bill.

Although our Statute Book is disgraced with perhaps fewer sanctions to atrocious and sanguinary conduct towards the Slave population than are to be found among our neighbours, there is still much which proclaims the age when these our fellow creatures were considered of less importance than the soil which they cultivated, or the cattle which they drove. Fearful that any thing of this nature should elude my research, and aware of the impossibility of reconciling the various incongruities of our Slave Code with the better feeling which now prevails towards them, and with the change in their condition which that feeling and their improved habits demand, I resolved at once upon the repeal of every existing Law bearing upon the subject. This has enabled me to arrange and classify the several branches of the subject in somewhat of a natural and regular order, and to dispose of it under the three grand divisions:—1. of the Rights and Privileges; 2. the Duties; and 3. the Disabilities of this class of our population.

Although it be a point of sound rather than of substance, still I think that something may be gained by abolishing the odious terms "Slave and Slavery," as applicable to these people and to their condition, under the improvements which, within my experience, have taken place in their moral state, and still more under those which are contemplated, these terms are not suitable to that condition. I propose, therefore, to designate them as vassals, inasmuch as vassalage more accurately describes the existing relations between the master and the feudal servant. I admit that this is but another term for slavery, but

it is of milder signification; and as vice loses half its evil by losing all its grossness, so shall we by this change of term, strip the condition of these people of an opprobrium which is revolting to all who venerate, or would preserve the institutions to which the condition of these people is at once an exception and a reproach.

I do not entertain the opinion that ample justice is not generally done to these people, when they complain of injury or oppression, by the tribunals to which they appeal; still I think that the impartial investigation of their complaints should be placed out of the reach of doubt or suspicion, by the appointment of a public officer as guardian and protector to them; and I have adapted the provisions of the Trinidad Order in Council for that purpose.

With some modification I have framed, from the same source, Regulations which tend to the immediate control and to the ultimate abolition of Sunday markets.

Upon the important subject of private chastisement I have long and anxiously deliberated, with a desire to accomplish the natural wish of His Majesty's Government, to prevent the punishment of whipping in every case where the offender is a woman. It arises, I trust, from no adherence to a system, which I feel to be in all its bearings, and in the most qualified form, both in letter and in spirit so vicious, and which tends to blunt not only every finer but every manly feeling, that I arrive at the opinion that this mode of punishment cannot, under such a system, or at least until the beneficial change in the moral condition of the Slave, which we contemplate is effected, altogether be dispensed with. I have clogged it with difficulties, and have made the sanction of a Magistrate in all cases necessary. But the absolute abolition of this mode of punishment would, I fear, engender a spirit of insubordination, which the proposed substitutes would fail in repressing. Owing to the security in which the women seem to consider themselves, from the prevailing disinclination to use the whip as an instrument of punishment for females, we find them always the most turbulent, and the agitators upon almost all occasions. If they were at once placed out of the reach of this degrading mode of punishment, I fear that they would set every precaution for enforcing due subordination at defiance; and therefore until coercion shall cease to be the incitement to labour, I do not consider it to be expedient that women should be altogether exempted from this mode of chastisement. In all other respects I have adapted the regulations, as to the punishment contained in the Order in Council, from the same source I have obtained the several clauses relating to the marriage and sale of Slaves; to the property which they may acquire to their manumission, and to the Savings' Bank.

In regard to their evidence in Courts of Justice, I have extended the principle laid down in the Order in Council, for I have never seen the necessity for any restriction upon its admission under such precautions as the Court would necessarily adopt in all cases of suspicious testimony, and of ignorant witnesses. The prevailing feelings of our Juries against the credibility of Negro evidence in general, will be an ample safeguard against the bias which upon many subjects it may be supposed to have. And I have therefore, in the Bill which I have framed, authorized its reception in all civil suits or actions in which the owner is concerned, or where any white person may be charged with any offence punishable with death; for the reception of such testimony can alone do away with the reproach which now attaches to us, namely, that not only cruelty, but that murder may be committed openly, and in the presence of hundreds, without the possibility of obtaining evidence for the conviction of the offender.

I have adopted the penal clauses on cruelty which the Order in Council contains. I have selected from our own Laws, and from those of the neighbouring Islands, all that appears to me to be of sound and practical utility, so as to secure to the Slave a sufficiency of food, an allotment of land, clothing, time for meals and rest, support to the infirm, if the owner be unknown, a protection from mal-treatment by the owner, or otherwise, and from the use of chains and iron collars. I have also provided for medical attendance, the treatment

of pregnant women, immunities to women with a certain number of children, born in wedlock, for attendance on public worship, for baptism, and with a view of removing every excuse for omitting to supply a due allowance of food and raiment. I have adopted these clauses from our Amelioration Act, which make these articles a lien upon the Slaves themselves, under the limitations therein contained, prior to all other engagements or securities. To this division of the subject belongs the registration of Slaves, which will contain the alterations suggested by Earl Bathurst in his dispatch to your Excellency relating thereto. The trial of Slaves by Jury, as already established by Law, will close that division of the subject which relates to their rights and privileges.

With the above protection against all abuse of authority, the second grand division, relating to the duties of the Slave, may be comprised in the single obligation to obey the lawful commands of his master.

Under the remaining head of the disabilities of a Slave, very little will be found that does not equally apply to every other class of his Majesty's subjects. The principal distinction lies in requiring that they should be provided with a ticket or pass when they go abroad; in the mode of apprehending fugitives, and of the punishment for harbouring or concealing them; in searching their houses for stolen goods; in the sale of liquor or arms to them; on their obtaining goods under false pretences; on being concerned in rebellion or murder, or using words tending to rebellion, or in preparation for mischief; on firing squibs, or struggling with or wounding a White person; on galloping horses through the streets; on cruelty to cattle; on gambling, or unlicensed dances; on pretending to witchcraft, and on preparing poison, or having poisonous drugs in their possession. These offences, as I have already observed, are not less offences in the White man than in the Slave, but they are here especially provided against, as requiring in some cases a more summary mode of investigation and different punishment.

I may, perhaps, be allowed to say, that nothing short of the flattering suggestion that this labour should be confided to me, and the adoption of that suggestion by the Legislative bodies, together with the superior impulse which was given by an unaffected desire to improve a system which is radically bad, to save some victims from the hands of unlicensed tyranny, and to elevate all of these our unfortunate friends in the scale of human beings, would have been sufficient inducement to undertake a task so full of difficulty. I have met this difficulty in a true spirit of substituting for the evils and imperfections which we now encounter at every turn, what appears to me to be a sound, rational, and practicable means of bettering the present condition of the Slave, and of preparing him for the great result for which these measures are avowedly contrived; his ultimate emancipation. If, in the opinion of your Excellency, I shall be found in any respect to have contributed to the attainment of this great object, I shall have received an ample reward.

I have the honour to be, with the greatest consideration, Sir,

Your Excellency's most humble and obedient Servant,
(Signed) R. W. PICKWOOD.

To His Excellency Governor Maxwell, C. B. &c.

No. 3.

MY LORD, *Government House, St. Christopher, 8th October 1824.*

IN obedience to your Lordship's instructions to communicate from time to time the progress made in this Government in matters relating to the melioration of the Slaves, I have the honour to enclose to your Lordship a copy of a recently received dispatch from the Island of Nevis on this most interesting subject.

I have the honour to be, my Lord,

Your Lordship's most obedient servant,
(Signed) CHARLES W. MAXWELL.

To the Right Honourable Earl Bathurst, K. G. &c. &c.

SIR,

Nevis, September 17th, 1824.

WE have the honour to acknowledge the receipt of your Excellency's dispatch of the 3d instant, inclosing also a letter from my Lord Bathurst of the 26th of July last.

As your Excellency's communication did not come to hand until the 12th, although dated as far back as the 3d instant, a meeting of the two branches of the Legislature could not conveniently be called before yesterday, when the important subject of the amelioration of the Slave population by a consolidated Law was immediately submitted to their consideration.

We conceive that we can not more completely place your Excellency in possession of the sentiments which actuate the Council and Assembly in the promotion of these important measures, than by forwarding, agreeably to their directions, the messages which passed between them on this occasion; this we now have the honour to do, and we would fain hope that your Excellency will soon be able to remove from the minds of His Majesty's Ministers, the apprehension which they now appear to labour under, of experiencing a disappointment from the failure of a hearty co-operation on the part of the Legislature of this Island.

We have the honour to be, Sir,

Your Excellency's most obedient, humble Servants,

(Signed) WALTER MAYNARD, President of the Council.

(Signed) MAGNUS MORTON, Speaker of the Assembly.

To his Excellency the Captain General, &c. &c.

His Honor the President and Members of the Council, to His Honor the Speaker and Gentlemen of the Assembly.

IN transmitting to your House the Dispatches of the Earl Bathurst, communicated to us by His Excellency the Governor, this Board cannot fail to express how deeply sensible they are of their importance. Yet, notwithstanding, this Board is of opinion that it is advisable to pause in a matter so generally affecting the interests of the Colony, till they can learn what has been done at the seat of Government (St. Christopher), or some other of the principal Colonies, where, we understand, Consolidation Acts are in progress, and embracing the measures advised by Government for our adoption.

By Command,

(Signed)

L. NICHOLSON, Clerk.

Council Chamber, Sept, 16, 1824.

The Gentlemen of the Assembly to His Honor the President and Council.

THIS House has read with the greatest attention the Dispatches of His Excellency the Governor, dated the 3d Instant, inclosing the copy of a Letter from my Lord Bathurst, of the 26th July last. This House cannot fail to be equally impressed with your Board with a high sense of the importance which attaches to the subject of these communications; and it does not hesitate to say, that on the conduct which shall be pursued by the two Branches of the Legislature on this occasion, the future welfare, credit, and respectability of this Island will materially depend. This House, therefore, invites the Members of your Board to express your sentiments freely on the principles which will actuate your measures on this momentous occasion; and they hope, nay, they feel assured, that in desiring to pause before you come to a final decision, it is merely to collect what the wisdom of the neighbouring Islands may produce, in order to carry into effect with uniformity the Resolutions to which the two branches of the Legislature stand pledged. Under this impression, this House

requests your concurrence that the President and Speaker may be instructed to thank His Excellency for his late communication, and to inclose the Messages which have passed this day between the two Houses, as an earnest of their disposition to meet the views of His Majesty's Government, as far as practicable, by the passing of a consolidated Act, in due time to be laid before His Majesty.

(Signed)

MAGNUS MORTON, Speaker.

Assembly Room, Sept. 16, 1824.

His Honor the President and Members of the Council, to His Honor the Speaker and Gentlemen of the Assembly.

THIS Board concurs with your House in requesting their Honors the President and Speaker to acknowledge the receipt of His Excellency's Letter, covering the Dispatch of the Earl Bathurst, and to inclose the Messages that have passed between the two Branches of the Legislature this day, expressing our wish to coincide in the views of His Majesty's Government, as far as is practicable with the safety and prosperity of the Colony.

By Command,

(Signed)

L. NICHOLSON, Clerk.

Council Chamber, Sept. 16, 1824.

No. 4.

Government House, St. Christopher's, 10th January 1825.

MY LORD,

I HAVE the honour to forward to your Lordship Copies of my Address to the Legislative Bodies of this Island at the commencement of their present Session, and the Answers made by them respectively, which will place your Lordship at once in possession of the progress which has been made in the melioration of the condition of the labouring classes of this community.

I have the honour to be, my Lord,

Your Lordship's most obedient servant,

(Signed)

CHARLES W. MAXWELL.

To the Right Honourable Earl Bathurst, K. G. &c. &c. &c.

(Extract.)

To His Honour the President and the Honourable the Members of the Council, and his Honour the Speaker and Gentlemen of the Assembly, &c. &c. &c.

THE first great object to which I would direct your attention is the consolidation and amendment of the several Laws relating to Slaves. When you reflect upon the just and anxious expectation entertained by the British Parliament, and indeed by the British Nation, upon this momentous subject, as well as upon the delay which has unfortunately intervened since I have been authorized to give the most satisfactory intimation to His Majesty's Government of the progress of this measure, you will at once admit the necessity that it should be matured by your immediate and unremitting deliberation; and I am aware that you view the subject, not only as it is connected with the considerations which I have suggested, but more especially with that deep interest which the means of defining the duties, of confirming the rights, and extending the pri-

privileges of that class of our population which is become the object of such general solicitude and of your disinterested benevolence cannot fail to excite; Under such impressions, I say, that I implicitly confide in your exertions for the attainment of these great practical benefits to those who by their good conduct deserve them at your hands.

(Signed)

C. W. MAXWELL.

St. Christopher's, Dec. 18, 1824.

(Extract.)

Address of the Council to His Excellency Charles W. Maxwell, &c. &c. &c.

WE are fully aware of the necessity which exists as to the amendment and consolidation of the several Laws relating to Slaves; the foundation for which is so surely laid, that we augur as speedy a consummation of this measure as the cautious deliberation which it demands shall permit.

We approach this alteration in the actual condition of our labouring classes with a perfect knowledge of the result at which it aims, to which we cheerfully devote our attention, upon the express stipulation of full and fair indemnity to every interest that shall be injured thereby.

(Signed)

STEDMAN RAWLINS.

R. W. PICKWOOD.

JOHN TYSON.

C. WOODLEY.

J. DUPUY.

Council Chamber, 7th January 1825.

(Extract.)

Address of the Assembly.

To His Excellency Charles William Maxwell, &c. &c. &c.

May it please your Excellency,

PARTICIPATING with your Excellency in a feeling of anxious regard for the welfare of our Slave Population, we shall most cordially co-operate with the Executive as well as the other branch of the Legislature, in carrying into effect any measure which may conduce to this end. In making this declaration we feel gratified that we can appeal with the fullest confidence to the experience of upwards of five years which your Excellency has spent amongst us, for the amplest credit to our sincerity. And therefore should we, in any particular, fall short of meeting the wishes of His Majesty's Government (as expressed in the Dispatch of the noble Secretary for Colonial Affairs) such failure will not arise from a less zealous wish for the happiness of that portion of our population (whom we are induced by every consideration of self interest, as well as bound by every sense of duty, to render comfortable and happy) but from the impossibility of reducing some of the measures recommended therein to practice; and from the inutility of others, as conducive to the great end which they profess to have in view. The subject shall, however, receive our earliest and most unremitting deliberation.

(Signed)

W. H. LANTON RAWLINS, Speaker.

Assembly Rooms, 7th January 1825.

ST. VINCENT

No. 1.

SIR,

Downing-Street, London, July 26, 1824.

I HAVE the honour of inclosing a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad, and I have also to notify to you His Majesty's appointment of two Bishops, the one for Jamaica, and the other for the Leeward Islands, to whom are to be entrusted the controul of the clergy of the Church of England within their respective dioceses, and the duty of reporting upon the state of the Ecclesiastical establishments, particularly as it relates to the Slave population, and upon the best means of diffusing the benefits of religious instruction to that part of the community.

I call your attention to these measures at this moment for the purpose of enabling you to bring more completely under the consideration of the Legislature, the whole of the measures which His Majesty's Government have in contemplation, for the melioration of the state of the Slave Population.

His Majesty's Government have been anxious to prove the deep interest which they feel in the encouragement of the religious and moral instruction of the Negroes, by at once taking upon themselves the whole charge of placing the clergy of the West Indies under episcopal controul; and they have directed that a given sum shall be forthwith placed at the disposal of the Bishops, for the purpose of providing for the more immediate wants of persons in holy orders within their respective dioceses; and His Majesty confidently expects to receive every assistance from the Legislature, to promote the establishment of a system so calculated to produce the most beneficial effects on the morals and habits of the Slave population.

With respect to the Order in Council for meliorating the condition of the Slaves in Trinidad, similar provisions to those which are contained in that Order will be extended to Demerara and Essequibo, Berbice, St. Lucia, the Cape, and Mauritius, with such modifications as may be necessary to adapt them to the Dutch and French laws which are respectively in force in those possessions.

The Legislature of St. Vincent have evinced their attention to the subject of the Slave Laws, by the Act passed in 1821; and though that Act, along with many beneficial provisions, comprises others which have occasioned the Royal Assent to be withheld from it, it is impossible not to regard it as indicating a laudable anxiety for the improvement of the condition of the Slaves. The Legislature will now have an opportunity of revising its enactments, with a careful reference to those of the Order in Council; and His Majesty's Government entertain a confident expectation, that they will embody in their Act, so revised, all the provisions in favour of the Slave population which may be found in their Statute Books, together with the substance of the provisions of that Order in Council, and repeal such enactments as may be at variance with it, so that the whole which relates to this important subject may be found incorporated in one Act.

In comparing the Order in Council with the provisions of their own Act, they will observe that, upon the same principles, many of the suggested alterations must be considered as improvements, and by placing on their Statutes the other provisions of the Order in Council, they will lay the foundation of such a system of gradual improvement of the condition of the

Slave population, as will prove equally honourable to the Assembly and beneficial to those for whose advantage it appears to be more immediately intended.

You will readily anticipate the serious extent of the disappointment which His Majesty's Government will experience, if, unfortunately for their best interests, as well as for the cause of humanity, the Legislature of St. Vincent shall reject the substance of these regulations, which they must be aware have received the sanction of Parliament and the general approbation of this Country.

I have, &c.

Sir C. Brisbane,
&c. &c. &c.

(Signed)

BATHURST.

No. 2.

Extract of a Dispatch addressed to Sir C. Brisbane by Earl Bathurst, dated Downing-Street, 26th July 1824.

BY my dispatch, of this date, you will receive instructions again to call the attention of the Legislature to the measures suggested by my circular dispatch of 9th July 1823, and adapted to the Spanish Law, by the Order in Council for the improvement of the condition of the Slaves in Trinidad. You will perceive that I also desire to recommend that this should be effected by means of an Act consolidating the whole of the Slave Laws which it is expedient should remain in force, and repealing all others. To enable you, therefore, to afford to the Legislature every facility in the necessary revision of their existing statutes, I take this opportunity of detailing to you the objections which suggest themselves to their ameliorating Act of September 1821.

The 7th clause, by a prohibition to keep shops open on Sunday between the hours of ten and one, indirectly sanctions their being kept open during the other hours of that day, a practice to which it is not proper to give a Legislative sanction.

Under the 13th clause premiums are to be paid to the midwife and nurse and mother of infant Slaves, upon their attaining the successive ages of three weeks and fifteen months, and the age when they first become capable of working in the grass gang. The intention of the clause, therefore, is worthy of every encouragement, whilst, in point of law, it is open to the objection of making no provision against the possible case of these premiums being fraudently withheld by the owner.

A like objection lies against the 14th clause, which exempts from hard labour women who shall have reared six living children, remits the tax upon them, and enjoins that they should be provided with an easy and comfortable maintenance. If the profit accruing from the labour of a female Slave so circumstanced should tempt the owner to work her rather than receive a remission of the tax, it does not appear that this Act would effectually prevent him.

By the clause, No. 34, it is enacted, that if any Slave shall run away from his owner and go off, or attempt to go off the Island, or shall assist any other Slave in such going off, the offender shall suffer death without benefit of Clergy.

The 35th clause declares, that if such assistance is given by a white or free person of colour, the punishment shall be transportation, but for what length of time is not stated. The offence for which such disproportionate punishment is provided by the former of these clauses, cannot be considered as of a malignant nature, yet would be aggravated rather than palliated, both as regards the delinquency of the act and its danger to society under the circumstance of being committed by a person of free condition, as contemplated by the latter clause which, however, provides a minor punishment.

In clause 39 there occurs what I am disposed to think is a mere clerical error : as the clause now stands, the owner or manager is to pay a penalty for every Slave found at a certain distance from the plantation without a pass (unless he makes oath that the Slave went away without his consent), in which case it is said, "the Justice shall convict the Slave as a runaway, and proceed as before directed in such cases"; that is, shall inflict whipping or imprisonment, or transportation for life, according to the enormity of the offence. It is obvious that the Justice should be enjoined, first to adjudge, after due inquiry, that the Slave has really run away without the consent of his owner, otherwise the manager, the accused party might, on his own unsupported oath, and without any further inquiry, absolve himself from the penalty, by transferring the whole punishment to his Slave.

With respect to the other provisions of this Act, I have only to refer you to my circular dispatch of the 9th July 1823, and to the Order in Council for the improvement of the condition of the Slaves in Trinidad, by a comparison with which you will be fully enabled to judge how far they consist with the views of His Majesty's Government.

No. 3.

MY LORD, *Government-House, St. Vincent, 10th September 1824.*

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch of 26th July last, transmitting copy of the Order in Council for the melioration of the condition of Slaves in Trinidad; also your Lordship's "separate," setting forth the objections which induced His Majesty to withhold the Royal Assent to the Slave Act of this colony, as it passed the Legislature in 1820.

In order to obviate all possibility of misinterpretation or misconception of the object or wishes of His Majesty's Government, and anxious at all times to encourage a disposition of co-operation, I embraced an early opportunity of laying before the two Houses of Legislature, copies of your Lordship's communications, accompanied with such remarks as I conceived most likely to operate beneficially on the feelings of the Assembly; anticipating, however, a more favourable result than I can at present convey. I here beg leave to refer your Lordship to the respective answers (herewith inclosed) of the Council and Assembly to my letter, as the only information I can afford as to the intended proceedings of that Body.

I am, nevertheless, induced to hope, that during the period which will elapse before the next meeting, the Members, considering and communicating with each other on the great improvements and advantages suggested by your Lordship, will then collectively adopt such measures as in a great degree to embrace the substance of the Order in Council, in framing a new Consolidated Slave Bill.

I have been unwilling to press these propositions on the immediate consideration of the Legislature from two reasons; first, I am confident it will be much more satisfactory to your Lordship and creditable to themselves, that all these improvements should be voluntary; secondly, that were I instantly to have directed their attention to this subject, I might perhaps have acted with some precipitancy, and, by irritating the public mind, rendered them more obstinate opponents than it is your Lordship's desire.

They have, until December next (the 7th), time sufficient to weigh the nature and principles of the measures proposed; and I have also the advantage of time to receive your Lordship's further commands, in the event of any disinclination on the part of the Legislature to adopt the improvements.

The Acts now in force are various, and extend as far back as 1767, but the one more particularly providing for the trial of Slaves, in all respects as white or free men, received the Royal Assent in 1813, there being no limita-

tation to its duration, will of course be acted on till repealed by some other provision. All these enactments were consolidated in the late bill, which comprised every law and regulation affecting the rights, privileges, and immunities of the Slave, from thence called the Slave Act.

I cannot but observe to your Lordship, the serious impediment offered to the facility of manumission by the operation of our present laws, by which it is not only attended with considerable expence, but otherwise so restricted as almost to amount to a prohibition—this was completely done away with by the late Slave Act.

I have the honour to be, &c,
(Signed)

C. BRISBANE.

The Right Honourable the Earl Bathurst, K. G.
&c. &c. &c.

[Copy of this Letter sent to the House of Assembly.]

SIR,

Government-House, 6th September 1824.

I HAVE the honour herewith to transmit you, for the information of the Honourable the Members of Council, copies of two dispatches received from Earl Bathurst, of date 26th July last, notifying the appointment of a Bishop for the Leeward Islands, to whom the control of the Clergy is entrusted, as well as the duty of reporting upon the state of the ecclesiastical establishments in these colonies; and also communicating that the Royal Assent is withheld from the Slave Act, passed by the Legislature of this Island in 1820.

I beg to call the attention of the House to the great anxiety of His Majesty's Government for the promotion and encouragement of the religious and moral instruction of our Slave population, and to the means by which the benefits arising therefrom may be more generally diffused among that part of the community.

In recommending the speedy re-enactment of the Slave code, I cannot more fully convey to the Honourable Board the wishes of His Majesty's Government on this subject than by a reference to my Lord Bathurst' dispatches, which embrace every object that appears likely to promote a further melioration of the condition of our labouring class.

In submitting these important documents for the serious consideration of the Honourable Board, I am satisfied the same principle of liberality, cool and dispassionate judgement, which I have ever found conspicuous in all their proceedings, will on this occasion be exercised with their usual unanimity; and that their readiness to co-operate with His Majesty's Government will at once confirm the high opinion which His Majesty's Ministers seem disposed to entertain of the Legislative Body of this colony.

I have the honour to be, Sir,

Your most obedient servant

(Signed)

C. BRISBANE.

The Honourable the President of Privy Council,
&c. &c. &c.

SIR,

Council-Chamber, 7th September 1824.

THIS Board has the honour, in reply to your Excellency's communication of this day, to assure your Excellency that the Members of His Majesty's Council have, and will ever find themselves bound to support, at all risks and hazards, the dignity and honour of His Majesty's Government, as well as the safety, welfare and improvement of all descriptions, of His Majesty's subjects composing this colony; and that they will, on this principle, cor-

dially unite with the Honourable House of Assembly in such measures as that House may be inclined to adopt for the furtherance of these desirable objects; but they cannot, at the same time, refrain from expressing to your Excellency an earnest hope, that precipitance may be avoided in introducing untried innovations into this tranquil, happy, and hitherto contented country; and that our rulers will deign to recollect the wise opinion on Government, left to his country, by one of its most profound reasoners and writers, "It were good that men, in innovations, would follow the example of time itself, which, indeed, innovateth greatly, but quietly, and by degrees."

The Members of this Board further take leave to express to your Excellency their extreme satisfaction at being informed, that it is His Majesty's most gracious intention to place the Church in these colonies under the controul of a Bishop of the Established Church, whose arrival may be shortly expected.

They hail this as the commencement of an æra, in which the Episcopal Church in these colonies will raise itself to that respect and dignity which should be always attached to it; and they further look to this measure, as the precursor of the downfall of sectarian influence, and that system of craft, cunning, and hypocrisy, which has been so ingeniously organized both in the Mother Country and these Islands for their destruction. Surely, though the representations of Princes, Governors, Generals, and Admirals, have, at the instigation of interested fanatics, been rejected as unworthy of attention, the representation that may come from a pious, devout, and disinterested head of the Church will meet with some credit from the good and wise; at least these colonies will not be left to the gross misrepresentations of missionaries, sent out to them by self-created societies, unknown to the laws and constitution of the empire, and who find it necessary on their arrival here to make out a strong case against the colonies to exaggerate their own merits and establish an opinion of their great usefulness.

(Signed) J. R. DASENT, President *pro tempore*.

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

SIR,

House of Assembly, 7th September 1824.

I AM commanded by the House of Assembly to acknowledge the receipt of, and to thank your Excellency for your several communications of the 6th instant, with their important inclosures. The House has learnt with much surprize and regret that His Majesty's government have deemed it expedient in the present time to disallow the Slave Act passed by the Legislature of this colony in the year one thousand eight hundred and twenty, after it had been four years in operation, and unquestionably acceptable to the Slave population. The objections to this law, which has been favourably spoken of by many wise and good men, appear to the House at best merely technical, if not subtle, and certainly neither apply to the spirit of the act, nor to the intentions of the legislature which passed it.

The colony now necessarily reverts to the operation of the old Slave laws, under which it has been flourishing near forty years, but nevertheless, the House will seek an early opportunity of taking into its consideration those important consequences which result out of, and arise from this unlooked for determination of Government, and which are so forcibly urged by your Excellency.

(Signed) JOHN DALZELL, Speaker.

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

*Extract from the Proceedings of the House of Assembly, at their meeting
7th September 1824.*

HIS Honour the Speaker laid before the House certain communications from his Excellency the Governor, inclosing dispatches from Earl Bathurst, notifying the appointment of a Bishop for the Leeward Islands, and also communicating that the Royal Assent had been withheld from the Slave Act of this colony, passed in 1820, on the following objections, viz.

The seventh clause, by a prohibition to keep shops open on Sunday between the hours of ten and one, indirectly sanctions their being kept open during other hours of that day; a practice to which it is not proper to give a legislative sanction.

Under the thirteenth clause, premiums are to be paid to the midwife and nurse, and mother of infant Slaves upon their attaining the successive ages of three weeks, and fifteen months, and the age when they first become capable of working in the grass gang. The intention of the clause therefore is worthy of every encouragement, whilst, in point of law, it is open to the objection of making no provision against the possible case of these premiums being fraudulently withheld by the owner.

A like objection lies against the fourteenth clause, which exempts from hard labour women who have reared six children, remits the tax upon them, and enjoins that they should be provided with an easy and comfortable maintenance. If the profit accruing from the labour of a female so circumstanced should tempt the owner to work her rather than receive a remission of the tax, it does not appear that this act would effectually prevent him.

By the clause, No. 34, it is enacted, that if any Slave shall run away from his owner and go off, or attempt to go off the island, or shall assist any other Slave in such going off, the offender shall suffer death without benefit of clergy.

The thirty-fifth clause declares, that if such assistance be given by a white or free person of colour; the punishment shall be transportation, but for what length of time is not stated. The offence for which such disproportionate punishment is provided by the former of these clauses cannot be considered as of a malignant nature, yet would be aggravated rather than palliated both as regards the delinquency of the act, and its danger to society, under the circumstance of being committed by a person of free condition, as contemplated by the latter clause, which, however, provides a minor punishment.

In clause 39 there occurs, what I am disposed to think is a mere clerical error,—as the clause now stands, the owner or manager is to pay a penalty for every Slave found at a certain distance from the plantation without a pass, unless he makes oath that the Slave went away without his consent, in which case it is said the Justice shall convict the Slave as a runaway, and proceed as before directed in such cases; that is, shall inflict whipping, or imprisonment, or transportation for life, according to the enormity of the offence. It is obvious that the Justice should be enjoined first to adjudge, after due enquiry, that the Slave has really run away without the consent of his owner, otherwise the manager, the accused party might on his own unsupported oath, and without any further enquiry, absolve himself from the penalty by transferring the whole punishment to his Slave.

Mr. Ross moved that the dispatches received from Earl Bathurst, be laid on the table, and that the House do proceed with the business of the day.

The House resolved that “the bill to alter and explain the Slave Act, to limit the duration of Sunday markets, and for the further amelioration of the condition of the labouring population of this colony and its dependencies,” do stand over.

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No 4.

SIR,

Downing-Street, December 1, 1824

I HAVE received your dispatch of the 10th September last, inclosing the answers which you had received from the Council and House of Assembly of the colony under your Government, to the communication which you had made to them of my dispatches of the 26th of July last.

In the answer of the House of Assembly, I find the following passage, "the House has learnt with much surprize and regret that His Majesty's Government have deemed it expedient in the present times to disallow the Slave Act, passed by the Legislature of this Colony in the year 1820, after it had been four years in operation, and unquestionably acceptable to the Slave population." The House of Assembly, therefore, have assumed that the Act in question has been disallowed upon no other grounds than my dispatch of the 26th of July last, in which they were informed that the Royal assent had been withholden from the Act, and that they were afforded an opportunity of revising its provisions. As this circumstance does by no means disturb the operation of the Act previous to its disallowance, and as such disallowance has not taken place, I have to desire that you will take the earliest opportunity of removing the misapprehension into which the House of Assembly have fallen upon this subject.

I have, &c.

Sir Charles Brisbane.
 &c. &c. &c.

(Signed) BATHURST.

No. 5.

MY LORD,

Government-House, St. Vincent, January 27, 1825.

I HAVE the honour to acquaint your Lordship that I did, on the receipt of your communication of 1st December last, issue a Proclamation renewing the operation of the Slave Act, which had been subject to some doubts.

I shall at the next meeting of the Legislature acquaint them with your Lordship's wishes, which I have no doubt will be attended to.

I have, &c.

(Signed) C. BRISBANE.

The Right Honourable the Earl Bathurst, K. G.
 &c. &c. &c.

T O B A G O.

No. 1.

SIR,

Downing-Street, London, 26th July 1824.

I HAVE the honour of inclosing a copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad, and I have also to notify to you His Majesty's appointment of two Bishops, the one for Jamaica, and the other for the Leeward Islands, to whom are to be entrusted the controul of the clergy of the Church of England within their respective dioceses, and the duty of reporting upon the state of the Ecclesiastical establishments, particularly as it relates to the Slave population, and upon the best means of diffusing the benefits of religious instruction to that part of the community.

I call your attention to these measures at this moment for the purpose of enabling you to bring more completely under the consideration of the Legislature, the whole of the measures which His Majesty's Government have in contemplation for the melioration of the state of the Slave population.

His Majesty's Government have been anxious to prove the deep interest which they feel in the encouragement of the religious and moral instruction of the Negroes, by at once taking upon themselves the whole charge of placing the clergy of the West Indies under episcopal controul; and they have directed that a given sum shall be forthwith placed at the disposal of the Bishops, for the purpose of providing for the more immediate wants of persons in holy orders within their respective dioceses; and His Majesty confidently expects to receive every assistance from the Legislature, to promote the establishment of a system so calculated to produce the most beneficial effects on the morals and habits of the Slave population.

With respect to the Order in Council for meliorating the condition of the Slaves in Trinidad, similar provisions to those which are contained in that Order will be extended to Demerara and Essequibo, Berbice, St. Lucia, the Cape, and the Mauritius, with such modifications as may be necessary to adapt them to the Dutch and French laws, which are respectively in force in those possessions.

The Legislature of Tobago, previously to the suggestions which I had the honour to communicate to the Governors of the colonies in the West Indies, by my circular dispatches of last year, had evinced their anxiety for the improvement of their Slave laws, by their favourable reception of an act which they have since passed, and which it is impossible not to view as comprizing many humane and judicious enactments very materially contributing to such improvement. The Royal assent has been withheld from this act for the purpose of affording to the Legislature an opportunity of revising its provisions, with a careful reference to those of the Order in Council now transmitted, and in the hope which is confidently entertained by His Majesty's Government, that they will effect the consolidation of the whole of their Slave laws in one act, comprizing the substance of the enactments of the Order in Council, and repealing such statutes as may yet remain in force which are at variance with its spirit or provisions.

On attentively considering the provisions of the Order in Council, they will not fail to perceive much which practice has already established in Tobago, and to confirm which the sanction of law only is required.

In comparing it with the provisions of their own act, they will observe that upon the principle of those provisions many of the suggested alterations

must be considered as improvements, and in embodying in their statutes those additional provisions of the order, which are not to be found in the Slave Court Act, they will lay the foundation for such a system of gradual improvement of the condition of the Slaves, as will prove equally honourable to the Legislature and beneficial to those for whose advantage it appears to be more immediately intended.

Under the favourable anticipation which I cannot but entertain from the disposition of the Legislature of Tobago to meet the views of His Majesty's Government, I am confident that it is unnecessary for me to impress upon you the serious extent of the disappointment which His Majesty's Government would experience should they fail to receive the effectual co-operation of the Legislature in measures which they must be aware have received the sanction of Parliament and the general approbation of this country.

I have, &c. &c.

Sir F. P. Robinson,
&c. &c. &c.

(Signed)

BATHURST.

No. 2.

Downing Street, London, 26th July 1824.

SIR,

YOU will learn by my dispatches of this day's date, how earnestly it is desired that the Legislature of Tobago should completely consolidate their Slave Laws, embodying in their Consolidation Act the entire spirit of the Order in Council.

I am perfectly aware that the Slave Court Act had passed the Assembly before the arrival of my dispatch of the 9th July ultimo; but in order to enable you to afford to the Legislature every facility in the necessary revision of their existing Slave Laws, I take this opportunity of calling your attention to such of the objections to the Slave Court Act as would not immediately be suggested by a reference to the Order in Council and my circular dispatches.

Among the capital crimes which are defined by this Act, I observe are specified the Acts of "Compassing the death of a white or free person;" "The maiming of cattle," and the "Enticing or inviting other Slaves to run off the island." The first of these offences has no existence in the Common Law of England, except in cases where any one may compass the death of the King, and cannot be essential to the security of the free population. The maiming of cattle, however criminal in itself, is not an act of so malignant a character, neither can the difficulty of its detection, nor the temptation to its commission, be such, as to require capital punishment. The penalty of death is not less disproportionate to the offence of inviting Slaves to run off the island. I am aware that in these cases a discretion is vested in the Court to inflict or commute this punishment; but the objection to these enactments has reference to their principle, and is not cancelled by the existence of a discretionary power to mitigate the rigour of the law in particular cases.

I observe that it is enacted, that the receiving of stolen goods is to be punished as a misdemeanour, the Court being at liberty to adjudge corporal punishment, at their discretion, according to the nature of the offence. I conclude, that in this part of the Act it has been inadvertently omitted, to provide that a knowledge on the part of the offender that the goods were stolen, must be proved before his conviction can take place.

The Court specially constituted for the trial of all offences committed by Slaves, which are not capital, is empowered to inflict imprisonment or corporal punishment, or both in whatever degree they may think proper. This Court will not be a Court of Record, and considering the nature of its constitution, it is highly necessary that some narrower limit should be prescribed to its powers of punishment.

It is also provided, that any Slave committing perjury before this Court, shall be punished as the Court shall direct, while no similar penalty is provided if a Slave give false evidence before the Court appointed for the trial of capital offences. It must have been an inadvertency on the part of the Legislature, to render perjury punishable in those cases only where the life of the prisoner cannot be affected.

The 23d and 24th clauses of this Act comprise an inconsistency which I have no doubt the Legislature will not hesitate to amend: for while they declare it to be a capital crime for a white or free person to carry off from the island any Slave without the permission of his owner, they provide the means by which the owner may bring a civil action with effect against the person who may so remove his Slave; thus authorising by the same statute a civil remedy and a capital punishment for the same Act. As a penal law the enactment is needlessly severe, and will therefore in all probability, defeat its own object.

The most important omissions in the Act are, 1st, the admissibility of the evidence of Slaves against free persons is not provided for, except in the three cases of murder, mayhem and cruelty; such testimony, therefore, will, in all other criminal cases, and in all civil cases whatsoever still be excluded. 2dly. The subject of the marriage of Slaves is entirely omitted; and 3dly, no provisions for removing any of the obstacles which impede manumission, nor improved enactments on the subject of the sale of Slaves in satisfaction of the debts of their owners, have been made.

But with respect to these omissions, and to the remaining provisions of the Act, I have only to refer you to my circular dispatch of the 9th July 1823, and to the Order in Council for the improvement of the condition of the Slaves in Trinidad, by a comparison with which you will be fully enabled to judge how far they consist with the views of His Majesty's Government.

I have the honour to be, &c.

Sir. F. P. Robinson,
 &c. &c. &c.

(Signed) BATHURST.

No. 3.

MY LORD,

Tobago, August 30, 1824.

I HAVE the honour to acknowledge the receipt of two dispatches from your Lordship, dated 26th July last, the first inclosing a printed copy of the Order in Council for the improvement of the condition of the Slaves in Trinidad; also notifying the appointment of two Bishops—one for Jamaica, and the other for the Leeward Islands. And the second containing suggestions for amendments in the Slave Court Act, and for consolidating the laws relating to Slaves, which I hope will be duly attended to at the meeting of the Legislature in October.

I have, &c.

(Signed) F. P. ROBINSON, Governor.

The Right Hon. Earl Bathurst, K. G.
 &c. &c. &c.

No. 4.

*Extract of a Dispatch from Major-General Sir F. P. Robinson, K. C. B.
 addressed to Earl Bathurst, dated Tobago, October 27, 1824.*

I AM sorry to inform your Lordship that there is great reason to fear the Colonial Legislature will not attend to the suggestions submitted to them,

respecting amendments and additions to the Slave Court Act. They have consented to frame a Consolidation Act, but they will do nothing more.

To press them further on the subject this Session would answer no good purpose, and therefore it will be better to wait the event of the January Session.

Your Lordship may rely upon my utmost endeavours towards the accomplishment of the wishes of His Majesty's Government.

No. 5.

Extract of a Dispatch from Major-General Sir F. P. Robinson, K. C. B. addressed to Earl Bathurst, dated Tobago, 28th October 1824.

LATE yesterday, after I had closed my dispatches, I was waited upon by a deputation from the House of Assembly with the inclosed paper, No. 1.

I have already informed your Lordship, in my dispatch of the 27th October, that I had good reason to believe the House of Assembly would not meet the wishes of His Majesty's Government this Session, but at the same time I entertained hopes that something creditable to the House might take place after due consideration, in the January Session; but those hopes no longer exist, and it is my duty to give my decided opinion to your Lordship, that nothing more will be done towards the melioration of the condition of the Slaves in this colony by the Legislature.

Tobago.—To His Excellency Major-General Sir Frederick Philips Robinson, Knight Commander of the Most Honourable Military Order of the Bath, Captain General and Governor in Chief in and over the Island of Tobago and its Dependencies, Chancellor, Ordinary and Vice Admiral of the same, &c. &c. &c.

THIS House beg leave to acknowledge the receipt of your Excellency's letter of the 21st instant, with the accompanying dispatch of Lord Bathurst, and the Orders in Council formed by His Majesty's Government for the island of Trinidad, and to express a hope that the measures in progress with Government, for affording the benefits of religious instruction to the Slave population of this colony, may be attended with the wished for effect.

But this House cannot concur in the view His Majesty's Government has taken of the Orders in Council sent to Trinidad, as they are of opinion that, from the inconsistency that marks many of them, they could not be adopted to the island of Tobago, without equal prejudice to the interest of the Master, and the good government and happiness of the Slave population.

This House is firmly convinced, that in the late act for the good government of the Slaves, passed in a former Session, they have gone as far as prudence and propriety can justify, and that in the present state of the Slave population, to adopt all the measures recommended by His Majesty's Government, would be equally destructive of the interests of the Master, and the happiness of the Slave.

(Signed) CHRISTOPHER IRVINE,
Speaker of the House of General Assembly.

House of Assembly, 27th October 1824.

T R I N I D A D.

No. 1.

SIR,

Downing-Street, 25th March 1824.

I HEREWITH have the honour of transmitting to you a copy of the Order in Council,* for improving the condition of the Slaves in the Colony under your Government, and it is His Majesty's special command, that you see the provisions of this Order daly enforced.

On comparing them with those contained in the Draft of the Order which you transmitted to me, you will observe, that the difference between the two consists chiefly with respect to the provisions which relate to the abolition of Sunday markets and the punishment of female Slaves.

According to the Draft of your Order, it was proposed, that the markets on the Sunday should be forthwith abolished, and another day substituted for the market. The abolition of the Sunday markets in the Order of Council, is made to depend on the instructions of the Secretary of State, which instruction will not be given until a report shall be received of an adequate establishment having been formed for the religious and moral improvement of the black population. No day is therefore fixed as a substitute for the Sunday market, but your Ordinance, confining the duration of those markets to the hour of ten o'clock in the morning, is confirmed, and all compulsory labour on the Sabbath, with the necessary exceptions, is forbidden.

With respect to the punishment of the female Slaves, you will observe, that all corporal punishment by the whip, cat or stick, is with respect to them absolutely forbidden. But to the end, that it should not be imagined, that the offences of female Slaves are to be met with impunity, the special punishments of imprisonment and the stocks are authorized, as well as any other punishment (not repugnant to the prohibition of flogging) which you may deem it necessary by your proclamation to establish, always understanding that you will lose no time in transmitting to me a copy of such proclamation for His Majesty's approbation.

And your are further instructed to establish such regulations as you may deem necessary, with regard to the punishments authorized by this Order.

You will observe, that there are two clauses which were inserted in the Draft of the Order transmitted from Trinidad which have been omitted in this Order.

One, by which the guardian and protector of Slaves was enjoined at stated times to visit the plantations, and receive the complaints which the Slaves might make against their masters. This habitual interference with the authority of the master would give, it was thought, too much encouragement to frivolous or unfounded accusations, and the terror which a rigorous master might know how to inspire, before the guardian and protector of Slaves arrived on the plantation, might silence complaints which would require interference.

By another clause, it was provided, that when Slaves were to be sold under legal execution, and the debtor, against whom the execution issued, was not proprietor of the parents and children, or of the husband and wife, they should be offered to the proprietor of the other members of the family at somewhat below their appraised value.

As this was a case in which the husband and wife were already separated, it was not deemed necessary to interfere with the claims of the creditor on

* Order in Council, 10th March 1824.

the property of his debtor, by uniting the husband and wife at the expence of the creditor, under a sale in satisfaction of the debt which was justly due to him.

The other alterations are unimportant, and chiefly for the purpose of giving efficacy to the provisions of the Order.

I cannot conclude, without reminding you that there is nothing in the provisions of this Order which can give to the planters any just claim for compensation.

I am as ready as any man to acknowledge and maintain, that the Slave must be considered as the property of his master. But a Slave has his rights—he has a right to the protection of his master in return for his service, and the law must secure to him that protection. There is nothing in the provisions of this Order which goes beyond the limits which this principle prescribes. In most cases, they do little more than what practice has sanctioned or the law has already enjoined. The master is not deprived of the service of his Slave on any day except Sunday, and it is to be hoped, that no Christian master will so far forget himself as to claim indemnity for the loss of that which his religion must have taught him he ought never to require.

I have, &c. &c.

(Signed)

BATHURST.

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

AT THE COURT AT CARLTON HOUSE, THE 10TH OF MARCH 1824.

Present,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS it is necessary that provision should be made for the religious instruction of the Slaves in His Majesty's island of Trinidad, and for the improvement of their condition: and whereas the Procurador Syndic of the cabildo of the town of Port of Spain in the said island, hath hitherto performed the duties of the office of protector and guardian of Slaves in the said island, and it is expedient that the said office should be more fully established, and that the duties thereof should be more clearly ascertained, and that provision should be made for the support thereof: His Majesty is therefore pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that the Procurador Syndic of the cabildo, of the town of Port of Spain aforesaid; shall be, and he is hereby confirmed in his said office of protector and guardian of Slaves: and that as such protector of and guardian of Slaves he shall receive and be paid, at the time and in the manner hereinafter mentioned, such salary as His Majesty shall be pleased to appoint; and that such salary shall commence from and after the twenty-fourth day of June, in the present year one thousand eight hundred and twenty-four, and that on or before that day, if possible, or if not then, so soon afterwards as conveniently may be, the said protector and guardian of Slaves shall appear before the Governor, or Acting-Governor for the time being of the said island, and in his presence shall take and subscribe an oath in the following words, that is to say:—

“I, *A. B.* do swear, that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of protector and guardian of Slaves in the island of Trinidad, without fear, favour, or partiality.—
So help me God.”

Provided nevertheless, and it is hereby ordered, that nothing herein contained shall extend to prevent His Majesty from disuniting the office of protector and guardian of Slaves from the office of Procurador Syndic aforesaid, and from appointing a distinct and separate officer to act as, and be the protector and guardian of Slaves, in case His Majesty shall see fit so to do.

And it is hereby further ordered, that the said protector and guardian of

Slaves shall establish and keep an office in the town of port of Spain in the said island, and shall regularly attend at such office on such days, and during such hours of the day, as the Governor or Acting-Governor of the said colony, by any general or special orders to be by him from time to time issued, may appoint; and shall at such office, and not elsewhere, keep, deposit, and preserve the several records, books, papers, and writings hereinafter directed to be kept by him.

And it is further ordered, that the said protector and guardian of Slaves shall not be the owner or proprietor of any plantation situate within the said island, or of any Slaves or Slave employed or worked upon any plantation, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such plantation, Slaves or Slave, and shall and is hereby declared to be incompetent to act as, or be the manager, overseer, agent, or attorney of, for, or upon any plantation or estate within the said island, or to act as the guardian, trustee, or executor of any person or persons, having, or being intitled to, any such plantation, or any Slaves, or Slave; and in case any such protector and guardian of Slaves within the said island shall have, acquire, hold, or possess, either in his own right, or in right of his wife, or in trust for any other persons or person, any plantation situate within the said island, or any Slaves or Slave employed or worked upon any plantation, or in any kind of agriculture, or any share or interest in, or any mortgage, or security upon any such plantation, or Slaves or Slave, or shall act as such manager, overseer, agent, attorney, guardian, trustee, or executor as aforesaid, he shall thenceforth, *de facto*, cease to be such protector and guardian of Slaves as aforesaid; and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office. Provided, nevertheless, that all acts which may be done by, or by the order of, any such protector and guardian of Slaves, after any such avoidance as aforesaid of such his office, and before the same shall, by public notice in the Gazette of the said island, be declared void, shall be as valid and effectual in the law as if no such avoidance of office had occurred.

And it is further ordered, that the said protector and guardian of Slaves shall be resident within the said island, and shall not quit the same without a special license to be granted for that purpose by His Majesty, through one of His principal Secretaries of State, or by the Governor or Acting Governor for the time being of the said island; and no such license shall, in any case, be granted for any time exceeding three months, nor shall any such license be granted by any such Governor or Acting Governor as aforesaid, unless it shall be made to appear to him, on the oath of some medical practitioner, that such absence is necessary for the recovery of the health of the said protector and guardian of Slaves.

And it is further ordered, that upon the death or resignation of the said protector and guardian of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the said island, it shall be lawful for the Governor or Acting Governor to nominate and appoint some other fit and proper person to act as the deputy for the said protector and guardian of Slaves, until His Majesty's pleasure shall be known; and the said deputy shall receive such allowance, to be deducted from and out of the salary of the said protector and guardian of Slaves, as the Governor or Acting Governor for the time being, of the said island shall be pleased to appoint. Provided always, that no persons shall be appointed, or be competent to act as such deputy as aforesaid, who, according to the provisions of this order, would be incompetent to act as the protector and guardian of Slaves. Provided also, that the protector and guardian of Slaves in the said island shall at all times perform his duty in person, and not by deputy, except only in cases in which the Governor or Acting Governor of the said island is hereinbefore authorized to appoint a deputy for that purpose.

And it is hereby further ordered, that the said protector and guardian of

Slaves shall be, and he is hereby declared to be, a Magistrate in and for the said island of Trinidad; and all such powers and authorities of what nature or kind soever as are now by law vested in the commandants of the several quarters of the said island, for the maintenance of the public peace and good order, shall be, and the same are hereby vested in the said protector and guardian of Slaves, to be by him exercised throughout each and every quarter of the said island.

And it is hereby further ordered, that the Commandants of the several quarters within the said island shall be, and they are hereby declared to be, assistant-protectors and guardians of Slaves, in their several and respective quarters; and the said Commandants shall, and are hereby required, in their several and respective quarters, to be aiding and assisting the protector and guardian of Slaves in the execution of the powers hereby committed to him; and for that purpose to obey and carry into execution such lawful instructions as they may from time to time receive from him, about, or in relation to, the matters herein mentioned, or any of them.

And it is hereby further ordered, that in all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any tribunal or Court of Justice within the said island, wherein any Slave may be charged with any offence punishable by death or transportation, or wherein any question may arise as to the right of any alleged Slave to freedom, or wherein any person may be charged with murder of any Slave, or with any offence against the person of any Slave, or wherein any question may arise respecting the right of any Slave to any such property as he or she is hereinafter declared competent to acquire; then and in every such case, such notice shall be given to the protector and guardian of Slaves of every such action, suit, or prosecution, as according to the law of the said island would be given to the said Slave, if he or she were of free condition. And the protector and guardian of Slaves shall, and is hereby required to, attend the trial or hearing; and all other the proceedings in every such action, suit, or prosecution, as the protector of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of any such Slave.

And whereas His Majesty hath been graciously pleased to intimate His intention to make effectual provision for the religious instruction of the Slaves in the said island of Trinidad; and it will be proper and necessary, so soon as such His Majesty's intentions can be carried into effect, that Sunday markets should be utterly abolished throughout the said island; and it is therefore hereby further ordered, that it shall and may be lawful for the Governor or Acting Governor for the time being, of the said island, and he is hereby required, in obedience to any instruction which may for that purpose be issued by His Majesty, through one of His principal Secretaries of State, to issue a proclamation, in His Majesty's name, for the discontinuance of all markets throughout the said island on the Sunday; and so soon as such proclamation shall have been issued, all Sunday markets shall forthwith cease, and be absolutely unlawful. And in any such proclamation the said Governor or Acting Governor shall and may, and is hereby authorized to make, all such rules and regulations as may be necessary for the effectual suppression of such markets, and to impose such penalties as may be requisite for giving effect to any such rules and regulations. And whereas a certain proclamation or ordinance was, on the 16th day of November 1823, issued by the Governor of the said island of Trinidad, whereby it was, and is ordered and declared, "that from and after the first day of December then next, the market holden
"in the town of the Port of Spain, for the sale of meat, vegetables and other
"provisions, on Sundays, and all other markets to be holden on the Sabbath day
"throughout the island, should be limited to the hour of ten o'clock in the fore-
"noon; and that due warning should be given by the ringing of a bell at half-
"past nine o'clock to all persons to prepare to depart; and that from and after
"the hour of ten in the forenoon, no person or persons whatsoever shall remain
"therein, or publicly shew forth, or expose for sale, any meat, poultry, vegeta-

bles, provisions, fruits, herbs, wares, merchandise, goods, or effects, on the Lord's day, after the hour of ten o'clock aforesaid; upon pain that every person guilty of a disobedience, or non-conformance of this order, shall forfeit the goods or effects so exposed for sale, or on refusing to quit the place, forfeit the sum of ten shillings. And it is by the said ordinance further ordered, that if any person or persons shall offend in these premises, it shall be lawful for the chief of the police, or his assistants, or the clerk of the market, or any alguacil or constable; and they are respectively thereby required to seize the goods exposed for sale, and cause them to be taken before any Judge or Magistrate, or any regidor of the cabildo, who, upon view of such goods so exposed, shall order the same to be sold forthwith, and the proceeds thereof to be applied and disposed of as follows: that is to say, one third to the informer, and the remainder to such pious or charitable purposes, and in such manner as the Magistrate or Justice ordering the sale shall determine. And it is by such ordinance further ordered, that in like manner, any person refusing to quit the market-place may be apprehended by the authorities aforesaid, who are authorized and required to demand the penalty thereinbefore provided; and, in default of payment, to commit the offender for twenty hours' imprisonment. And it is by the said ordinance provided, that nothing therein contained shall extend to the prohibition of dressing or selling meats in inns or victualling houses, nor to the sale of fish at the fish-house, provided the same do not take place during the hours appointed and set apart for divine service. And it is by the said ordinance noticed and set forth, that the limitation therein before declared, respecting the markets to be holden on Sundays, may not afford sufficient time for the sale of the articles and provisions necessary for the consumption of the inhabitants; and it is therefore thereby ordered, that Thursday be also a market day, on which free persons are invited to attend, so as to lessen the number of persons resorting to the market on Sundays, which is especially retained for the due and reasonable encouragement of the Slave population in habits of industry; and as it may not occasionally be inconvenient for proprietors to permit their Slaves to bring the produce of their labour to market on another day than Sunday, the day of Thursday in each week is thereby declared to be a market day in future. And it is by the said ordinance further ordered, that when, and as soon as the same may be found practicable, the market on Sundays will be further limited to the hour of nine in the forenoon of the same day." And whereas it is expedient that the said order or proclamation, of the 16th November 1823, should continue and be in force throughout the said island, in the mean time, and until such proclamation as aforesaid should be issued for the absolute and total abolition of Sunday markets; it is therefore hereby ordered, that the said ordinance or proclamation, of the 16th of November 1823, shall be, and the same is hereby confirmed. And that the said ordinance shall be, and continue in force within the said island, until a proclamation shall be issued in manner aforesaid, for the total abolition of Sunday markets therein.

And it is hereby further ordered, that if any person or persons within the said island shall work or employ any Slave, at any time between the time of sunset on any Saturday, and sunrise on any Monday, or shall, during that period, procure, induce, or compel any Slave to perform or engage in any labour, for the profit or advantage of his or her owner, manager, or employer, the person or persons so offending shall incur and become liable to a fine not exceeding fifty, nor less than five dollars; provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any work or labour which any Slave may perform on Sunday, in the necessary attendance upon the person, or in the family of his or her own owner, or employer, or in the necessary and unavoidable preservation of the cattle or live stock upon any plantation.

And it is further ordered and declared, that it is, and shall henceforth be, illegal for any person or persons within the said island of Trinidad, to carry any whip, cat, or other instrument of the like nature, while superintending the

labour of any Slaves or Slave in or upon the fields or cane pieces upon any plantation within the said island, or to use any such whip, cat, or other instrument for the purpose of impelling or coercing any Slaves or Slave to perform labour of any kind or nature whatever, or to carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument of the like nature, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same, over any Slaves or Slave; and in case any person or persons shall carry any whip, cat, or other instrument of the like nature while superintending the labour of any Slave or Slaves in or upon any plantation or cane-piece within the said island, or shall use any such whip, cat, or other instrument as aforesaid, for the purpose of impelling or coercing any Slave or Slaves to perform any labour of any kind or nature whatsoever, or shall carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument as aforesaid, as a mark or emblem of their, his, or her authority over any Slave or Slaves, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding assisting, or abetting in any such illegal driving, or use, or exhibition of any such whip, cat, or other instrument aforesaid, shall be, and be deemed adjudged and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided.

And it is further ordered and declared, that it is, and shall henceforth be, illegal for any persons or person to inflict in any one day upon any male slave for any crime or offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding twenty-five in the whole, or to inflict upon any such male Slave any punishment or correction by the whipping, scourging, or beating of his person, unless the person of such slave shall, at the time of such punishment or correction be free from any laceration occasioned by any former whipping, scourging or beating, or to inflict upon any such male Slave any punishment or correction by the whipping, scourging, or beating of his person until twenty-four hours at the least shall have elapsed from the time of the commission of the offence for, or in respect of, which any such punishment or correction may be so inflicted; or to inflict upon any such male Slave any such punishment or correction as aforesaid, unless one person of free condition shall be present at, and witness the the infliction of, such punishment, other than and besides the person by, or by the authority of whom the same may be so inflicted; and in case any person or persons shall inflict, in any one day upon any male slave, any number of stripes or lashes exceeding twenty-five in the whole, or shall whip, scourge, or beat any such male Slave at any time when there may be upon his person any laceration occasioned by any former whipping, scourging or beating, or shall inflict upon any such male Slave any such punishment or correction as aforesaid, within twenty-four hours next after the commission of the offence, for or in respect of which the same may be so inflicted, or without the presence and attendance during the whole of such punishment of some person of free condition other than and besides the person by, or by the authority of whom the same may be so inflicted, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting, in any such illegal punishment of any male Slave, shall be, and be deemed to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishments which may be inflicted upon any male Slave, under, or by virtue of, any sentence or judgment of any Court of competent jurisdiction within the said island.

And it is hereby further ordered, that henceforth it shall not be lawful to correct or punish by flogging, or whipping, any female Slave within the island of Trinidad, for any offence committed, or alleged to be committed, by any such Slave; and if any person or persons within the said island shall flog, whip, or correct any female Slave, with any whip, cat, stick, or other such like instrument, the person or persons so offending, and each and every

person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such correction or punishment as aforesaid, of any such female Slave, shall be, and be deemed, adjudged, and taken to be, guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter provided. And whereas it is necessary that effectual means should be adopted for punishing such offences as may hereafter be committed by female Slaves, within the said island: it is therefore hereby ordered, that any female Slave who shall or may commit any offence within the said island, which by the laws in force there, was heretofore punishable by flogging, shall for such her offence, be subject and liable to imprisonment, or to be confined in the stocks, or to such other punishment or correction, as may be necessary for the effectual suppression of such offences, and as may be specially sanctioned in, and by any proclamation to be hereafter issued by the authority, and in the name of His Majesty, in the said island. And the Governor or Acting Governor of the said island, shall, and is hereby authorised to make and ordain such rules and regulations as may be necessary for preventing any excess in such punishments, or any abuse in the mode of inflicting the same. Provided that such rules and regulations be not in any wise repugnant to this present order: and provided also that the same be forthwith transmitted by such Governor or Acting Governor as aforesaid, for His Majesty's approbation; and that all such rules or regulations shall cease to be binding or in force within the said island, unless His Majesty's allowance thereof shall be signified to such Governor or Acting Governor within two years next, after the date of such rules and regulations.

And it is hereby further ordered, that there shall be kept upon every plantation and estate throughout the said island, a book to be called *The Plantation Record Book*, and that it shall be the duty of the owner, proprietor, manager, or other person, having the direction of, and the chief authority in, the said plantation, to enter and record in the said book, at or immediately after the time of infliction of any punishment whatsoever, on any female Slave, or on any male Slave who may be punished with any number of stripes exceeding three, a statement of the nature and particulars of the offence for, or in respect of which such punishment may be inflicted; and at the time at which, and the place where such offence was committed; and at the time at which, and the place where such punishment was inflicted; and of the nature, extent, and particulars of the punishment, and in the cases of male Slaves, of the number of stripes actually inflicted upon the offender, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted; and of the persons or person of free condition present, and attending at the infliction of every such punishment.

And it is hereby further ordered, that if any person being the owner, proprietor, or manager, of any plantation or estate, within the said island, or having the management thereof, or the chief authority therein, shall neglect or omit to make in the said *Plantation Record Book*, any entry which, according to the provisions of of this present order ought to be made therein, or shall not make such entry within two days next after the infliction of each and every punishment to which the same may refer, the person so offending shall incur and become subject and liable to a penalty not exceeding one hundred pounds, nor less than five pounds sterling, British money; to be recovered and applied in a manner hereinafter mentioned. And if any person or persons shall wilfully or fraudulently make, or cause or procure to be made, any false entry or fraudulent erasure in any such *Plantation Record Book*, or shall wilfully, or fraudulently burn, destroy, cancel, or obliterate the name or any parts or part thereof, the person or persons so offending, shall be, and be deemed and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided.

And it is hereby further ordered, that every owner, proprietor, or manager, or other person, having the chief authority within each and every

plantation or estate within the said island, shall, on the first Monday which shall happen next after the fifth day of April, the twenty-fourth day of June, the twenty-ninth day of September, and the twenty-fifth day of December in each year, repair to the Commandant for the time being of the quarter in which such plantation or estate may be situated, and then and there produce before him, a precise and exact transcript of every entry, which during the quarter of a year next preceding, may have been made in the Plantation Record Book, of his or her plantation or estate; and shall also take and subscribe an oath, to be annexed to the said transcript, in the following words (that is to say),

“ I, A.B. the owner or manager (as the case may be), of the plantation called _____ in the quarter of _____ in the island of Trinidad, do make oath, and say, that the paper writing hereunto annexed, contains a true and exact copy of every entry, which since the _____ day of _____ last, hath been made in the Plantation Record Book of the before-mentioned plantation. And I do further swear, that the said Plantation Record Book hath been punctually and accurately kept since the said _____ day of _____ in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent. So help me God.”

And in case any such owner or manager, as aforesaid, shall not, since the time of making his last preceding return to the Commandant of the quarter, have inflicted, or cause to be inflicted, any punishment upon any female Slave, on his plantation or estate, or any punishment on any male Slaves, exceeding three lashes, then, and in every such case, in lieu of the oath aforesaid, such owner or manager shall, at the several times aforesaid, take and subscribe before the Commandant of the quarter in which such plantation may be situate, an oath, in the following words, (that is to say),

“ I, A.B. do swear, that since the _____ day of _____ now last past, no punishment hath been inflicted by me, or by my order, or with my knowledge, upon any female Slave belonging, or attached to, the plantation called _____ situate in the quarter of _____ whereof I am manager. And that no punishment hath since the _____ day of _____ said _____ been inflicted upon any male Slave, belonging or attached to the said plantation, exceeding three lashes. And I further swear, that no entry of any such punishments hath since the said _____ day of _____ been made in the Plantation Record Book of the said plantation. So help me God.”

Provided always, and it is further ordered, that the Commandant of each, and every quarter, within the said island, shall, fourteen days at the least, before the time of making the returns, transmit to the owner, or manager of every plantation situate within his quarter, a printed blank form of the before-mentioned affidavits, together with a notice of the time and place, at which he will attend for the purpose of receiving the returns, and administering the oaths aforesaid, and the said Commandant shall, and is hereby required to attend, from day to day, for three successive days, and no more, for the purposes aforesaid; and in case i shall be made to appear to such Commandant, by the certificate of any medical practitioner, that any person or persons liable to make such return, is or are, by reason of sickness, incapable of attending for that purpose, at the time and place so to be appointed, as aforesaid, then and in every such case, the said Commandant shall, and he is hereby required to attend the person or persons so incapacitated, at his, her, or their place or places of abode, for the purpose of receiving the said returns, and taking such affidavits as aforesaid.

And it is hereby ordered, that if any person or persons shall refuse or neglect to make any return, or to take and subscribe the oaths required by this present order, the person or persons so offending, shall incur, and become

liable to the payment of a fine, not exceeding one hundred pounds nor less than ten pounds sterling, British money; to be recovered and applied in manner aftermentioned.

And it is hereby further ordered, that the commandant of each and every quarter in the said island shall, and he is hereby required, to transmit to the protector and guardian of Slaves of the said island, at his office in the town of Port of Spain, the whole of the returns so to be made to him as aforesaid, together with the original affidavits thereunto annexed, within fourteen days next after such quarterly returns shall be complete. And in case any such commandant shall himself be the owner or manager of any plantation, he shall, together with the said returns, deliver to the said protector and guardian of Slaves, a transcript of the entries in his own plantation book, for the last preceding quarter of a year, together with an affidavit to be by him sworn before the Chief Judge, or some one of the Alcaldes in ordinary of the said island, in the manner and form hereinbefore described, under such and the like penalty as is hereinbefore mentioned in the case of other persons refusing or neglecting to make their returns, or to take the before-mentionend oaths.

And it is hereby further ordered, that the said protector of Slaves shall record and enroll in books to be by him kept for that purpose, the whole of the returns so to be made to him, and shall keep and preserve in his office the originals of the said returns and affidavits; and for the better and more convenient keeping of the said records, it is further ordered, that the said protector and guardian of Slaves shall keep a distinct book for each quarter of the said island, and shall therein transcribe each of the said returns in alphabetical order, according to the name by which each plantation is described in every such return, and shall also make and keep full and exact indexes of such books.

And it is hereby ordered, that upon the prosecution of any person being the owner, proprietor, or manager of any plantation, for inflicting, or causing or procuring to be inflicted on any Slave or Slaves any punishment hereby declared illegal, if the Slave so alleged to have been illegally punished shall be produced in open court, and if the marks or traces of a recent flogging or laceration shall appear on the person of such Slave, and if such Slave shall, in open court, declare such traces to be the consequences of any such unlawful punishment or correction, and being duly examined by the said court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then in every such case, although such Slave should not be a competent witness within the provisions of this present order, the owner, proprietor, manager, or other person, having the charge of such Slave, shall be bound to prove, either that the punishment, of which the marks and traces may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that such punishment was lawful punishment, within the meaning of this order, and was inflicted in the presence of one such witness of free condition as is required by this present order, and in default of such proof such owner, proprietor, manager, or other person as aforesaid, shall be convicted and adjudged to be guilty of the offence imputed to him; and it is further ordered, that every such prosecution as aforesaid, shall be conducted by the protector and guardian of Slaves, and that it shall not be lawful for him to discontinue any such prosecution except by virtue of an order in writing, to be for that purpose issued under his hand and seal by the Governor or Acting Governor for the time being of the said island.

And it is further ordered, that any persons, being in a state of Slavery, who may be desirous to intermarry, shall, at their election, apply either to the protector and guardian of Slaves, or to the Commandant of the quarter in which the woman may reside, for a marriage-licence, and as an authority to him to grant the same, shall produce the consent, in writing, of their owner or owners, manager or managers, to the celebration thereof; but in case the owner or manager or both, or either of the said Slaves, shall refuse to consent

to any such marriage, or to give such written permission for the celebration thereof as aforesaid, then and in every such case the said protector and guardian of Slaves or commandant, as the case may be, shall thereupon issue a summons, under his hand and seal, requiring the owner or manager of such Slaves, or the person or persons under whose direction such Slaves may be, to appear before him, by themselves or their agents, at some convenient time and place, to be for that purpose appointed, such time being not more than fourteen days distant from the time when such application as aforesaid, shall be received by such protector and guardian of Slaves, or commandant as aforesaid. And if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said protector of Slaves, or commandant, or appearing, shall fail to lay before him, good and sufficient proof that such proposed marriage would be injurious to the well-being of the said Slaves, then and in every such case, the said protector and guardian of Slaves, or commandant, shall, without fee or reward, issue a licence under his hand and seal, thereby authorising any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic Religion, or any public teacher of religion within the said island, carrying on there no other profession, business, or occupation of profit except that of a schoolmaster, to solemnize the marriage of the said Slaves. And it shall and may be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such licence, to solemnize any such marriage as aforesaid, and the same, when so solemnized, shall to all intents and purposes, be binding, valid, and effectual in the law; and any person by whom any such marriage may be so solemnized, by virtue of any such licence, shall within fourteen days next after the solemnization thereof, under a penalty of not more than twenty pounds, and not less than five pounds sterling, transmit to the said protector of Slaves, a certificate of the solemnization of such marriage, and the said protector and guardian of Slaves shall register in a book, to be by him kept for that purpose, every marriage which may be so solemnized, with the date thereof, and the names, descriptions and places of abode of the parties contracting, and of the person solemnizing every such marriage: provided nevertheless, that nothing herein contained, shall extend, or be construed to extend, to render any marriage between persons in a state of Slavery, valid or effectual, which would be illegal or void, if such persons were of free condition.

And it is further ordered, that it shall not be lawful in the execution of any judgment, sentence, decree, or order of any tribunal, or of any court of justice within the said island, to seize or sell in satisfaction thereof, any Slave having a husband or wife, or a child under the age of sixteen years, or a reputed husband, or wife, or child under the age aforesaid, who may be the property of the same persons or person, unless such husband, and wife, and child, or reputed husband, wife, or child, shall be sold together, and in one and the same lot, and to the same person or persons; and if in the execution of any such judgment, sentence, decree, or order, any Slave or Slaves shall be sold separate or apart from any such husband, or wife, or child, or reputed husband, or wife, or child as aforesaid, then and in every such case, such sale and execution shall be, and the same is hereby declared to be, absolutely null in the law, to all intents and purposes whatsoever.

And whereas, by the usage of the said Island of Trinidad, persons in a state of Slavery have hitherto been reputed competent in the law, and have in fact been permitted to acquire, hold, and enjoy property free from the controul or interference of their owners: and it is expedient that the said laudable custom should be recognized and established by law, and that provision should be made for enabling such Slaves to invest such their property on good security; it is therefore hereby ordered and declared, that no person in the island of Trinidad, being in a state of Slavery, shall be, or be deemed, or taken to be, by reason or on account of such his condition, incompetent to purchase, acquire, possess, hold, or enjoy, alienate, or dispose of property; but every

such Slave shall, and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of lands situate in the said island, or money, cattle, implements or utensils of husbandry, or household furniture, or other effects of such or the like nature, of what value or amount soever, and to bring, maintain, prosecute, and defend any suit or action in any court of justice, for or in respect of any such property as fully and amply to all intents and purposes, as if he or she were of free condition.

And it is hereby further ordered, that Savings Banks shall be established within the said island, for the better preserving the property of any such Slaves, and that interest, at and after the rate of five pounds per centum per annum, shall be allowed upon the amount of every sum of money which may be deposited in any such Savings Banks, which interest shall be a charge upon the general revenues of the said island. And any Slave making any deposit of money in any such Savings Banks, shall be at liberty to make a declaration of the manner in which, and the names of the person or persons to whom, in the event of his or her death the amount of his contributions to the said Savings Banks shall be paid, applied, and disposed of; and such declaration shall be recorded in a book to be kept for that purpose at the Savings Banks where such deposit may be made, and upon the death of the Slave making such declaration, the same shall be deemed, and taken to be the last will and testament of such Slave, in the absence of any other last will; and in case any such Slave shall marry after having made any such declaration, such marriage shall be, and be deemed, and taken to be, a revocation in the law of such declaration; and it is further ordered, that in case any Slaves or Slave in the said island shall die intestate, and without having any such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of such Slave shall go, and be disposed of, to and in favour of such persons or person, as by virtue of the several acts of Parliament for the distribution of intestates' estates, would, according to the law of England, be entitled to any such property.

And it is hereby further ordered, that the Savings Banks throughout the said island shall be under and subject to the controul and inspection of the protector of Slaves; and that the Governor or Acting Governor for the time being, for the said island, shall, and is hereby authorised to appoint such proper and necessary officers; and to make such rules and regulations as may be best adapted for managing the business of the said Banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies therein to be deposited:—provided that such rules and regulations be not repugnant to this present order, and that the same be forthwith transmitted for His Majesty's approbation, through one of His Majesty's Principal Secretaries of State.

And it is hereby further ordered, that no deposit of money shall at any one time, or within any one week, be received at any of the said Savings Banks, from any Slave, exceeding the sum of twenty dollars in the whole, unless such Slave, at the time of tendering any such deposit, shall produce the consent in writing of his owner or manager to such deposit being made; and in case any Slave shall be desirous at any one time, or in any one week, to make any such deposit of money, exceeding the sum of twenty dollars, and the owner or manager of such Slave shall refuse his consent to such deposit being made, then, and in every such case, the protector and guardian of Slaves, upon application to him for that purpose made, shall issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the persons under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said protector of Slaves or appearing, shall fail to lay before him good and sufficient cause why such deposit ought not to be made, then, and in every such case, the said protector and guardian of Slaves shall issue an order under his hand and

seal, requiring the manager of the Savings Bank to receive the amount of such deposit, and the same shall be received by him accordingly.

And it is hereby further ordered, that no duty, tax or impost of any nature or kind whatsoever, and that no fee of office shall be hereafter paid or payable within the said island, upon, for, or on account, or in respect of the manumission of any Slave, or the enrolment or registration of any deed of manumission, saving and excepting a fee not exceeding twenty shillings sterling British money, which shall by the said protector and guardian of Slaves be paid to the registrar of deeds of the said island, for enrolling and registering every such deed of manumission, and which fee shall be repaid to such protector and guardian of Slaves out of the public revenue of the said colony. And if any person within the said island shall hereafter take, demand, or receive any such tax, duty, impost, or fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine not exceeding fifty pounds, and not less than ten pounds sterling British money.

And it is hereby further ordered, that in case any Slave within the said island shall be desirous to purchase the freedom of himself, or of his or her wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother or sister, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself, or of any such other person as aforesaid; and if the owner or proprietor of any such Slave shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage, settlement, or lease, or other charge upon or interest in such Slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of any such Slave; or if the owner or proprietor, or any other person having an interest in any such Slave, shall be a minor, or a married woman, or idiot, or lunatic, or if the real and true owner of any such Slave shall be absent from the said island, or shall not be known, or if any suit or action shall be depending in any court of justice in the said island, wherein the title to the said Slave, or the right to his services, shall or may be in controversy, or if the owner of any such Slave shall demand as the price of his or her freedom a greater sum of money than may be the fair and just value thereof, then, and in each and every of the cases aforesaid, the Chief Judge of the said island, on application to him for that purpose made by the protector and guardian of Slaves, shall issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the persons or person under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and notice shall also be published by the said protector and guardian of Slaves, in the public Gazette of the said island, on three several days, of the time and place appointed for the purpose aforesaid; and in such notice all persons having or claiming to have any title or interest in or to the Slave proposed to be manumitted, either in their own right or as the guardians, attornies, trustees, or executors of any other person, shall be required to attend and prefer such claims.

And it is hereby further ordered, that at the time appointed for any such meeting as aforesaid, the Chief Judge of the said island, in the presence of the protector and guardian of Slaves, and also in the presence of the owner or manager of the Slaves or Slave proposed to be manumitted, or (upon proof being made to him, upon oath, of the due service and publication of such notice as aforesaid then, if necessary,) in the absence of such owner or manager, shall proceed to hear in a summary way, what may be alleged by the said protector and guardian of Slaves, and by the owner or manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case the parties, or any of them, shall refuse to effect any such manumission, or if it shall appear to the said Chief Judge, that a valid and effectual manumission of any such Slave cannot legally be effected by private contract, or if it shall be made to appear to the said

Chief Judge, that the owner or proprietor of any such Slave, or that any person having any charge upon, or interest in him or her, is a minor, or a married woman, or idiot, or lunatic, or that the real and true owner of any such Slave, or that any person having any charge upon, or interest in him or her, is absent from the said island, or is unknown, or cannot be found, or that any suit or action is depending in any court of justice in the said island, wherein the title to the said Slave, or the right to his services, is in controversy, or if it shall appear to the said Chief Judge, that any difference of opinion exists between the protector and guardian of Slaves of the said island, and the owner or proprietor of any such Slave, respecting his or her price or value, then, and in every such case, the said Chief Judge shall require the protector of Slaves, and the owner, manager, or person having the direction of any such Slave, each to nominate an appraiser of his or her value: and the said Chief Judge shall himself nominate an umpire between such appraisers. And the said appraisers being first duly sworn before the said Judge, to make a fair and impartial appraisement, shall, within seven days next after such their appointment, make a joint valuation of the Slave proposed to be manumitted; and shall certify such their valuation to the Chief Judge, under their hands and seals. And in case such joint certificate shall not be delivered to the said Chief Judge within the said term of seven days, they the said umpire, being duly sworn in manner aforesaid, shall, within the next seven days, certify his valuation, under his hand and seal, to the said Chief Judge, and the valuation to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of registry in the said island.

And it is hereby further ordered, that upon payment to the treasurer of the said island of the appraised value of any such Slave as aforesaid, after deducting therefrom the expence of the appraisement to be allowed by the said Chief Judge, the said treasurer shall grant to the protector of Slaves a receipt for the money so to be received by him. And such receipt shall be duly enrolled in the office of registry in the said island, together with a declaration under the hand and seal of the said Chief Judge, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly had before him, and thereupon such Slave shall be, and be deemed, taken, and reputed to be, free, to all intents and purposes whatsoever.

And it is further ordered, that the money to arise from the manumission of any Slave by virtue of the proceedings before mentioned, shall and may be laid out and invested under the authority of the Chief Judge, on the application of any person or persons interested therein in the purchase of any other Slave or Slaves; or if no such application shall be made, then such money shall remain in the hands of the public treasurer of the said island at interest, at and after the rate of five pounds per centum per annum, such interest to be borne by, and defrayed out of, the revenues of the said colony, and the Slave or Slaves so to be purchased with the said money as aforesaid; or, in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing due thereupon, shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands, of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the Chief Judge of the said colony may, upon a summary application of any person interested therein, see fit to make, and such principal money and interest shall by the said treasurer be paid, applied, and disposed of in pursuance of and obedience to any such order.

And it is hereby further ordered, That before the manumission of any Slave, by virtue of any private contract for that purpose between such Slave and his owner, notice of such intended manumission shall by the owner of such Slave be given in writing to the protector and guardian of Slaves, who on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian of Slaves shall also, without fee or reward, prepare the proper deed of manumission, and the same shall in all cases be executed in the presence of the said protector and guardian of Slaves, or of some proper witness, to be by him appointed for that purpose; and being so executed, shall by such protector and guardian of slaves be enrolled in the office of registry in the said island within one calendar month, next after the date and execution thereof. And in case any such deed shall not be left for enrolment at the said office of registry within the said period of one calendar month, the said protector of Slaves shall incur and be liable to the payment of a fine not exceeding fifty pounds, nor less than ten pounds sterling English money.

And it is hereby ordered, That in case any such deed of manumission as aforesaid shall be executed voluntarily, and without any valuable consideration passing to the owner or other person effecting such manumission, the Slave or Slaves so to be manumitted shall, before the actual execution of any such deed, appear before the said protector and guardian of Slaves, or before the Commandant of the quarter in which such Slave may happen to be resident; and if it shall appear to the said protector and guardian of Slaves, or to such Commandant, as the case may be, that the Slave about to be so gratuitously manumitted, is under the age of six years, or above the age of fifty years, or is labouring under any habitual disease or infirmity of mind or body, the owner or other person about to effect such manumission, shall, at the time of the execution of the deed of manumission, execute and deliver under his hand and seal a bond to His Majesty, in the penal sum of two hundred pounds, with a condition thereunder written, for the defeasance thereof, if the said Slave shall be properly fed, clothed, and maintained, until the age of fourteen years, in the case of infants, or during the term of his or her natural life, in the case of adults of the age of fifty years, or labouring under any such sickness, disease, or infirmity as aforesaid; and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of registry, until such bond as aforesaid be duly executed and registered and deposited in the said office.

And it is hereby further ordered, That every clergyman of the established Church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion in the said island, and every other person being a public teacher of religion within the said island, shall, and is hereby authorized to transmit or deliver under his hand to the Commandant of the quarter in which he may be resident, certificates setting forth the names or name and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath. And the Commandants of the several quarters in the said island shall, and are hereby required to, transmit such certificates as aforesaid, to the protector and guardian of Slaves, who shall, and is hereby required to, register the same in a book to be kept by him for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same may be granted, and of every Slave mentioned and included therein; provided nevertheless, that no priest, minister, or public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, shall be competent to grant any such certificate as aforesaid, unless His Majesty's principal Secretary of State, having the department of the colonies, or the Governor or Acting Governor for the time being of the said Island of Trinidad, shall have granted to such priest, minister, or public teacher, a license in writing

to grant such certificates ; and, unless such license shall be in force, and have been first registered at the office of the said protector of Slaves.

And it is further ordered, That no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal justice in the said island, by reason of his or her being in a state of slavery, if the person or persons producing or tendering him or her as a witness, shall produce and exhibit to the Court a certificate under the hand of the said protector and guardian of Slaves, that such proposed witness is registered in the before-mentioned book ; and the said protector of Slaves shall, and he is hereby required to grant without fee or reward, to any person making application for the same, a certificate of the fact, whether any such proposed witness is, or is not registered in the said book : Provided nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned, or in any case where any white person may be charged with or prosecuted for any offence punishable with death ; provided always that nothing herein contained shall extend to take away or diminish any power and authority which any Court of Criminal Jurisdiction in the said colony now hath to admit in any case the evidence of persons being in a state of slavery ; provided also, that nothing herein contained shall extend, or be construed to extend, to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence, if he or she were of free condition.

And it is hereby further ordered, That the salary of the protector and guardian of Slaves shall by him be taken and received in lieu and in full satisfaction of all fees, perquisites of office, advantages, and emoluments whatsoever ; and that if the said protector and guardian of Slaves shall take or receive directly or indirectly any fee, perquisite of office, advantage, or emolument, other than besides his said salary for or in respect of any act, matter, or thing, done or performed by him in the execution of such his office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his office.

And it is hereby further ordered, That the said protector and guardian of Slaves shall on the first Monday next after the twenty-fifth day of December, and on the first Monday next after the twenty-fourth day of June in each year, deliver to the Governor or Acting Governor for the time being of the said island, a report in writing, exhibiting an account of the manner in which the duties of such his office have been performed during the half year next preceding the date of such his report, and especially stating the number of the actions, suits, and prosecutions in which he may have acted as the protector of any Slave or Slaves, with the dates and effect of all the proceedings therein, and the particulars of all the returns which by virtue of this order may have been made to him by the Commandants of the several quarters within the said island ; and the names of the persons, if any, against whom he may have instituted any criminal prosecutions, under and by virtue of this order, together with a statement of the names of all Slaves who may have been certified to him as being competent to give evidence in any Court of Justice, together with the number of licences which may by him have been granted for the marriage of any Slaves, with the number of marriages appearing to have been solemnized in pursuance thereof, together with the amount of the sums of money deposited in any Savings Banks in the said island, together with a statement of the names of all the Slaves manumitted under the authority of this present order, and the Governor or Acting Governor for the time being of the said colony, shall thereupon administer to the said protector of Slaves an oath that such report contains a true and accurate statement of the several matters and things therein referred to ; and when and so soon as the said protector of Slaves shall have made such his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before.

the said Governor or Acting Governor shall issue to the said protector and guardian of Slaves a warrant upon the treasurer of the said island, for the amount of his salary for the half-year next preceding the date of such report; and the said Governor shall, and he is hereby required, by the first convenient opportunity, to transmit such report as aforesaid to His Majesty's principal Secretary of State having the department of the colonies.

And it is further ordered, That if the protector and guardian of Slaves, or any Commandant of any quarter in the said island, or any other person, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the books, records, or returns herein-before required to be made, or shall wilfully falsify any such books, records or returns, or shall wilfully make, or cause or procure to be made, any false entry in any such book, record, or return, or shall wilfully and fraudulently burn, cancel, or obliterate the same, or either of them, or any part thereof, the person or persons so offending shall be, and be deemed, adjudged, and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter directed.

And it is further ordered, that any of the people called Quakers, who may be resident in the said island, being required to take any of the oaths prescribed by this present order, may, and they are hereby authorized to make their, his, or her solemn affirmation in lieu of such oaths; and that any person taking any oath, or being a Quaker, making his solemn affirmation, under or in pursuance of this order, who shall be convicted of swearing or affirming falsely, shall incur and suffer such punishment as by the law of the said island may be inflicted on any persons guilty of wilful and corrupt perjury.

And it is hereby further ordered, That any person who may be convicted of any act hereby declared to be a misdemeanor, shall, if of free condition, be and become liable to a fine not exceeding five hundred pounds, and not less than fifty pounds sterling English money, or to imprisonment for any time not exceeding six months, nor less than one month, or both to fine and imprisonment at the discretion of the Court, by which any such person may be convicted; and in case any person shall be so convicted of any cruelty to any Slave, the said Court shall, and is hereby authorized at their discretion, to declare the right and interest of the person so convicted in and to any such Slave to be absolutely forfeited to His Majesty; and all such offences as aforesaid shall be heard, tried, and inquired of, by and before the Court for criminal prosecutions in the said island, and all such pecuniary fines as aforesaid, and all other pecuniary fines imposed by this order, shall be recovered in the said Court, and shall be paid, and payable, in equal moities, one half to His Majesty, and the remaining half to any person or persons who may commence any suit or prosecution for the same.

And it is further ordered, that if any person shall be twice convicted before any tribunal in the said island, of inflicting upon any Slave any cruel or unlawful punishment, the person so convicted shall, in addition to the penalties hereinbefore mentioned, be declared by the Court, before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendent of any Slaves or Slave within the said island; and all and every the Slaves or Slave, of which, at the time of such second conviction, any such person may be the owner or proprietor, shall thenceforth become, and be absolutely forfeited to and vested in His Majesty, his heirs and successors.

And it is further ordered, That the Governor or Acting Governor of the said island, shall, within one month next after this present order shall be received by him, make known the same by proclamation throughout the said island; and that the said order shall be in force in one calendar month next after the date of such proclamation, and not before.

And the Right Honourable Earl Bathurst, one of His Majesty's principal Secretaries of State, having the department of the Colonies, is to give the necessary directions herein accordingly.

C. C. GREVILLE.

No. 2.

SIR,

Downing-Street, London, 25th March 1824.

IN my dispatch of this day's date, I transmitted to you a copy of the Order in Council for improving the condition of the Slaves in the colony under your Government, and I called your attention to those clauses in which there was any material difference from those which were contained in the Draft which you had transmitted to me. And I also conveyed to you His Majesty's special commands, that you would look to the due observance of the provisions of this Order. I have now to give directions with regard to those individuals to whom the execution of the Order more immediately belongs.

You will observe, that in re-establishing the office of guardian and protector of Slaves, it is not rendered necessary that it should be united to the office of Procurator Syndic, and that the amount of his salary is subject to future regulation.

It is possible that the Procurator Syndic may be disqualified from holding the office of guardian and protector of Slaves, by reason of his having either a direct or indirect interest in some plantation within the island, or it may for other reasons be deemed inexpedient to unite the two offices, in which case, the remuneration to be given to the guardian and protector of Slaves, will require some increase. Generally speaking, however, their union seems desirable, and the additional expence which their separation will unavoidably occasion, is not unworthy of your attention. I must leave it to you to suggest, what, under all the circumstances of the case, appears to you to be the salary which ought to be attached to this office.

Much unquestionably will depend on the degree of co-operation which the Commandants of districts may give to the guardian and protector of Slaves in the execution of the provisions of this Order. It will be therefore desirable that you should concentrate them, and reduce their number in the manner proposed in your dispatch of the 5th December, and in order to give you facility in procuring individuals willing to perform this duty, I am to authorize you to annex a salary of £150 a year to each of the Commandants, who, by the concentration proposed, may, I should conceive, be conveniently reduced to ten in number.

In the event of your meeting (which I trust will not be the case) any serious opposition from any of them, you will forthwith dismiss them, and appoint others in their room; and in the principle of your selection of the reduced number, you will take care to appoint those, who are most likely to fulfil the expectations of His Majesty's Government: and you will distinctly understand, that it is to your exertions that His Majesty looks with confidence for overcoming that spirit of opposition which seems to have been industriously infused into the minds of many individuals, from whose general character a better disposition was to have been expected.

I have, &c. &c.

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

(Signed)

BATHURST.

No. 3.

*Extract of Dispatch addressed to Earl Bathurst by Sir R. Woodford, dated
 Trinidad, 7th May 1824.*

I HAVE had the honour to receive your Lordship's dispatch of the 25th of March, inclosing a copy of the Order issued by His Majesty in Council, on the 10th of that month, for improving the condition of the Slave population in this island.

I am enabled to report to your Lordship the first impressions created by the Order, which are certainly those of great alarm among all proprietors of Slaves, who are apprehensive that the present enactments will be followed up by other and more direct demands upon their rights and interests.

This feeling is universally shared as regards the penultimate clause of the Order, and there are others that admit of doubtful interpretation, to which I would beg leave, in the first instance, to advert.

In the 10th clause, it is declared, that no person shall "procure or induce" any Slave to work between sun-set on Saturday and sun-rise on Monday, and it is inferred, that Slaves may not, therefore, hire themselves out, either to their master or to any one else, although for their own benefit.

I have stated it as my opinion, that your Lordship intends only to forbid compulsory labour, as the dispatch expresses; but it is alleged that a Court of Justice might be of a different impression.

In the 11th clause, it is forbidden to "use any whip, cat or other instrument for the purpose of impelling or coercing any Slave or Slaves to perform any labour of any kind whatever;" and it is inferred therefrom, that it will be unlawful to punish a Slave (allowing the twenty-four hours, now required, to elapse before punishment even for three stripes) for refusing to work, inasmuch as a Slave so refusing, would be thereby coerced and probably forced to labour.

I have equally explained this, to refer to Slaves being followed by a whip, and being thus coerced; but it is objected, that if the whip is not to be carried, it cannot be employed to coerce the Slaves when at work, and therefore that so much of the clause is unnecessary.

In the 22d clause, Slaves wishing to intermarry, are to apply to the protector or to the commandant "at their election," which would authorize a Slave to quit the owner's service at a great distance from town, and to come to the protector when the Commandant might, and probably would be in the vicinity.

In the 41st clause, it will be necessary to provide for the inquiry, and trial of offences under the Order in the manner established by the Order in Council of the 16th September 1822, in the Courts constituted for the administration of criminal Justice, in which terms the clause should have been.

The 42d clause, however, is that which has really created great consternation, as it confiscates to the Crown all the Slaves of any person, twice convicted of inflicting upon any Slave, any cruel or unlawful punishment, under the Order, to the prejudice of his family, and without reservation in favour of his creditors, and when your Lordship considers that persons are now for the first time forbidden to strike any female Slave, that this class is allowed by all to be the most prone to give offence, and that it will become even more difficult than at present to restrain them from their knowledge, that their master cannot punish them as he was accustomed to do, your Lordship will, I think, be disposed to make some allowance for the infirmities of human nature, and at least save the family of the offender from that ruin which might fall upon them, in consequence of an intemperate action of his own.

I have, therefore, to entreat your Lordship's reconsideration of this clause, as well as to recommend that those before alluded to should be more perfectly explained, all of which will relieve the planters from great uneasiness.

I do not presume to solicit any further alterations, but I think it my duty to observe, for your Lordship's information, that the returns were recommended to be annual, so as to be delivered in with the population and crop returns, and persons owning less than six Negroes in a plantation were exempt.

Such owners can seldom read and write, and while the quarterly returns will, I fear, be to all a serious inconvenience, it will be to that class, a heavy expence: it will also be a great hardship on the distant Commandants, to be obliged to come to Port of Spain every three months to swear to their returns, as it cannot be expected that the Chief Judge or the Alcaldes in ordinary should

go to them; a provision in case of sickness would be necessary. I observe that the protector is to act in all cases of trial as the advocate of the Slave; and is not to be empowered to execute that duty which by the drafts transmitted to your Lordship, it was intended to confirm to that officer, of hearing and determining the ordinary complaints of Slaves.

I now beg your Lordship to be assured that I am both ready and willing to promote His Majesty's service to the utmost of my power, and that my humble abilities will receive all the impulse that the desire of a servant, zealous to give effect to His Majesty's commands, can inspire, but I venture to hope that as this colony is made the subject of an experiment, and the planters and proprietors of Slaves are exposed to ail the risk attendant upon the trial of an uncertain measure, that His Majesty may be advised to afford some boon in the shape of special bounty to the produce of the colony that may act as an encouragement to the planters to cheerfully co-operate in a measure which they now feel exposes to danger and to risk the property of themselves and their children.

As soon as a sufficient number of the Order can be printed, it will be formally published by proclamation.

No. 4.

MY LORD,

Trinidad, 7th May 1824.

I HAVE the honour to acquaint your Lordship, that the Royal Proclamation of the 10th March was proclaimed in Port of Spain on 22d of April, and immediately transmitted to the Commandants in the usual manner, with directions to take especial care for the utmost publicity of the same, and this in His Majesty's name.

I have the honour to be, my Lord,

Your Lordship's faithful and obedient servant,

Earl Bathurst, K.G.

RALPH WOODFORD.

&c. &c. &c.

No. 5.

Extract of a Dispatch addressed to Earl Bathurst by Sir R. Woodford, dated Trinidad, 26th May 1824.

I HAD the honour to acknowledge on the 7th instant, the receipt of your Lordship's dispatches of the 25th March, inclosing a copy of the Order in Council for improving the condition of the Slaves, and signifying His Majesty's commands to me to see the provisions duly enforced.

Notwithstanding the many urgent applications that have been made to me, to postpone the publication, and suspend the enforcement of the order, I issued the proclamation, of which copies are inclosed, declaring the order to be in force in one calendar month, from the 24th instant, the date of that instrument, No. 1.

I deem it, however, to be my duty to transmit a copy of the petition adopted by the inhabitants at a meeting which was held in Port of Spain, and from which I in vain attempted to discourage them, the correspondence on this subject will be found in the inclosure, No. 2, and in declining to receive the deputation of a meeting that I had disapproved, I trust it will be considered that I acted with propriety.

The Cabildo have likewise addressed me upon this occasion, and I equally inclose a copy of their solicitation, and of my reply, with translated copies of the laws which are referred to, No. 3.

The remonstrance, No. 4, was transmitted to the Clerk of the Council on

the part of the three Members of that Board, for the purpose of being laid before me as well as for insertion in the Minutes of the Council. I was much surprized to receive this paper, as I had distinctly declared at the Board, that I could not consent to suspend the order, and I can only consider it as intended to embarrass the Government.

I will now take the liberty of observing to your Lordship, that in addition to the points recommended for explanation and re-examination, as adverted to in my dispatch of 7th May, adjudging an owner to be guilty of flogging a Slave, when accused by him, and the owner is unable to disprove it, is much complained of.

It is alleged, that there are Negroes who would be wicked enough to get flogged by a fellow Slave, for the purpose of laying it on their masters; on this point I would humbly suggest, that from the facility given to Slave evidence, by the Order in Council of the 16th September, 1822, (for the establishment of civil and criminal offences) such a provision seems to be almost unnecessary, and a repeal of it would not lessen the protection which a Slave would now receive with reference to the other clauses of the Order.

The provisions in the latter part of the 12th clause, which confines the power in the Courts of Justice to the punishment of male Slaves, so that female Slaves cannot be whipt, even by order of a Magistrate, when women of free condition can be adjudged to suffer that correction, is also represented as an additional grievance.

By the 24th clause, Slaves are allowed to acquire land. By the Colonial Law, a Slave cannot plant any of the staple commodities (a regulation that is necessary to prevent the cover which would otherwise be given to the sale of stolen produce) and it having been asked of me if the Colonial Law were to be considered as repealed, I have stated that such was not, as I believed, your Lordship's intention.

It is further alleged, that by the 34th clause, manumissions heretofore given at baptism will be generally prevented, and I really believe that the giving of any bond will operate as an impediment among the population, who are mostly in the habit of making this concession. I presume, however, that this clause is not intended to affect testamentary bequests of freedom to Slaves at any age.

It is also represented that the penalties of the 41st clause are heavier than were ever before enacted for the punishment of misdemeanours.

Of the 42d clause I have had the honour to represent the serious consequences, the whole population are unanimous in their complaint against the severity of it. The orders transmitted to your Lordship in draft, had stipulated that the Slaves of owners convicted of cruelty should not be allowed to own or superintend Slaves, and such a provision will, I trust, be substituted.

In making this report to your Lordship, I trust that I have not exceeded the limits of my duty; but, that in stating, for your Lordship's information, the effect produced in the colony by this order, and which is of the most distressing nature, I shall have acted in concordance with your Lordship's wishes.

No. 1.

TRINIDAD.—By his Excellency Sir Ralph James Woodford, Bart. Governor and Commander-in-Chief in and over the said island and its dependencies, Vice-Admiral of the same, &c. &c. &c.

(L.S.) RALPH JAMES WOODFORD.

A PROCLAMATION.

WHEREAS, His Majesty was pleased, by and with the advice of His Privy Council, on the 10th day of March last, to issue a certain order for improving the condition of the Slaves in this island, and to direct that the Governor or Acting Governor of the said island should, within one month next after the said order should be received by him, make known the same

by Proclamation throughout the said island, and that the said Order should be in force in one calendar month next after the date of such Proclamation, and not before.

Be it therefore made known by this Proclamation, and it is hereby ordered, proclaimed and declared, that the said Order shall be, and is hereby declared to be, in force throughout this island, in one calendar month next after the date of this proclamation.

Given under my hand and seal of office, at Government House, this 24th day of May, in the year 1824.

By his Excellency's command,
(Signed) **FREDERICK HAMMET**, Assistant Secretary.

No. 2.

SIR,

Port of Spain, 14th May 1824.

AT the request of the Committee appointed this day at a general meeting of the free inhabitants of this colony, I have the honour to inclose a draft of the petition, which has been adopted, and is now in course of signature.

May I beg the favour of your laying the same before his Excellency, with the respectful request of the gentlemen who compose the Committee that his Excellency will be pleased to name the time when it may be most convenient for him to receive the deputation appointed to present the same.

I have, &c.

(Signed) **JAMES CADETT**, Chairman of the Committee.

Frederick Hammet, Esq. Assistant Secretary,
&c. &c. &c.

To His Excellency Sir Ralph James Woodford, Baronet, &c. &c. &c.

WE your petitioners, His Majesty's loyal and dutiful subjects, the free inhabitants of the Island of Trinidad, respectfully approach your Excellency.

We have read with grief and dismay the draft of an Order in Council laid by His Majesty's Ministers before both Houses of Parliament on the 15th day of March last, and declared to be intended for the improvement of the condition of the Slaves in this colony.

We recognize to the fullest extent the power of the Crown, founded upon those principles of British justice, which have secured to the meanest subject of the realm the undisturbed enjoyment and use of his property until he has received full and fair compensation.

We are sincerely impressed with a grateful sense of our gracious Sovereign's beneficent intentions; we dutifully sympathize with His Royal wish to meliorate the condition and promote the moral improvement of the Negroes, by adopting measures in which due regard shall be paid to considerations of justice, which, by tempering zeal with caution, may lead to practical good, which, without hazarding the fortunes and safety of any classes of His Majesty's subjects, may promote the welfare of the Slaves and that of their employers.

We appeal fearlessly to your Excellency to witness, that every heart in this island beats in unison with this His Royal wish, that these His Royal words, infused joy and gladness into the breast of every inhabitant of this colony.

Animated by loyalty and gratitude, we feel it to be our first duty to aid in promoting these His gracious intentions, and to oppose ourselves to every obstacle which may tend to disappoint his beneficent views.

Actuated by these sentiments only, we, the free inhabitants of the colony of Trinidad, respectfully beg leave to express to your Excellency our solemn conviction that the execution of the whole provisions and

clauses of the aforesaid Order in Council will inevitably prove ruinous to the property of the master, injurious and demoralizing to the Slave, peculiarly hazardous to the lives of the free coloured inhabitants, under part of the thirty-sixth clause of that Order, and totally subversive of our gracious Sovereign's benign intentions.

We, your petitioners, therefore humbly pray that your Excellency will be graciously pleased, under the authority vested in you by the laws now in force, to stay the promulgation and the execution of the proposed Order in Council, until a true representation of its effects may be made to His Majesty's Ministers, to be laid at the foot of the Throne for His Majesty's gracious consideration.

And by so doing, your Excellency will avert that catastrophe which must otherwise involve every class in this colony in one common ruin, and will deserve the sincere and grateful thanks of a loyal and affectionate community.

And we, your petitioners, will ever pray, &c. &c. &c.

Port of Spain, 14th May 1824.

SIR,

Government House, 15th May 1824.

I HAVE laid before the Governor your letter of yesterday, and I have, in reply, the honour to acquaint you, that as his Excellency has already signified his disapprobation of the meeting as regards the object for which it was called, that he cannot give his countenance to any proceedings adopted under it, by accepting a deputation in form; but his Excellency is, of course, at all times ready to receive any applications of the inhabitants, or to reply to the same, when transmitted in the usual manner to his Secretary for the purpose of having it laid before him.

I have, &c.

(Signed) FREDERICK HAMMET, Assist. Secretary.

James Cadett, Esq.

&c. &c. &c.

SIR,

17th May 1824.

I HAVE the honour to acknowledge the receipt of your letter of the 15th instant.

I am instructed by the Committee of the inhabitants to express their regret at his Excellency's determination not to receive a deputation in form, appointed upon a subject so intimately connected with the vital interests of the whole population of every class and colour.

The Committee at the first moment of their appointment were impressed with the urgency of the necessity of laying the petition of the inhabitants before his Excellency the Governor without any delay, and they expected that a numerous and respectable deputation would have carried with it the assurance that the petition conveyed the unanimous sentiments of the colony, a knowledge which might not have been so easily collected from the signatures alone of those planters who were enabled to quit their estates and attend the meeting in the Port of Spain.

In conformity with his Excellency's directions, I transmit the petition signed at that meeting.

I beg, however, to observe, that similar instruments are in course of signature in the different quarters which shall be handed to you when received, and which the Committee respectfully request may be considered and accepted as the same petition now presented.

I have now, Sir, the honour to request you will lay this the humble petition of the inhabitants of the colony before his Excellency the Governor, accompanied by these the respectful observations of their Committee,

and their ardent prayer that his Excellency may be moved in this hour of distress by the unanimous voice of a whole community.

I have, &c.

(Signed) JAMES CADETT, Chairman of the Committee.

Frederick Hammet, Esq. Assistant Secretary,
 &c. &c. &c.

SIR,

Government House, 18th May 1824.

I HAVE the honour to acknowledge the receipt of your letter of the 17th instant, and having laid the same before the Governor with the petition which accompanied it, I have received his Excellency's commands to transmit to you the reply which his Excellency requests you will communicate to the petitioners accompanied by the assurances of regret what his Excellency feels at having received an application from so considerable a number of individuals of the community with which his Excellency is unable to comply.

I have, &c.

(Signed) FREDERICK HAMMET, Assist. Sec.

James Cadett, Esq.
 &c. &c. &c.

THE Petition of the persons styling themselves the free inhabitants of the colony, has been laid before the Governor, and his Excellency feels himself called upon to express, in the first instance, his concern that the Assembly at which it has been adopted, should have taken place, notwithstanding the disapprobation which his Excellency had, in the first instance, expressed of a meeting being called for the purpose for which it was understood to be convened.

The Governor, however, observes with satisfaction the admission on the part of the petitioners of that obedience which all inhabitants of the colony owe to the orders of the King in Council.

His Excellency is happy to learn the determination which the petitioners have adopted of improving the condition of their Slaves.

He cannot concur in the view which the petition takes of the Order in Council, of which a draft has been published in the colony. The points which it comprizes were recommended to His Majesty's Government by the whole body of West India planters and merchants in London as fit concessions on the part of the Slave proprietors.

Many of the provisions have long been in practice in the colony, and others have been partially adopted under the recommendations transmitted last year by His Majesty's Government.

The Governor is not aware of any laws now in force that would warrant his suspending the promulgation of any Order of His Majesty in Council, and more especially one that has received the unqualified approbation of both Houses of Parliament and that of the country in general.

The Governor, therefore, while he feels it to be his duty distinctly to decline the solicitation of the petitioners, cannot but express his regret at being unable to afford a more favourable reply to the prayer of the petition.

His Excellency laments that he should have felt himself precluded from receiving the deputation of the petitioners, which his previous disapproval of the meeting compelled him to decline.

Government House, 18th May 1824.

No. 3, a.

Trinidad.—To His Excellency Sir Ralph James Woodford, Bart., Governor and Commander in Chief in and over the said Island and its Dependencies, &c. &c. &c.

WE, His Majesty's most dutiful and loyal subjects, the Alcaldes in Ordinary, and the Regidores of the Illustrious Cabildo, respectfully approach your Excellency on an occasion which we deem of serious consequence to the prosperity of the colony, and of vital importance to the interests, the rights, and the well-being of the various classes of its inhabitants. The draft of an Order in Council intended to be promulgated in this colony, for the purpose of improving the condition of the Negro classes, has been published both in the British and Colonial Gazettes; we are sincerely desirous of promoting every just measure, by which the evils of slavery can be mitigated, and the happiness and welfare of the Negro Slaves promoted.

We hail with pleasure the beneficent intentions of His most gracious Majesty, expressed in His address to both Houses of Parliament, to provide for their religious and moral instruction, and to ameliorate the condition of this class of our fellow subjects.

We are assured by the character, and by the expressed resolutions of the British Legislature, that the measures for carrying His gracious intentions into effect, would be compatible with the well-being of the Slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of property.

Impressed with a deep sense of the duties we owe to the community over which we preside, and desirous to avert, or at least to suspend, a measure, by which, in our opinion, its prosperity is endangered, and its rights compromised; we beg leave humbly to represent to your Excellency our sincere and solemn conviction, that the provisions of the proposed Order in Council, will be injurious to the well-being of the Slaves themselves; incompatible with the safety of the colony, ruinous to the interests of the master, and subversive of the most sacred rights of private property.

Your Excellency is by the Laws of the Partidas, as well as those of the Recopilacion of the Indias, expressly entrusted with the power of suspending the operation of all Royal Orders, which may be injurious to the prosperity of the community, until a representation can be made to His Majesty, and His final determination expressed.

We therefore entreat your Excellency to exercise a power which may on this occasion be exerted so beneficially for the interests and the preservation of the colony, and to stay the promulgation or the operation of the proposed Order in Council, until our humble prayers and representations can be laid at the foot of the Throne of our most gracious Sovereign.

But in the event of your Excellency not deeming it right to suspend the promulgation of the said Order, then we do most respectfully hereby declare, to reserve to the inhabitants of this colony, their just and legal claim upon His Majesty's Government, for the compensation for all losses they may now or hereafter sustain, by their obedience to this Order; whether as arising from any depreciation in the value of their property, or by actual losses, from acts of a most prejudicial tendency, and greatly to be dreaded.

And, in the event aforesaid, we further pray your Excellency will either forthwith repeal, or recommend to His Majesty's Government the repeal of the 21st clause, by which a person is bound to prove a negative, the same being contrary to every system of jurisprudence, and which may be attended by most ruinous effects to the inhabitants of this colony.

And also the 41st and 42d clauses, which contain penalties of forfeiture

of property, for misdemeanors; penalties unknown to any code of laws for the offences therein contained; and that in lieu thereof the punishment that is applicable to such misdemeanors, either by the laws in force, or by those of Great Britain, be decreed only to attach thereto.

John Shine, - - First Alcalde.
 L. Lapeyrouse, - Second Alcalde.
 W. Roberts, - - Regidor.
 J. C. Newbold, - Regidor.
 S. Cipriani, - - - Regr. and Actg. Fiel Executor.
 George Scherlock, Regidor.
 J. Edmondson, - Regidor.
 N. Marach, - - Regidor.
 L. Lefer - - - Regidor.

Before me, HENRY MURRAY, Depy. Sec.

Cabildo, 17th May 1824.

No. 3, b.

The Governor has received the communication which the Alcaldes in Ordinary and the Regidores of the illustrious Cabildo have addressed to him, upon the propriety of suspending the promulgation of the Order in Council that he has received for the protection of the Slaves.

The Governor has adverted to the laws alluded to by the Cabildo.

In that of the Partidas,* he recognizes a benevolent disposition on the part of the Sovereign, to receive the representations of his people, on subjects affecting their local interests.

In that of the Indies†, however the exercise of the powers thereby conferred, is made to depend on the view which the Authorities, to whom those powers are granted, may take of any Order transmitted to them for execution.

The Governor does not think upon mature reflection, that those laws govern the present case.

For nearly twelve months past, not only have the provisions of the Order been distinctly notified to the inhabitants, but every facility has been afforded to those, who might consider themselves affected by the enactment of them, to express their sentiments on their probable effect.

The representations and resolutions of the different quarters of the island, have all been transmitted to His Majesty's Government, without reserve, and the Order in question has since been framed, and has been submitted to, and received unqualified, the approbation of both Houses of Parliament.

The law of Partida adverted to, expressly commands, that if the Sovereign persists in the signification of His pleasure, His orders shall be carried into effect; and admitting therefore that law to be applicable on the occasion, the terms of it seem evidently opposed to the object of the Cabildo in referring to it.

The Governor regrets that the especial commands which he has received from His Majesty's Government, for carrying this Order into effect, will prevent his complying with the wishes of the Cabildo; but his Excellency will not fail to transmit to the Secretary of State, the representation which that Body have addressed to him upon the present occasion; and in the mean time, he relies with confidence on the fidelity and attachment of the Cabildo to His Majesty's Person and Government, to promote within the sphere of their influence, that obedience to the law which is necessary to the tranquillity of the colony.

Government House, 18th May 1824.

* Part. 3, Tit. 18 and 30.

† Recop. de Indias Lib. 2. Tit. 1 and 24.

No. 3, c.

Recopilacion de las Leyes de Indias.—Lib. 2. Titulo 1. Ley 24.

QUE se executen las Cédulas del Rey en las Indias, sin embargo de suplicacion; no siendo el dano irreparable o' escandaloso.

Don Felipe 4.º 1622.

Los Vireyes, Presidentes y Oidores, Alcaldes del Crimen, Gobernadores, Corregidores y Alcaldes Mayores de las Indias, antes de ser recibidos al uso y exercicio de sus officios, juren que guardarán, cumplirán y executarán nuestros mandamientos cedulas, y provisiones dadas a, qualesquier personas de officios y mercedes y de otra qualquier calidad que sean, cuyo cumplimiento les tocare, y luego que las vean, o les sean notificadas, la guarden, cumplan y executen, y hagan guardar cumplir y executar en todo segun su tenor y forma, y no hagan cosa en contrario so las penas en ellas contenidas y mas de la nuestra merced y perdimiento de la mitad de sus bienes para nuestra camara y Fisco, pero si fueren cosas de que convenga suplicar, damos licencia para que lo puedan hacer, con calidad de que por esto no se suspenda el cumplimiento y execucion de las cedulas y provisiones, salvo siendo el negocio de calidad que de su cumplimiento se seguiera escandalo conocido, o dano irreparable, que en tal caso permitimos que habiendo lugar de derecho suplicacion è interponiendose por quien y como deba puedan sobreseer en el cumplimiento, y no en otra ninguna forma, so la dicha pena.

ANTONIO GOMEZ, Assessor.

Quarta Partida, Titulo 21. Ley 6.

Que Podino han los Senores sobre sus siervos.

LLENERO poder tra el señor sobre su siervo para fazer del lo que giuziere pero contodo esso non lo deve matar, inlastimar maguer le fiziessse por que, a menor de mandamiento del Juez del Lugar nin lo deve ferir de manera que sea contra razon de natura, nin matarlo fueras ende si lo fallarse con su muger, o con su fisa, o fiziessse otro yerro semefante destos ca estonce bien lo podria matar. Otrosi desimos que si algun ome fuesse tan cruel á sus siervos, que los matare de fambre, o les firiessse, o les diese tan grand lazerio, que non lo podiessen sofrir, que estonce se pueden quejar los siervos al Juez. E él de su officio, deve perquerir en verdad si es asi; è si lo fallare por verdad, deve los vender è dar el precia a su señor, e esto deve facer de manera que nunca puedan ser tornados en poder nin en senorio de aquel a cuja culpa fueron vendidos.

ANTONIO GOMEZ, Assessor.

Tercera Partida, Titulo 18. Ley 30.

Como non deve, Valer la Carta que sea ganada contra derecho.

SI contra derecho comunal de algun pueblo o á daño del fueren dadar algunas cartas, non deven ser cumplidas las primeras ca non han fuerza por que son á dano de muchos mas deven los mostrar al Rey, vogandole e pidiendo merced sobre aquello que les embia mandar en aquella carta, Empero si despues el Rey quisiere en todas guisas que sea deven cumplir lo que él manda, e si son contra derecha de alguno señaladamente asi como que le tomen lo suyo sin razon è sin derecho o que le fagan otro tuerto conocidamente cuel cuerpo o en el aver; tales cartas non han fuerza ninguna nin se deven cumplir, fasta que lo fagan saber al Rey aquellos á quien fueron embiadas, que les embie decir la razon por que lo manda facer, ca todo ome deve sospechar que pues que el Rey entendiere el fecho, que les non mandara cumplir la carta.

ANTONIO GOMEZ, Assessor.

No. 3, c.

*(Translation.)**Recopilacion of the Laws of the Indies.—2d Book. 1st Title. 24th Law.*

THAT the King's cédulas be carried into execution in the Indies, notwithstanding any supplication; provided the damage complained of shall not be irreparable or scandalous.

Don Felipe, 4^o 1622.

The Vice Roys, Presidents, and Oydores, and Alcaldes, Mayores of the Indies, previously to being received to the exercise of the duties of their offices, will be sworn to obey, comply with, and execute our commands, cédulas and provisions, granting to any persons situations and favours of any kind whatsoever, the execution of which shall belong to them, and as soon as they shall see them, or be notified thereof, they will obey, comply with, and execute them, and cause them to be obeyed, complied with, and executed in every respect according to the tenor and form thereof, and they will not do any thing to the contrary, under the penalties therein imposed or any other, of our pleasure, and forfeiture of one half of their property to our Royal Treasury. But if the matter be of such a nature as to render it expedient to supplicate thereon, we give them permission to do it, provided the compliance and execution of the cédulas and provisions shall not be thereby suspended, unless the matter shall be of such a nature that a scandal and an irreparable damage should follow from that compliance: as in such cases we give permission to them, that when there shall be any ground in law for supplication, and if it be interposed by the proper person and in a proper manner, that they will suspend the execution thereof and not otherwise, under the said penalty.

ANTONIO GOMEZ, Assessor.

Fourth Partida, 21st Title. 6th Law.

What power Owners of Slaves have upon them.

THE owner of a Slave has full power to do with him what he likes, he, however, should not kill or hurt him, though he would deserve it, unless by an order from the Judge of the place, nor he will wound him in any unreasonable manner, nor he will starve him, unless he would find him lying with his wife and daughter, or if he would commit any other like fault, for which he had power to kill him; we moreover say, that if any man should be so cruel to his Slaves as to kill them by starvation, or would wound them, or would inflict such great a punishment against them as they could not bear, the Slaves could in such case, make their complaint to the Judge, and he will, in the exercise of his office, enquire into the truth, and if he finds it to be so, he will sell them and give the price to his owner, and he will give such orders as to prevent the Slaves return to the possession of the person, for whose fault they were sold.

ANTONIO GOMEZ, Assessor.

Third Partida, 18th Title. 30th Law.

How a Letter (Carta) which may have been obtained against right, should not be valid.

IF any letters should be granted against the common right of any place or to its injury, the first letters will not be complied with, for as they would injure many, they would not be valid, but they are to shew them to the King requesting and entreating his mercy upon that, which he may have ordered in such letter; and if, after that, the King desires it may be done at any rate, they are to comply with that which he has ordered, and if those orders are against the right of any person in particular, such as to take away that which is his own without reason or right, or to cause

him consciously to suffer any other loss in his body or property, such letters have no force and should not be complied with until those persons to whom they were sent, shall request the King to let them know the reasons of his orders; because every man must suppose that when the King knows the fact, he will not order the letter to be complied with.

ANTONIO GOMEZ, Assessor.

No. 4. *Trinidad, 20th May 1824.*

WE, the undersigned, Members of His Majesty's Council, respectfully represent to your Excellency that we have carefully perused the various clauses contained in the Order in Council lately received in this colony, and declared to be intended for the improvement of the condition of the Negro Slaves.

After maturely considering the consequences which may ensue from the enforcement of this act, we are of opinion that it can in no way tend to the improvement of the condition of the Slaves, but on the contrary, by the relaxation of discipline, which it will unavoidably occasion, must oppose serious obstacles to the acquirement of habits of industry, and to the improvement of their moral character.

We apprehend that the loss and privations, to which they will be exposed under some of the clauses, will engender a feeling of discontent and indignation, which at this period, when their hitherto established habits of life, their rules of discipline, and their notions of the power of their master, are at the same time, to be changed and unsettled, may unhappily lead to intestine insurrection; which, in this extensive colony, uncultivated and desert in the proportion of nine-tenths of the whole surface, abounding in morasses, mountains, and deep defiles, could never be put down by all the military force which could be brought against it.

We beg further to represent to your Excellency, that the consequences to be expected from this Order in Council, even if the danger we have alluded to is averted, by the blessing of Divine Providence, will tend to the immediate injury and ultimate ruin of the planter, which assertion we are prepared to substantiate by evidence before your Excellency, should there be an individual practically acquainted with the subject to be found in this colony to deny it, or should your Excellency, for your own information, require us so to do.

We beg further to state, that such is the ambiguity of the wording of several of the clauses of this Order, that professional men of legal ability disagree in their construction of them: had this act been framed in this colony, this evil might have been remedied, but under our present form of Government the proper construction or legal effect of a law can never be known until its meaning has been contested in the Tribunals of first Instance, and of appeal in this colony, and finally determined by the Lords of Appeal in England; a state of suspence, which may last for a considerable period of time, and constituting in itself a serious hardship, but which in the present instance is highly aggravated by the circumstance of the Order in Council obliging individuals to record their actions at the time, and to attest the same on oath, which record is to be received and enregistered by an Officer appointed for that purpose, who is sworn to the rigid execution of the duties of his office, and must prosecute for every infraction of the law, so that individuals may be ultimately subjected to legal proceeding and to heavy fines, for actions confessed to have been performed years before, under a misapprehension of the meaning of that law; and this in itself, we respectfully represent to your Excellency to be a cruel and severe grievance.

We beg further to remind your Excellency that another experiment of a serious nature is to be commenced upon in our Courts of Civil Justice on the 1st day of January next, when, under the provisions of the Order

in Council of the 5th August 1822, all estates within the colony, which have hitherto, by the laws in force, since its first settlement, been protected from dismemberment until indebted in the amount of two-thirds of their just value, will then be liable to be sold under execution, in parts or portions, without reference to the value of the said estates, or to the amount in which they may be indebted.

We mean not to deny the benefit which might ultimately accrue to the commercial credit of the colony by the operation of this law; but we feel that to a certain degree it is an infraction of justice towards those parties who had purchased properties under the sanction and protection of different laws; that however consonant to the practice of British Courts, it is at variance with the established customs of the foreign portion of our population, and with the practice of the Spanish Courts: that being, as in fact it is, a complete subversion of the established rights and usages under which the whole of the landed property in the colony has been held, since its original discovery and settlement by the Crown of Spain, we feel that its operation should be watched with care, softened by every practicable means, and under no circumstances subjected to additional difficulties or grievances which must now inevitably arise from the panic and terror diffused throughout the whole community, by the present Order in Council, respecting the treatment of Slaves; so that estates, which may be sold under the Order in Council of the 5th August 1822, in the ensuing year, may be sacrificed for want of confidence in purchasers, and the possessors reduced, in consequence of a trifling debt, from comparative affluence, to ruin: and we beg to represent this to your Excellency as a grievous calamity, which must now partially fall upon this colony, even if the Order in Council respecting Slaves be not enforced; and which circumstance we firmly believe never to have been the view or contemplation of His Majesty's Ministers.

We further beg leave to point out to your Excellency, that in the detail of the necessary arrangements, previous to the promulgation of the Order, we observe no provision made for compensation, in the event of loss and injury therefrom, to the property of the inhabitants of this colony—property undeniably acquired and secured under the sanction and protection of laws promulgated in this colony by the express command of our Sovereign.

This measure, besides openly declared to be an experiment which is to be made in this colony, for the ultimate benefit of others, we therefore respectfully contend, that if our property be exposed to jeopardy by the experiment, we are previously entitled to a guarantee for its ultimate safety.

This is a maxim so consonant to every feeling of British justice, and so conformable to British practice, that we should be at a loss to account for the omission of so essential a clause in the Order, were we not satisfied, by the tenour of His Majesty's Speech to both Houses of Parliament, and by the Resolutions of the House of Commons of May 1823, that His Majesty's Ministers had not the slightest suspicion of the injurious consequences which must arise from the enforcement of this act.

For this reason, therefore, we feel ourselves more imperatively called upon, as your Excellency's advisers, to declare our unreserved opinion, that the loss and injury will be great.

Further, we beg leave to call to your Excellency's most serious attention, the foul disgrace which may by possibility attach to the British name and character, should any irreparable mischief ensue, in the prosecution of an experiment upon a foreign conquered island, intended for the avowed benefit of the British colonies.

Should the lives or fortunes of those honourable men or their descendants be hazarded or lost, who capitulated with arms in their hands on the 18th February 1797,—surrendering not so much to the valour of the

British forces, as to the high and unsullied reputation of the British Nation for honour and justice; what may not be the political consequences in any future wars, when colonies are to be acquired or defended.

We, therefore, the undersigned, Members of His Majesty's Council, with the oath we have taken, as Counsellors, now before us, by which we have sworn to be true and faithful to your Excellency; to faithfully serve His Majesty the King; to promote the good of His Majesty's affairs with our best ability; and to defend the island from intestine insurrection. In virtue of this solemn obligation we hereby advise your Excellency to stay the promulgation and execution of the aforesaid Order in Council, until a representation of its injurious tendency can be received by His Majesty's Ministers; declaring that we hold ourselves irresponsible for all and every consequence which may ensue from the exercise of your Excellency's prerogative, in the rejection of this our deliberate advice.

And we respectfully request that your Excellency will be pleased to transmit this our earnest representation and advice at the earliest opportunity to His Majesty's Secretary of State for the Colonies.

WILLIAM H. BURNLEY.
ALEXANDER DUNCANSON.
FRANCIS PESCHIER.

No. 6.

MY LORD,

Trinidad, June 3, 1824.

WITH reference to my dispatches, suggesting certain explanations of clauses in the Order in Council of the 10th March, the interpretation of which is ambiguous; I lose no time in pointing out to your Lordship's notice, that part of the 10th Clause, which in providing an exception for the domestic service of masters on Sundays, omits the extension of that exception to the evening of Saturday, which I pray may be remedied; and at the same time, that watchmen may be included in the exception, for the whole period from Saturday at sun-set until Monday at sun-rise.

I have the honour to be, my Lord,
your Lordship's faithful and obedient servant,
(Signed) RALPH WOODFORD.

The Right Honourable Earl Bathurst, K. G.
&c. &c. &c.

No. 7.

SIR,

Downing-Street, June 24, 1824.

I HAVE received your Dispatch of the 7th May, acknowledging the receipt, and recommending certain alterations of the Order which was issued by His Majesty's Council on the 10th March ultimo, for improving the condition of the Slave population in Trinidad.

Adverting to the remarks which you have made on the 10th Clause of that Order, I have to observe that the constructions which you represent to have been put upon the Clause is correct. Its effect will certainly be that of preventing Slaves from hiring themselves out on Sundays, either to their masters or to any one else, although for their own benefit. The principle of this enactment is to interdict all labour on Sunday, except that which may be voluntarily undertaken by the Slaves upon their own provision grounds, which would only be necessary during a short portion of the day, and as to labour of this kind the law is silent, because

it is unnecessary to settle such a point by legislative enactment. To permit Slaves to hire themselves out to labour on Sunday, would obviously occasion endless evasions of the law which prohibits compulsory labour, and would defeat the object of Government in securing Sunday, as a day of relaxation from labour, and for religious improvement.

The inference drawn from the 11th Clause, that a Slave could not be punished for refusing to work, because that punishment would have the effect of "coercing or impelling" him to work on another occasion, will be found to have no real foundation in the words of the Order: the prohibition was intended to prevent the use of the whip as the immediate impulse to labour, and as a penal clause it must of course be construed strictly.

The power of applying to the Protector or Commandant "at the election" of the Slave, cannot carry with it, or give by implication, the power to quit the estate against the master's consent. It was necessary to give this election, in order to provide for cases of sickness, or absence on the part of the Protector or Commandant, and for cases where the Commandant might happen himself to be the master. The application might be made either personally, or in writing, or by a message, as the duties of the plantation, or other circumstances, might render most convenient in each particular case.

It would have been superfluous to enact that "prosecutions should be conducted in the manner established by the Order in Council, of the 16th September 1822, in the Courts constituted for the Administration of Criminal Justice." The Court in which prosecutions are to take place, is sufficiently indicated by the naming of that Court according to its legal style and appellation, namely: "*the Court for the Trial of Criminal Prosecutions.*" There is only one such Tribunal in Trinidad, and therefore no mistake can arise as to what Court is meant. The law of September 1822, having already prescribed the mode of proceeding in that Court, it would have been redundant to have enacted that the necessary forms of that Court should be observed.

The forfeiture of Slaves upon a second conviction for an unlawful punishment is expressly left to "the discretion of the Court," and therefore would not be enforced, except in extreme cases. It is also to be observed that the forfeiture is to the benefit of the Crown, and therefore would not be enforced unless the offence were of a very grave and serious character. In order, however, to allay any apprehension which may be entertained of a harsh exercise of this enactment, I have to direct that the penalty on the second conviction shall never be enforced, until the whole case has been referred home for the consideration of His Majesty.

In conclusion, I have only to observe, that it will be unnecessary to promulgate a new Order in Council for these purposes, as you will consider this as an instruction explanatory of the intention of His Majesty's Government in framing the particular Clauses referred to, and for the guidance of the public Officers under your Government.

I have the honour to be, Sir,
your obedient servant,

(Signed) BATHURST.

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

No. 8.

MY LORD,

Trinidad, June 27, 1824.

AS for the purpose of giving effect to the Order in Council of the 10th of March, it became necessary to declare how the complaints, that Slaves are daily in the habit of making, should be heard and determined, I

availed myself of the opportunity afforded by the clause, in the Order requiring me to sanction the punishments that might be deemed necessary for female Slaves, to the above-mentioned purpose at one and the same time, and I have the honour to lay before your Lordship copies of a Proclamation issued in His Majesty's name declaratory of these objects.

In regulating the punishments in stocks, it became necessary to distinctly authorize certain kinds of stocks, the only sort in use here being the bed-stocks, and affording very inadequate means of punishment; I have also proposed to introduce means of inspiring the Slaves with a sense of shame by public exposure, and by marks of disgrace; and I trust that the whole will be found to accord with your Lordship's views upon the subject.

I will only add, as regards the return to his master of the Slave that makes a groundless complaint, that the power of the owner is now so limited as effectually to prevent any improper use of it, and that it was more probable that the master would pardon when, if left to the Magistrate he might feel himself called upon to award a punishment, while with a vindictive owner, the Slave would not be less exposed to the irritation of his master, if he considered the correction of the Magistrate insufficient for the offence his Slave had committed towards him.

I have the honour to be, my Lord,
your Lordship's faithful and obedient servant,
(Signed) **RALPH WOODFORD.**

The Right Honourable Earl Bathurst, K. G.
&c. &c. &c.

By the KING.

A PROCLAMATION.

WHEREAS by the thirteenth clause of the Royal Order in Council of the 10th day of March now last past, after reciting, that it was necessary, that effectual measures should be adopted for punishing such offences as might hereafter be committed by female Slaves, within the island of Trinidad, it was ordered that any female Slave who should commit any offence, within the said island which by the laws in force, was punishable by flogging, should for such her offence, be subject and liable to imprisonment, or be confined in stocks, or to such other punishment or correction as might be necessary for the effectual suppression of such offences, and as might be specially sanctioned in and by any Proclamation to be thereafter issued by the authority, and in the name of His Majesty, in the said island: and the Governor or Acting Governor was thereby authorized to make and ordain such rules and regulations as might be necessary for preventing any excess in such punishments, or any abuse in the mode of inflicting the same, provided that such rules and regulations should not be in anywise repugnant to the said Order.

1. Be it therefore, and it is by this Proclamation ordered, proclaimed and declared, that from and after the promulgation of this Order in the said island, the following punishments for the suppression of such offences as may hereafter be committed by female Slaves, within the said island, which by the laws in force, were heretofore punishable by flogging, shall be, and the same are hereby declared to be, specially sanctioned, that is to say:

Solitary confinement, with or without work, in any fit or proper place on any estate, or in any place in the said island, provided that the same be approved by some duly licenced Medical Practitioner in the said island, and by the Commandant of the quarter, by certificate in writing under their hands; such certificates to be duly entered in the record book on every plantation, if in the country; and if in town, by some duly licenced

Medical Practitioner and the Chief Police of the said town, to be duly recorded in the office of the said Chief of Police, and provided that for each offence, the period of detention in such solitary confinement, shall not at any time exceed three days.

Field stocks for confinement of the hands during the hours of labour in the field, provided that for each offence, the period of confinement shall not at any one time exceed thirty minutes.

House-stocks for the hands and feet, or either of them, with or without seats, during any period of the day, provided that for each offence the period of confinement shall not exceed six hours.

Bed-stocks, for the confinement of the feet during the night.

Hand-cuffs.

Distinguishing dresses to be used, either with or without the stocks.

Distinguishing marks, to be suspended from the neck by collars and secured by padlocks; the collars and marks to be made of tin, and to be of the form now approved by the Government, and as well as the hand-cuffs, to be very light, so as not to injure the skin.

Confinement, either solitary or otherwise, during one of the hours of noon, with or without task-work, during such confinement.

Provided always, and it is hereby ordered, that in all cases of punishment, either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the Slave in confinement shall be supplied with a sufficient quantity of prepared farinaceous food, at the least once in every twelve hours, and with a proper supply of good water.

2. And it is hereby ordered, and declared, that in all cases where it shall seem proper, to any owner or manager, to impose any, or either of the foregoing punishments upon any male Slave or Slaves, for any offence to be hereafter committed by such male Slave or Slaves in lieu of the punishment of flogging, it shall be lawful for such owner or manager so to do, complying in all respects with the provisions aforesaid.

3. And it is hereby further ordered, and declared, that if any offence to be hereafter committed by any male or female Slave in the said island, shall be of such a nature and of such an extent, as in the opinion of his owner, or of any person under whose charge such Slave may be placed, to require greater punishment and correction than such owner, or person is empowered to inflict, such owner, or person shall cause the Slave offending, together with any witnesses necessary to substantiate the complaint, to be carried, if in the country, before the Commandant of the quarter in which such offence shall be committed, or his Adjoint; or if in the town of Port of Spain, before one of the Alcaldes in Ordinary, or before the Chief of Police, or before one of the Alcaldes of Barrio; which said Commandant, Adjoint, Alcalde in Ordinary, Chief of Police, or Alcalde of Barrio, as the case may be, is hereby authorized and empowered to entertain and investigate such complaint, to examine any witness or witnesses that may be produced before him, either in substantiation of the charge, or in defence against the same, and to sentence the same, imposing such punishment on the accused as may appear commensurate with the offence complained of; either by an extension of some one or other of the modes of punishment herein before provided, or by imprisonment in the Royal gaol, with or without hard labour in the tread-mill, provided the same does not for any one offence exceed the term of one month, or, in case the offender be a male, by forty stripes, or by confinement in the public stocks, with or without a distinguishing dress or mark, in any public place approved by the Governor or Acting Governor, for such purpose; in case, however, the offence complained of shall appear to the Commandant, or his Adjoint, or the Alcalde in Ordinary, Chief of Police, or Alcalde of Barrio, as the case may be, to exceed the limits of his jurisdiction, he shall report the same, as directed by the 7th

Clause of the Royal Order in Council of the 16th September 1822, to the Judge of Criminal inquiry, who shall give notice in writing of such report to the Procurador Syndic.

4. And it is hereby further ordered and declared, that the Commandants of the respective quarters or their adjoints, if in the country, or the Alcaldes in ordinary, Chief of Police, or Alcaldes of Barrios, if in the Town or Port of Spain, or the Procurador Syndic, in all cases, either in town or country, shall have full power and authority to hear and determine all complaints of Slaves against their masters, or against any other person or persons; and in all such cases of complaints, it shall be lawful for the Commandant of the quarter in which the offence shall be committed, or his adjoint, for the Alcalde in ordinary, Chief of Police, or Alcalde of Barrio, if in town, or for the Procurador Syndic, to cite before him the person against whom the complaint shall be made; or any person or persons whose testimony may be necessary for the investigation of the truth of such complaint; and after investigation thereof, in case the same shall be established, to sentence the party accused to the payment of such penalty not exceeding ten pounds, as to such Commandant, Adjoint, Alcalde in Ordinary, Chief of Police, Alcalde of Barrio, or Procurador Syndic, may seem proper; and in case such complaint shall be groundless, or appear to have been maliciously invented, the Magistrate before whom the complaint shall have been made, shall return the said Slave to his or her master, together with his sentence in writing, declaratory in either of the aforesaid terms, of the dismissal of the charge, in order that the owner, or manager, or person entrusted with the care of the said Slave may impose such punishment on the said Slave as may be commensurate with the nature of the charge such Slave may have preferred, and may not be inconsistent with the provisions either of this present Order or of the said Order of tenth day of March last, or lay his or her complaint before the Commandant or his Adjoint, if in the country; or before one of the Alcaldes in Ordinary, or the Chief of Police, or one of the Alcaldes of Barrio in the Town of Port of Spain, under the provisions of the third clause of this present Order or Proclamation.

5. And it is hereby further ordered and declared, that in case any person or persons against whom any complaint may be made by any Slave or Slaves shall neglect or refuse to appear before the Commandant or his Adjoint, Alcalde in Ordinary, Chief of Police, Alcalde of Barrio, or Procurador Syndic, as the case may be, for a period of fourteen days after citation in writing duly served, the Magistrate before whom the complaint may have been brought, shall proceed to hear the complaint *ex parte*, and to pronounce sentence therein, and duly enforce the same against the accused; and in all cases in which any person shall be duly cited as a witness before any such Magistrate, and shall refuse to pay due obedience to such citation, it shall be lawful for any such Magistrate, Chief of Police, Alcalde of Barrio, or Procurador Syndic, as the case may be, to fine such person in any sum not exceeding forty shillings currency, for each and every default; and to enforce payment thereof by warrant under his hand, which warrant any Alguazil is authorized and hereby required to execute, either by levying the amount on the property of the party against whom the warrant may be issued, or by the commitment of such party to the Royal gaol, there to remain until the same be recoverable and the amount be duly paid.

6. Provided always, that in all cases in which the complaint made to any such Magistrate as aforesaid, be such as may subject the party accused to public prosecution or punishment under the Royal Order in Council of the 16th September 1822, or under the provisions of the Royal Order in Council of the 10th day of March last, the complaint shall be passed, with the evidence in support of it, to the Judge of Criminal Inquiry, by

whom notice shall be given to the Procurador Syndic, who in these, as well as in all other cases, shall provide for the care and maintenance of the Slaves in such manner as may appear to him necessary and proper; and shall be entitled to recover from the owner all reasonable expences for the said services, provided that, in disputed cases the accounts be submitted for the approval of the Governor.

WITNESS, His Excellency Sir Ralph James Woodford, Baronet, our Governor and Commander-in-Chief in and over the said Island of Trinidad and its Dependencies, and given under the Great Seal of this said Island, at the Government House, in the Town of Port of Spain, this twenty-third day of June in the year 1824, and in the fifth year of our Reign.

RALPH JAMES WOODFORD.

By His Excellency's command,

FREDERICK HAMMET, Assistant Secretary.

GOD SAVE THE KING!

No. 9.

Extract of a Dispatch addressed to Earl Bathurst by Sir R. Woodford, dated Trinidad, 3d July 1824.

UPON the day of proclaiming the regulations forming the proclamation of the 23d ultimo, transmitted to your Lordship on the 27th, I received the inclosed representation from the Chairman of the Committee appointed at the general meeting held by the inhabitants in Port of Spain, as reported in my dispatch of the 26th of May, and I trust that your Lordship will approve of the reply which I returned upon the contents of it.

Trinidad.—*To His Excellency Sir Ralph James Woodford, Baronet, Governor and Commander in and over the said Island and its Dependencies, Vice Admiral thereof, &c. &c. &c.*

THE Committee appointed at the general meeting of the inhabitants held on the 14th day of May, humbly represent to your Excellency that they are duly impressed with a knowledge of the solemn obligation under which every individual in this community is now bound to render implicit obedience to the Order in Council of the 10th of March last, respecting the treatment of Slaves, not only from the loyalty and obedience which they owe to their Sovereign, and from which, under no circumstances of distress or ruin, can they ever swerve, but from a conviction that the free, undisturbed, and entire operation of this act must, very shortly, prove either their fears and apprehensions, as to its injurious effects, to be without reasonable foundation, or afford clear and incontestible evidence to their gracious Sovereign of the fallacy of the opinion of those who would fain persuade him that such an act can ever be of ultimate benefit to the condition and morals of the Slave population, and as Providence has ordained for their protection that their interests and their owners' should be so indissolubly linked together, that the one cannot suffer without the other being equally affected, nothing more will be wanting to convince His Royal mind of the hardship of the case and consequent injury to the property of your memorialists, which conviction will ensure from His mercy

and justice that redress and compensation which the meanest of His subjects never pleaded for in vain.

Impressed with these feelings, your memorialists, anxious to render implicit obedience to the aforesaid Order in Council, have attentively perused and examined the same, but find great difficulty in clearly understanding the meaning of many of the clauses, arising either from ambiguity in the wording, or from the ignorance of your memorialists, whose attention professionally has been directed to other subjects.

And as it is a matter of essential importance that all laws should be clearly worded and fully understood by those whom they are to bind and affect, and more particularly when they embrace a new code, changing in certain points the previously existing relations between the two great social divisions which constitute the entire community of the colony, your memorialists humbly crave that your Excellency will direct for the guidance of their conduct such necessary instructions and interpretations to be given with respect to the several points contained in the appendix attached to this memorial in the mode which to your Excellency may seem most meet.

Your memorialists are aware that it may be considered as unusual to explain the meaning of a law; that their prayer may by lawyers be deemed irregular; but your memorialists humbly contend that they are placed in singular and extraordinary circumstances, without precedent in the annals of legislation for British subjects; laws for their government are universally understood to be framed by their representatives, whose properties and persons they are to affect equally with the rest of the community.

Such laws are called for by the previous necessity of the case; their want has been felt; their meaning and intention understood previous to promulgation, and should an occasional error creep into the wording or expression of such meaning it can be discovered and remedied on the spot without delay.

Such laws are generally produced in succession, are binding upon distinct portions, rarely embracing entire classes, or affecting the diurnal occurrences of a whole community; they are written in a language familiar to all; their enactments are in accordance with, and appear as natural emanations from the pre-existing system of jurisprudence.

Whilst in the case of your memorialists they find themselves suddenly visited by an extensive code, composed by persons who neither represent their feelings nor their interests, who are situate in a distant quarter of the globe, with whom, physically and politically, all consultation and communication is subjected to insuperable difficulties; a code which has been imposed upon them contrary to their wants and their wishes, which involves in its enactments obligations affecting the most ordinary transactions of life; whose provisions penetrate into the domestic establishment of the most secluded retirement, and from which there is no hope of escape; which in some of its enactments, appears to be subversive of the established order of society previously existing, which carries with it the anomaly of attempting to engraft the attributes of freedom upon a system of slavery, and, by a mixture of discordant principles, bewilders the understanding of those it is intended to govern, and renders every attempt at a calculation of results hopeless, which is wrapped up in a technicality of language unintelligible to many in whose language it is written, but which, without further explanation, the majority of this population, consisting of Spaniards, French, Germans, and Italians, must utterly despair of ever comprehending but through the ultimate practical infliction of its penal clauses.

They earnestly, therefore, conjure your Excellency not to permit yourself to be told by your legal advisers, that such a population is to be left to grope its way through legal ambiguities, and to purchase a solution of

their doubts in the ultimate decrees of our courts of justice; decrees which cannot be considered as furnishing a decisive rule of conduct until confirmed by a court of appeal in England; for they beg most forcibly to remind your Excellency that such delay must not only be a period of intolerable suspense, but also of imminent danger; for your memorialists are bound by this Order in Council, not only to obey its enactments, but are compelled, under the liability of a fine of one hundred pounds sterling, to swear four times in every year that they have conformed to certain parts of it "in the manner by law required," an enactment which (being as they believe it to be, unprecedented) relieves this case from the government of all ordinary rule, and renders it in moral justice imperatively necessary that those who are compelled to swear that they have conformed to a law, should be previously taught to understand it.

Independently of the extreme hardship and loss which a refusal of their request would entail upon your memorialists, they beg leave respectfully to suggest, that the policy of the case, and the general interests of the empire, seem to require that it should be complied with.

This is a matter not relating so much to this island alone as to the world at large.

It is avowedly a measure by which the assumptions of theory are to be subjected to the test of experiment, to be falsified or confirmed, by which the philosophic legislator is to ascertain whether a Slave can be raised from the lowest grade to a more elevated rank in society and yet remain a Slave, productive as property and subservient to the will of his master, whether a partial infusion of the best principles extracted from a society of the highest order and refinement into a system radically vicious and bad, yet hitherto simple in its deformity will, by the admixture, neutralize and improve the latter, or the whole explode by repulsion.

Under this view of the subject your memorialists feel assured that your Excellency will concur in the necessity of rendering every stage of this experiment intelligible, clear, decisive, and public: upon its results the condition of all the British Slave colonies are ultimately to depend: those colonies now anxiously watch its progress: by its success or failure are His Majesty's Ministers to be governed in their future administration of the British colonial empire; they cannot but be deeply interested in ascertaining its true results. Every European power, holding dependencies in this hemisphere must be attentively contemplating the nature and developement of a plan by which, as a warning or an example, their own colonies must ultimately benefit.

Your memorialists, therefore, under these novel circumstances—the veil of their humble obscurity drawn aside—exposed to the scrutiny of the world—respectfully hope that your Excellency will not consider that prayer to be unnecessary or presumptuous which craves only information and instruction in the paths they are now called upon to perform.

They, therefore, most humbly but earnestly pray your Excellency to take the subject matter of this memorial into your favourable and early consideration, and that you will be pleased to direct the required information to be given to your memorialists therein, so that the inhabitants of this colony, by understanding the law, may, as dutiful and loyal subjects, be enabled strictly to conform thereto and obey it.

(Signed)

JAMES CADETT, Chairman.

APPENDIX.

1st. It is materially important to the public welfare, and indispensably necessary to the due execution of the Order in Council, that the powers and jurisdiction of the guardian of Slaves should be clearly defined, so that their nature, their extent, and their limits may be well understood both by Masters and Slaves.

The sixth clause, which seems to be intended for this purpose, declares, that the guardian is to be a Magistrate, and that he is to possess such powers and authorities as are by law vested in the Commandants of quarters. But as the title of Magistrate does not by Spanish law confer any specific powers and authorities whatsoever, and as the civil and criminal jurisdiction of the Commandants of quarters has been taken away by the Orders in Council, promulgated in February 1823, the nature, the extent, and the limitations of the authority of the guardian of Slaves remain wholly obscure and undefined.

2d. Hitherto the powers exercised by the guardian, as well as other arrangements for the benefit of the Slave, although supported by no positive law, have been cheerfully acquiesced in by the proprietors of this island, from a sincere wish to meliorate the condition of the Slave. The powers of the guardian were therefore admitted, and his functions undisputed, whilst he was understood to administer justice with an even hand, and to perform the office of Judge and Arbiter between Master and Slave; for he was supposed essentially and fairly to execute the proper duty of a guardian, when he directed the punishment of a Slave for misconduct. But by the eighth clause of the said Order, it would seem that his functions as Judge are now to be sunk in the duties of Advocate, being required to attend in all Courts as the protector only of the Slave, and to act therein in such manner as may be most conducive to the benefit and advantage of any such Slave.

How and to whom is the proprietor now to apply for redress in the event of the misconduct of a Slave? or in the probable and frequent case of the latter advancing groundless or malicious charges against the master?

3d. By the wording of the 10th clause, in which it is prohibited to employ any Slave between sun-set on Saturday until sun-rise on Monday, or to procure or induce any Slave to perform any labour during that period; it would appear that any person hiring a Slave to work on Sunday would incur the penalty of that clause; the consequence of such a measure must be distressingly injurious to the Slaves, and defeat the intentions of the act, which is declared in the preamble to be for the improvement of their condition. Will the inhabitants of this colony be justified in construing this clause according to the apparent meaning of the act, and in continuing to hire Negroes as before to work on Sundays?

4th. As by the regulations of General Picton, confirmed by the 34th clause of the present Order, every owner of an estate is obliged to maintain his Slaves when they cannot support themselves, it is decidedly to his benefit and advantage that they should keep their provision grounds in good cultivation; it is therefore of importance to understand whether an exertion of the authority of the master, to oblige lazy and indolent Negroes to work their grounds on Sunday, as has been the practice hitherto, will now be deemed to be a contravention of that part of the 10th clause which renders it illegal to compel any Slave to engage in any labour for the profit or advantage of his or her owner.

5th. No proviso has been reserved in the 10th clause for the necessary attention of watchmen on Sunday, which is of greater consequence to the welfare of the colony than the attendance of domestics and stock-keepers;

great danger and ruin must ensue if there is no guard upon property against plunder, or to give the alarm of fire, the consequences of which are so frequently destructive in the dry season, nor will it be safe for any individual, under such circumstances, to leave his estate to attend his militia duty: watchmen are besides required for the protection of the grounds of the Slaves against the plunder of stragglers from other estates, or from depredations by the lower classes of free persons; in fact if it be proclaimed by law that on two fixed nights every week watchmen are to be withdrawn from this species of property, such will be its state of insecurity, no Negro will be induced to engage in the cultivation of the land, to the entire exclusion of all habits of industry, and of every hope of the acquisition of property by that class.

Under these circumstances, will any individual be considered as liable to prosecution under this act, for compelling the necessary attendance of watchmen, as heretofore, upon estates, between the hours of sun-set on Saturday until sun-rise on Monday?

6th. By the said 10th clause it is declared illegal to compel any Slave to the performance of any labour between the hours of sun-set on Saturday and sun-rise on Monday, whilst the proviso in favour of domestics extends only to the Sunday, which will deprive the inhabitants of the colony of the attendance of their domestics every Saturday at sun-set.

Will the strict letter of this clause be enforced, or will the inhabitants be permitted to require the attendance of their domestic servants as usual?

7th. In the 10th clause relating to Sunday-work, in the Ordinance of his Excellency General Picton, respecting the treatment of Slaves, it was clearly and intelligibly explained, that the sole meaning and intention of the act was to "ensure to the field Negro the free enjoyment of his holidays to work in his grounds," which explanation enabled the proprietors of estates to induce, in cases of necessity, the attendance and services of any Slave on Sundays, besides those specially provided for in the act, by a simple remuneration in the shape of another day, or by some other valuable consideration, at the option of the Slave. By those means the necessary attendance of sick nurses and assistants in the hospital (not provided for in that Ordinance, or in the present Order in Council) was secured; also the indispensable labour of the carpenter and grave diggers for interments, which cannot in this climate be postponed, and the assistance of the gang in the event of storms and conflagrations, to which casualties West India property is so peculiarly liable.

In the 10th clause of the late Order in Council, relating to the same subject, the said explanatory clause is omitted, and it is further declared to be illegal not only to compel, but to "procure or induce" the labour of any Slave, but such as are specially excepted on the Sunday. How are the inhabitants of this colony now to act in the cases of casualties aforesaid?

8th. By the wording of the 11th clause, in which it is forbidden "to use any whip for the purpose of impelling or coercing any Slaves to perform any labour of any kind or nature whatsoever," it would seem that owners of estates are now restrained from punishing with the whip any male Slave who may have neglected to perform the ordinary and reasonable quantity of work assigned to him, for the purpose of impelling him to a more active discharge of his duty in future, although the said punishment may have been in strict accordance with the regulations contained in the 12th clause.

Is this the proper construction of the act, or is such "illegal driving or use or exhibition of the whip" to be understood as applying solely to the application of the punishment upon the delinquent on the spot, and at the time when the said labour may have been neglected?

9th. The 13th clause, prohibiting the whipping of females, has made no exception for any age; how is the education which young females have hitherto received, how is attention to moral duties, and the ordinary decencies of life, now to be enforced?

Imprisonment and confinement, even if the effect in this respect could be expected to be efficacious, having long been found and denounced in England as particularly detrimental to the constitution and habits of children and infants; are the provisions of this clause to be understood as applying only to adult females, and at what age is their adolescence to be computed to begin?

10th. By the wording of the oath, contained in the 16th clause, to be taken by planters and managers before the Commandant of the quarter, it appears that the only punishment required to be entered in the plantation record book, with respect to male Slaves, is the punishment by the whip, and that no other punishment, whatsoever, need be recorded.

Whilst the 13th clause, having prohibited the correction of a female Slave with the whip, and as the infliction of every punishment whatsoever in her case, is expressly ordered to be recorded, in the 14th clause it would appear, that the record of those punishments which, in the case of the males, is specially excepted, in the case of the females is specially required. The reason of this is not very obvious, but the injunction to record any punishment, whatsoever, inflicted upon female Slaves, which, taken literally, must include every privation or task imposed for the most trifling offence, constitutes a serious and grievous hardship, in the time and trouble alone which will be requisite to enter "a statement of the nature and particulars of the offence, for or in respect of which such punishment may be inflicted, and the time at which, and the place where, such offence was committed, and the time at which and the place where such punishment was inflicted," without adverting to the doubt and difficulty which must naturally occur to every reasonable mind, as to the proper limits to be observed with respect to the nature of the offences to be recorded, which could never have meant to include such as would inevitably throw an air of ridicule over the whole proceeding, doubts and difficulties not easily dissipated, when it is recollected, that oaths are to be taken and subscribed, by which the parties are to swear that no punishment but such as may have been recorded have occurred.

It appears essential that the nature and description of the punishments inflicted upon females, and required by law to be entered in the record book, should be clearly stated and defined.

11th. By the 14th, 15th and 16th clauses it appears that a record book, as aforesaid, must be kept upon every plantation or estate, but no record book is ordered to be kept by the inhabitants of towns and villages.

Will the resident proprietor of an estate, whose domestic establishment may be as distinct and unconnected with the operations of agriculture, and the business of the manufactory, as if domiciliated in Port of Spain, be exempted from the necessity of recording the faults of his domestics, as well as the proprietor who may reside with his family in a village? or will the mere residence in town or country constitute the difference?

Further, the meaning of the term "plantation or estate" is not explained in the Order in Council.

Is it to be held as meaning every residence out of the defined limits and precincts of every town? or is it to be determined by the quantity of land attached to such residence, the number of the Negroes composing the establishment, or the extent and nature of the cultivation?

All which particulars are to be defined and enumerated, before it can be possible for the inhabitants of this colony to feel assured that they are correctly conforming to the directions contained in the 14th, 15th and 16th clauses, a misunderstanding in which respect, will render them liable to

a fine of one hundred pounds sterling, under the 15th clause, for omission of entry in the record book; and a further fine of one hundred pounds sterling, under the 18th clause, for neglecting to make the returns, and take the oaths prescribed, before the Commandant, one half of both fines to be paid, under the 41st clause, to any informer who may prosecute for the same.

12th. Under the 23d clause it is declared, that if, in the execution of any judgment or sentence or decree, any Slaves shall be sold separate or apart from their reputed husbands, wives or children, then, and in every such case, such sale and execution shall be, and the same is hereby declared to be, absolutely null in the law, to all intents and purposes whatsoever.

As neither the creditor who brings the Slaves to sale, or the purchaser under the execution, can be acquainted with their reputed husbands, wives or children, in what situation is such creditor and purchaser to be placed, in the event of such sale and execution being annulled subsequently to the purchase, under the provisions of this clause?

13th. Will Slaves sold thus under execution, be permitted, at their election, to be sold with the husband or wife with whom they may at that time actually cohabit? or will the judge be bound to include together in the sale the parties whose marriage has been legally solemnized, notwithstanding the same may dissever both from new attachments productive of infant families, and to which of the parties will the illicit offspring be considered to belong?

14th. It has hitherto been the usage and practice in this colony, for Negroes to be permitted to acquire, hold and enjoy property free from the controul or influence of their owners, but subject to certain exceptions connected with the safety of the colony, and the preservation of good order, under which exceptions fire arms, kept without permission, gunpowder and spirituous liquors, are, when discovered, seized and confiscated; cattle or stock are always considered as the property of the Slave, but are held and enjoyed on the estate of his master only by permission, and during good behaviour, under which understanding the Slave is occasionally directed to withdraw them, and, in some cases, where such stock is found prejudicial, after due warning to the Slave to send them away, they are shot, leaving to the latter the possession of the carcase. Stock which he may possess on any other estate, is neither interfered with or enquired into, but he possesses no right to visit or have access to the same, or to leave his master's estate to defend it, but by permission of the latter, given in writing.

It is in every point of view, most desirable that the inhabitants of this colony should perfectly understand whether the declaration of the competency of a Slave under the 24th clause to "hold, enjoy, alienate and dispose of lands situate in the said island, or money, cattle, implements or utensils of husbandry or household furniture, or other effects of such or the like nature, of what value or amount soever, and to bring, maintain, prosecute and defend any suit or action in any Court of Justice, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition;" is intended to enlarge or extend the previous rights and privileges hitherto enjoyed by the Negro Slave in this respect in this colony as hereinbefore explained, or whether the said clause is only intended to recognise and establish what has hitherto prevailed by usage, and which the said clause designates as a laudable custom.

15th. By the 29th clause it is ordered, that in case any Slave within the said island shall be desirous to purchase the freedom of himself, or of his or her wife or husband, or child, or brother, or sister, or reputed wife or husband, or child, or brother, or sister, it shall and may be lawful to

and for any such Slave to purchase the freedom of himself or of any such other person as aforesaid.

But should the Slave so desirous of purchasing the freedom of another be old, infirm, or a cripple, will he or she be permitted to emancipate in preference a young, healthy, and useful subject, and to remain at his or her election an incumbrance upon and to be supported at the expence of the master for the remainder of their lives.

16th. By the 28th clause it is expressly declared, that all and every fee for the enrolment or registration of any deed of manumission shall be paid out of the public treasury, and by the 32d clause it is declared, that in event of the manumission of a Slave in whom a minor or married woman may be interested, or who may appertain to a mortgaged estate, &c. that in such case the money arising from the manumission of the said Slave, shall, on the application of the parties interested, be invested in the purchase of another Slave, or if no such application be made, then such money shall remain in the hands of the public treasurer at interest, which interest is to be paid out of the revenue of the colony, and the whole of such money and interest shall be the property of the persons who were the proprietors of such manumitted Slave, clearly shewing the intention of the Legislature not to allow the property of the owner to suffer in a transaction intended solely for the benefit of the Slave, and that in the event of any contingent expence the same should be defrayed by the Government. But it has not been declared by whom the expence of the appraisal directed to be made in the 30th clause, and directed to be allowed by the Chief Judge in the 31st clause, are to be paid.

Is this expence in conformity with the principle and directions contained in the 28th and 32d clauses to be defrayed out of the public treasury? if not, is it to be paid by the Slave who gains his freedom, or by the owner who is deprived of the benefit of his services?

17th. By the 34th clause it is declared, that whenever a deed of manumission has been effected without the owner of a Slave receiving any valuable consideration for the same, in that case the owner shall become responsible, under a bond, in the penal sum of two hundred pounds, for the proper feeding, clothing, and maintaining of the said Slave until the age of fifty years, or labouring under any sickness, disease, or infirmity. It is required to know whether under this clause parties who have effected manumissions, and who have received valuable considerations for the same, are to be considered as exempted from the condition of executing and delivering under their hand and seal the aforesaid bond to His Majesty? in which case what security have the public that they will not ultimately be obliged to feed, clothe, and maintain all such Slaves under the age of fourteen years, or labouring under sickness, disease, and infirmity, who may be so manumitted for valuable considerations?

18th. As by the various clauses relating to the security of the property of the Slave, to the savings banks, and to manumissions, it is evident that it is the intention of the act to give new facilities for the purpose of increasing the number of such manumissions: it is therefore highly desirable in every point of view, that the principles which are to govern the valuation of Slaves should be known, understood, and practised, by the Guardian of Slaves, and the parties who are appointed appraisers, but on this subject the Order in Council is silent.

It is to be understood that the valuation of a Slave is for the future to be made with reference only to his physical strength, powers, and external appearance, or to his moral and intellectual acquirements, or with reference to both?

19th. By the 36th clause it is declared, that no person shall henceforth be rejected as a witness in any Court of Justice, by reason of their being in a state of slavery; if the person tendering them as a witness shall ex-

hibit to the Court, under the hand of the Guardian of Slaves, a certificate that such witness is in the judgment or belief of some Minister or public teacher of religion, acting under the licence of His Excellency the Governor, sufficiently instructed in the principles of religion to understand the nature and obligation of an oath.

Is it to be understood, by the enactments of the aforesaid 36th clause, that all Slaves not furnished with such certificate from some Ministers of Religion shall be rejected as witnesses, and considered incompetent to give evidence in any Court of Justice; or does this Order in Council leave the laws of the island, governing the evidence of Slaves, in the same state and force as before?

20th. By the 41st clause, on a first conviction of any person for cruelty to a Slave, the Court is authorised to declare the right and interest of the person so convicted, in and to such Slave, to be absolutely forfeited to His Majesty; but by the 42d clause no discretion is left to the Court, on a second conviction of the same person for cruelty; nor is the penalty limited to the forfeiture of the right and interest of the offending party, but all and every Slave, of which at the time of such second conviction any such person may be the owner or proprietor, shall thenceforth be absolutely forfeited to and vested in His Majesty, his heirs and successors; under which circumstances will it not be imperative on the Court to admit a first conviction of a mortgager to constitute a legal and legitimate ground for the foreclosure of the mortgage by the mortgagee, whatever stipulations may be contained in such mortgage with respect to extended terms of payment, for the purpose of securing the property of the latter from the loss consequent on a second conviction?

And will it not be imperative on the said Court to direct every such first conviction of a proprietor of Slaves to be recorded in the office of the Registrar of Deeds, for the protection of the public and others, who would be otherwise ignorant of the future insecurity of the property of the persons so convicted?

21st. As in many of the clauses of the said Order in Council, new rights and privileges appear to be given to the Slave, in matters in which he may be exclusively interested without benefit to the owner, but which in their operation may involve the Slave's absence from the estate and his regular occupations; as well as the occasional attendance of the proprietor, manager, or others, upon the Guardian of Slaves and in Courts of Justice: it is essential to understand whether the loss of time and labour is to be compensated by a payment, as ordered in the 28th and 32d clauses for other expences out of the public treasury, or if not, by whom is the expence and loss to be borne?

22. As in many of the clauses contained in the said Order in Council, the term "any persons" is frequently made use of, sometimes coupled with the expletives if of free condition "or" in a state of Slavery, it is desirable to ascertain for a proper understanding of the meaning of the Act, whether in those cases in which the term "any persons" is introduced alone, and unaccompanied by such expletives, the provisions of the clause in which they are to be found, are intended to apply to both Slaves, and free persons indiscriminately.

Government House, 30th June 1824.

THE Governor received on the 24th instant, the papers signed by Mr. Cadett, as Chairman of a Committee, soliciting him to take upon himself to interpret various parts of the Order of the King in Council of the 10th of March last, even though such a measure should be at variance with the opinion of his legal advisers.

The Governor finds it therefore necessary to state, that even if such a step

were not, as it is, in direct contradiction of the laws, it would be impossible for the Governor to give an opinion upon the intention of a law which he did not frame, and still less upon one that issued from superior authority, which the Governor cannot of course revoke, and without which the interpretation would be invalid.

The Governor however will not fail to transmit a copy of the representation to His Majesty's Secretary of State.

No. 10.

SIR,

Downing-Street, July 14, 1824.

I HAVE received your dispatch, dated 26th May ultimo, inclosing for my information and consideration,

A copy of a Proclamation declaring the Order in Council for March ultimo, for improving the condition of the Slaves to be in force, in one calender month from the date of the Proclamation.

A copy of a petition addressed to you by the inhabitants of Trinidad, dated 14th May 1824. Your reply and certain correspondence relating thereto.

A copy of a representation addressed to you, on the 20th May last, by the Members of the Council.

A copy of address of the Cabildo to you, and your reply.

The first specific objections to the enactments of the recent Order in Council to be found in these communications is, that while labour is prohibited from sun-set on Saturday evening, until sun-rise on Sunday morning, the exception which permits such labour as Slaves may perform in attendance on the owners' families, authorizes such labour only during the Sunday, and that, therefore, the general prohibition will operate during the Saturday evening. It is not to be assumed that the Courts of Trinidad, would, under any circumstances, adopt an interpretation so repugnant to the obvious meaning of the law; however, to preclude the possibility of any such misapprehension of the Order, I have to desire that you will instruct the Protectors of Slaves in the several quarters, and the Crown Prosecutor in the colony, not to proceed against any proprietor for employing his Slaves in domestic occupations of any kind at whatever period of the week those Slaves may have been so occupied. With reference to the observation that among the exceptions from the general prohibition of labour on Sunday, the case of watchmen is not included, you will also give the necessary instructions to the Protectors and Crown Prosecutor to prevent any prosecutions against persons employing Slaves on Sunday, in any labour undertaken for the maintenance of the public peace, or for the security or preservation of any public or private property.

The provisions of the Order afford no ground whatever for the next observation which occurs in the papers you have transmitted to me, that the Commandants are no longer to act as formerly when complaints may be made against the Slaves, because under the new Order authority is given to them to act only where the complaint is made by or on the behalf of the Slaves. The Order in Council, in giving to the Commandants new powers, has neither directly, nor by implication, taken away the powers with which they were previously invested.

It is further stated, that no provision is made as to the persons by whom prosecutions under the Order are to be preferred. This statement is certainly correct: for there is no reason why offences against the present law should not be prosecuted in the same manner, and by the same persons as offences against any other part of the criminal law of the colony. The same remark equally applies to the next objection, viz, that the Order

in Council is silent as to the manner in which disputes arising between two Slaves are to be adjusted. The ancient law of the colony upon these points has undergone no alteration.

I further observe, that great injustice is anticipated from the operation of the 12th clause. It does not, however, appear very probable that the law will be evaded in the manner expected. It is supposed that a Slave might, from malicious motives, procure some fellow Slave to flog him to such an extent so as to create laceration, and might then exhibit his person in open Court as good *prima facie* evidence, that the wounds had been inflicted by the order of the master. You will observe that the mere exhibition of a lacerated person would not be enough to raise a presumptive case against the owner. The Slave must be "duly examined by the Court," and must "make a particular, consistent and probable statement of all the circumstances attendant upon the punishment," before even the presumption of guilt will arise. I have also to call your attention to the Dominica Slave Act of April 22d 1818, in the 14th clause of which the same principle is actually established.

It appears to be supposed that greater consideration is shewn for the Slave than the free population, because an unqualified prohibition is issued against the whipping of females in regard to Slaves, while the infliction of that punishment is sanctioned by the existing laws, in regard to persons of free condition. It is neither necessary nor proper that I should here enter into an exposition of the relative condition of the Slave and free population of Trinidad, since an Order in Council, introducing the necessary modifications of the law, will in all probability, and at no distant period, be the result of the enquiries which His Majesty has directed to be made into the existing institutions of the colony. And it is only material to observe that the objection, if well founded, would rather demonstrate the necessity of modifying or repealing the law, which sanctions such a punishment of females of free condition, than constitute any just ground for an alteration of the recent Order.

In the papers before me, a construction is put upon a part of the Order which is warranted by none of its provisions. It appears to be doubted whether the permission conveyed to Slaves, by the Order in Council, to purchase and hold land, does not indirectly revoke the existing law of Trinidad, whereby Slaves are prohibited from cultivating for their own profit any of the staple commodities of the island. In granting to Slaves the power of acquiring land, the Order does not of course exempt them from any existing restrictions as to the mode in which land might be cultivated by persons of their class and condition.

The clause which requires that the emancipation of children, by the voluntary act of the owner, shall not take place until bond has been given to the Crown for their maintenance till the age of fourteen, appears to have been taken as the ground of the objection that manumissions, which have hitherto been made at the time of baptism, will be checked, and that the validity of testamentary emancipation will be affected by the Order. If there are any persons disposed to emancipate infants without providing for their support, there would be no inconvenience in depriving them of that power: but if the party does really propose to make provision for them, it is not probable that he would withhold the boon of freedom, merely because he will have to enter into a legal obligation to carry his own purposes into effect. The Order in Council will, however, certainly not affect the case of manumission by will. The bond is required only on the execution of any "deed of manumission," an expression which can only refer to an instrument executed *inter vivos*. If experience should shew that testamentary emancipations of infants, or of diseased or aged Slaves, are so frequent as to subject the colony to a serious charge for their support, His Majesty's Government will be prepared to adopt such measures as may most effectually suppress abuses of that nature.

The last objection which has been suggested to the Order, appears to be founded on an apprehension of the consequences of the combined operation of the Order in question, with that of the Order in Council of the 5th August 1822. It is assumed that the present Order will create alarm, and depreciate the value of property in the colony; and that it will thence follow that the mortgagees will take immediate measures to sell the mortgaged estates, which under the Order in Council of the 5th of August 1822, they can effect with the delay of only three months. Now even if the apprehensions which have been expressed by the Council were admitted to be well founded, or in other words, if it were granted that the tendency of the recent Order would be to create alarm and depreciate the value of estates, the apprehended consequences of a ruinous sale would not ensue.

The Order of the 5th August 1822, expressly allows the Courts to postpone sales of mortgaged estates, when circumstances may render such a postponement just and equitable; and I understand that in the Courts of Equity in this country, it has been considered that a temporary depreciation of property, arising out of political circumstances, affords sufficient cause for postponing the foreclosure of mortgages.

I have the honour to be, &c.

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

(Signed) BATHURST.

No. 11.

MY LORD,

Trinidad, 6th August 1824.

I AM honoured with your Lordship's dispatch of the 24th June, explanatory of the points in the Order in Council of the 10th March, upon which doubts had occurred to the Chief Judge and myself, as well as to the community in general.

I shall not fail to transmit to the public Officers concerned, a copy of the dispatch, for the regulation of their conduct.

As regards the construction of the 10th clause, it will occasion a loss in all the crops, unless planters be permitted to employ a few of their Slaves in taking care of that portion of produce which is in process of cure, when the Sunday intervenes: at present this extra labour is invariably remunerated, either in a present of part of the produce, or in money, or time, and the Slave knows his own rights too well not to claim a recompence.

I would therefore suggest that, during periods of crop of the various kinds, a small proportion of the gang should be permitted to assist for these necessary services, and I do not think there is any cause to apprehend the abuse of this relaxation of the Order; it cannot however with propriety be limited to any particular months of the year.

It will be satisfactory both to the Owner and Slave, that the latter may work in their grounds on that day.

To this provision, that for the watchmen may be added, as well as an authority to call out the whole gang of one or more adjoining estates in case of fire; also the exception for domestic Slaves' attendance on the Saturday night and the Monday before sun-rise, which might be required on a journey or other emergency.

I take the opportunity of reporting, that the island is undisturbed, and that the apprehensions that prevailed begin to subside.

I must, however, be permitted to regret, that it is not deemed expedient to mitigate the severity of the 42d clause, as regards the confiscation of all the Slaves of an offender, upon a second conviction, not alone

of cruelty, but of *any* unlawful punishment, which now extends to the correction of any female Slave, except it be by imprisonment or stocks, &c. and I humbly beg leave to observe, that the discretion vested in the Court, to which your Lordship adverts, is confined to the first offence, and that for the second, the forfeiture of *all* the Slaves of any unfortunate offender is declared *absolute*.

I most earnestly and most respectfully again presume to entreat your Lordship's reconsideration of this severe penalty, which is naturally considered most oppressive by every Planter and Slave holder in the colony, and it conveys an imputation they do not merit.

I have the honour to be, my Lord,
Your Lordship's faithful and obedient servant,
RALPH WOODFORD.

The Earl Bathurst, K. G.
&c. &c. &c.

No. 12.

MY LORD,

Trinidad, 9th August 1824.

I HAVE now the honour to lay before your Lordship, for His Majesty's approbation, in obedience to the 26th clause of the Order in Council of the 10th March, the rules that have been issued for the government of the Savings' Bank for Slaves.

I have postponed the appointment of any Manager of the principal Bank, from an impression that the Slaves may be more easily induced to confide in the establishment, when placed in the hands of the Treasurer of the colony; and an arrangement can be eventually made with that Officer.

In the country it has been left to a certain number of the Commandants, for as long as it was out of my power to remunerate them for the duty they have hitherto performed gratuitously, and the functions newly required of them, I was unwilling to appoint other Officers with stipends, whose services would be of a more confined nature: your Lordship would probably not approve of any increase to the present taxation, and I therefore see no remedy for these wants but in such assistance as Parliament may deem fit to grant, for the furtherance of the objects recommended by the House of Commons to His Majesty's Government, in respect of Slaves, and now carrying into effect in this island.

I have the honour to be, my Lord,
Your Lordship's faithful and obedient servant,
RALPH WOODFORD.

The Earl Bathurst, K. G.
&c. &c. &c.

Rules and Regulations for Savings Banks, to be established in the Island of Trinidad, under the Royal Order in Council of March 10th 1824.

WHEREAS by the twenty-fifth clause of the Royal Order in Council of the 10th day of March, it was ordered, that Saving Banks should be established within the said island for the better preserving the property of Slaves; and whereas it is expedient Banks should be established in various parts of said island, for the convenience of Slaves desirous of making deposits therein, and to prevent their wilful and unnecessary absence from the estates to which they may belong; *Be it therefore, and it is hereby ordered and directed*, That from and after the 15th day of July instant, and until further order be made herein, Banks for the better preserving the property of Slaves, and for receiving such sums of money in deposit as they may be able to save

shall be established and kept in the several towns and quarters hereinafter mentioned, that is to say,

In the towns of Port of Spain, San Joseph, and San Fernando, in the Mission of Arima, and in each of the quarters of Carenage, Cuba, La Brea, and Hicacos.

And whereas by the twenty-sixth clause of the said Royal Order in Council, it was ordered, That the Governor or Acting Governor for the time being, should authorize and appoint proper and necessary Officers for managing the business of the said Banks, *Be it therefore, and it is hereby ordered and declared*, That the several Savings Banks throughout the said island shall, and they are hereby declared to be, under and subject to the direction and controul of the Syndic Procurador and Protector of Slaves; and that the business of the said Banks, from and after this date, and until further order herein, may be managed and conducted by the several persons following, that is to say,

The Bank in Port of Spain, by the Colonial Treasurer, or some one on his behalf;

in St. Joseph, by the Commandant of the Town of St. Joseph;

in San Fernando, by the Commandants of North and South Naparima;

in Arima, by the Commandant of the Quarter, and the Corregidor of the Mission;

in Carenage, by the Commandant of the Carenage;

in Cuba, by the Commandant of Cuba;

in Guapo, by the Commandant of La Brea, Guapo, and Irois;

in Hicacos, by the Commandant of Hicacos.

And whereas it is expedient that certain Rules and Regulations should be established for the management of the business of the said Banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies therein deposited, *It is hereby ordered and declared*, That the following Rules and Regulations shall be strictly observed at the several Banks throughout the said island.

RULES FOR BANKS.

1. The transactions of Savings Banks, shall be kept in such forms as shall be approved from time to time, by the Governor or Acting Governor.
2. The Bank in the Town of Port of Spain shall be open every Saturday, from twelve o'clock at noon, until five o'clock in the evening, and every Sunday until ten o'clock in the forenoon, for receiving and returning deposits.
3. The Banks in the several other towns and quarters shall be open every Saturday or Sunday, during such hours as the Commandant shall appoint, for receiving and returning deposits.
4. Deposits of any amount not being less than one dollar, nor (without the written consent of the owner, or the order of the Procurador Syndic) of more than twenty dollars, shall be received; but deposits shall not be entitled to interest until they amount to five dollars, and no interest shall be allowed on the fractional parts of a dollar.
5. All Slaves making deposits shall repair to the Savings Banks nearest his or her place of abode.
6. The deposits shall be entered in the books of the Bank, at the time they are made, and the depositor shall receive a book with a corresponding entry therein, which book must be brought to the Officer every time any further sum is deposited, or drawn out, so that the transactions may be regularly entered. In the event of any depositor losing his book, he is to give notice at the Bank, and make oath to such loss, and unless any special objection shall arise, he shall, within fourteen days from the time of such notice, receive a duplicate depositor's book, containing a certified copy of his account.
7. The interest due to the depositors respectively shall be placed to their account, as a cash deposit once in twelve months.

8. Depositors may receive the whole or any part of their deposits within the first three months, on application at the times fixed for attendance at the Bank, but no interest will be allowed on any sum deposited for a shorter period than six months.

9. Deposits will only be returned to depositors personally, or in the event of sickness duly certified in writing, by the owner or manager of a Slave, to the bearer of their books.

10. Deposits in the country Banks shall be lodged in the Colonial Treasury within fifteen days after the expiration of each quarter of a year, with a signed list of the several deposits made therein respectively; and the Treasurer, on receiving such sums, shall grant receipts in duplicate under his hand, for the whole amount.

11. If after the periodical investment of the deposits in the general Savings Banks depositors shall be desirous to withdraw them, they must give at least fourteen days' notice of their applications, to the Branch Bank, in which the deposit was made, that measures may be adopted to meet the demand.

12. The Colonial Treasurer shall, once in every three months, certify under his hand to the Governor or Acting Governor, the amount of monies in deposit, specifying the amount of sums deposited in each Bank during the three months next preceding the date of such certificate, which certificate shall be signed in duplicate, and transmitted to the Governor or Acting Governor of the said island for the time being, who shall countersign the same.

13. And the said certificate, being countersigned by the Governor or Acting Governor shall be transmitted to the Syndic Procurador and Protector of Slaves, to be by him enrolled in his Office, and shall be deemed and taken to be as evidence of the debt due by the Colonial Government to the depositors.

RALPH WOODFORD, Governor.

By His Excellency's Command,

FREDERICK HAMMET, Acting Secretary.

Government-House, 15th July 1824.

No. 13.

MY LORD,

Trinidad, 3d September 1824.

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch of the 14th July, and I am gratified to find that the line of conduct observed by me in publishing and proclaiming the Order in Council of the 10th of March, has received His Majesty's gracious approval.

I have embodied the explanations comprized in your Lordship's dispatches of the 24th June and 14th July, in a circular letter to the Commandants, and I beg leave to lay copies thereof before your Lordship.

The sanction which your Lordship has given to the preservation of private property, I hold to be sufficient to warrant the sanction to the necessary care of that portion of the crop that happens to be in a state of preparation and cure, on Sundays; and if any abuse occurs, which I have no reason to apprehend, the Slaves will not fail to complain of it.

I have communicated to the Chief Judge and Attorney General copies of your Lordship's instructions.

I have the honour to be, my Lord,

Your Lordship's faithful and obedient servant,

RALPH WOODFORD.

The Earl of Bathurst, K. G.

&c.

&c.

&c.

Copy of a Letter from His Excellency the Governor, to the Commandants of Quarters, dated August 21st, 1824.

SIR,

HAVING submitted to the consideration of His Majesty's Secretary of State for the Colonies, these parts of the Order in Council of the 10th of March last, that appeared either ambiguous in their construction, or that had become the subject of representation; I have now the honour to acquaint you, that I have received Earl Bathurst's authority to instruct you as follows:

The seventh clause of the Order, in giving new powers to the Commandants, has not either directly or by implication, taken away the powers with which they were previously invested.

As regards the 10th clause, it is to be understood, that Slaves are to be allowed to work upon their own provision grounds upon that day, but that they are not to hire themselves out to labour on Sunday, either to their master or to any one else, although for their own benefit. It is apprehended that to permit it, would occasion endless evasion; the object of Government being to secure Sunday as a day of rest and of religious improvement.

His Majesty's Government are, however, aware of the necessity that may exist, on some estates, for providing, during certain periods of the year, due care for the preservation of that portion of the crop that may be in process of cure on Sundays, and until directions be given upon this subject, you will permit a reasonable number of Slaves to attend this service.

In like manner, it was not within the intent of the Order, that proprietors should be punished for requiring the attendance of their servants after sun-set on Saturday evening, and I am therefore to instruct you not to proceed against any proprietor for employing Slaves in domestic occupation at any period of the week: This is equally to apply to any labour undertaken for the maintenance of the public peace, or for the security or preservation of any public or private property.

The prohibition contained in the 11th clause is intended to prevent the use of the whip as the immediate impulse to labour, and as such, it is to be strictly construed; but it is not to be inferred therefrom, that Slaves refusing to work are thereby screened from punishment.

It having been objected to the 13th clause, that Female Slaves being thereby no longer exposed to punishment by the whip, are placed in a better situation than the Female Free Inhabitants, I am to acquaint you, that His Majesty's Government do not see therein ground for withdrawing the protection granted to the Slave, but rather for extending the like security to the sex in general, by some future Order of His Majesty to such purpose.

His Majesty's Government do not anticipate any of those evils which the 12th clause is represented as likely to create, and as the Slave is to be duly examined by the Court and to make a particular, consistent and probable statement of all circumstances attendant upon the punishment, before even the presumption of guilt will arise, the danger that has been anticipated from this clause does not appear to His Majesty's Government to rest on sufficient foundation. It also appears that this principle was established in the island of Dominica, by the 14th clause of the Slave Act, dated the 22d of April 1818.

In the next clause, namely the 22d, the power of election given to the Slave is to be considered as providing for cases of sickness or absence on the part of the Commandant or Assistant Protector, or where the Commandant might be the master, and not as giving or implying a power to quit the estate against the master's consent. This application on the part of the Slave may also be made either by a message, or by obtaining a letter to be written, as the duties of the plantation or other circumstances may render most convenient.

The power conferred by the 24th clause, by which Slaves are permitted to

acquire lands, is not to be held as exempting them from the existing restrictions as to the mode in which lands may be cultivated by persons of their class and condition. They are therefore not authorised by the mere acquirement and tenure of land to cultivate for their own profit, the staple commodities of the island.

The obligation required by the 34th clause, in the cases of voluntary manumissions, to give security to the Crown, for maintenance of the Slave, does not apply to testamentary manumissions; and in other cases, it is not considered probable that the party disposed to confer the benefit of freedom would withhold the boon, merely because he will have to enter into a legal obligation to carry his own purposes into effect.

As respects the 42d clause, and penalties attendant upon it, I have the satisfaction to acquaint you, that for the purpose of allaying any apprehensions that have been entertained of this enactment, it has been directed, that the penalty on the second conviction, shall never be enforced until the whole case has been referred home for the consideration of His Majesty; and you will observe that in this special instance, the forfeiture is to the benefit of the Crown, and therefore would not be enforced, unless the offence were of a grave and serious character.

Having also submitted the inconvenience that some of the Commandants might suffer by being required to come to Port of Spain every quarter, for the purpose of swearing to their returns, I am further to acquaint you, that the returns of punishments by Commandants upon their own estates, will be required only every six months from those officers.

(Signed)

RALPH WOODFORD.

No. 14.

SIR,

Downing-Street, 11th September 1824.

I HAVE received your dispatch, dated 3d July ult. covering a memorial which you had received from the Chairman of the Committee appointed at the General Meeting of the inhabitants of Trinidad, held on the 14th of May last, for the purpose of taking into consideration the Order in Council of the 10th March, for the improvement of the condition of the Slaves. I have also received your reply to that memorial.

The Committee cannot have failed to observe, that the memorial having been drawn up before you issued your proclamation of the 23d June, those doubts or difficulties which they have suggested in the 1st, 2d and 21st sections of the appendix to their memorial had been anticipated, and have been already satisfactorily explained. I have felt it to be my duty to submit to His Majesty, that an Order in Council may be issued, the provisions of which will comprize such explanations as are sufficient to remove the doubts, and meet the difficulties suggested by the Committee in the 3d, 5th, 6th, 7th, 9th, 10th, 16th and 20th sections of the appendix, but as some delay must take place in the preparation of the new Order, I herewith enclose to you a draft of a proclamation in which the substance of the intended Order is embodied, and which you are to issue in the same manner as you have issued the proclamation of the 23d June; but after a complete revision of the Order of the 10th March, and a careful analysis of the objections which have been offered, there will yet remain various provisions of that Order to which the Committee have adverted, specially, as being ambiguous in expression or difficult of execution, but in regard to which no Legislative enactment will be necessary, for the reasons which I shall detail in the course of the following remarks and explanations.

The Committee observed, respecting the 10th clause of the Order in Council, in the 3d section of the appendix to their memorial, "That the consequences of such a prohibition must be distressingly injurious to the Slaves,"

and request to know if it be intended to proscribe for the future the present custom of hiring Negroes to work on Sundays. By the 10th clause Slaves are undoubtedly prohibited from hiring themselves out on Sunday, either to their master or to any one else, although for their own benefit. But the proclamation, which in this letter you are directed to issue, so far modifies that clause as to permit, under regulations, the employment of Slaves in cases of extreme exigency. There is a wide distinction between an habitual wanton profanation of the Sabbath, and a rigid inflexible enforcement of its observance. The proclamation which you are instructed to issue, coupled with some of the provisions of the Order in Council, provides for those instances where the urgency of the occasion or the indispensable services of domestic life render some relaxation of the law unavoidable. These provisions will, it is hoped, sufficiently meet the cases where a more uncompromising observance of the Sabbath might be seriously injurious both to the master and to the Slave.

To the question, however, contained in the fourth section of the appendix to the memorial, "Whether it is lawful for a master to compel his Slave to work on his own provision ground on Sunday," it may be necessary to answer more at length. The Order in Council distinctly prohibits the use of compulsion to induce a Slave to work even on his own ground on a Sunday. This interpretation consists clearly not less with the words of the Law than with its spirit and general principles. The master is entitled to the labour of his Slave for six days in the week, but he is not entitled to more, and out of the profits of the six days' labour the Slave must be supported. The seventh day must belong entirely to the Slave for his benefit and advantage. I can perceive no difference in principle between the practice of purchasing food for Negroes, who are exclusively employed for six days in the service of their master, for their support during the whole week, and that of allotting to them provision grounds, and of appropriating an adequate portion of time during the six days for the cultivation of those grounds. In the selection of either of these modes, the master will be governed by a consideration of the superior advantage of the one over the other under the circumstances in which he is individually placed. It is therefore evident, that in cases where the master voluntarily adopts in the whole or in part the system of provision grounds (which is most frequently the case in Trinidad) he can have no possible claim on the services of his Slave on the Sunday, whether those services be for the execution of work to be performed exclusively for himself or for the cultivation of provision grounds; by the produce of which he is to be relieved from the support of his Slaves. Nor can he be considered as entitled to compensation for that day or part of a day which he may permit his Slaves to appropriate, during the six working days, for he makes this arrangement to supercede the necessity of purchasing provisions for his Slaves.

With respect to the case of a Slave refusing to work his provision ground, the observations which I have already made will shew, that the natural remedy on the part of the master is to withdraw that ground from him, as he would from a bad tenant, and to substitute such a portion of food as his labour and health require.

But as the Slaves derive not only their maintenance, but many of their comforts, and their best chance of purchasing their enfranchisement by the industrious cultivation of their provision grounds, the occasions for compulsion cannot be so frequent as to require special legislative enactments, which, it must be remembered, can only extend to that part of the six days which the master has allowed his Slaves for the cultivation of their grounds, compulsory labour on a Sunday being altogether prohibited.

The difficulty proposed by the Committee in the 8th section of the Appendix, refers to the 11th clause of the Order in Council. This clause prohibits the use of the whip, for the purpose of impelling or coercing any Slave to perform labour of any kind; will it not therefore, it is asked, be a violation of the law, if a Slave having neglected his work, receives a whipping for the purpose of impelling him to greater activity in future? and if it is, does not the

law in effect prohibit all punishments for neglect of labour, and thus give the rein to every excess of indolence and misconduct?

Such a construction would be certainly erroneous, and the difficulty can only arise in consequence of a sufficient distinction not having been made between two things essentially different, namely: punishment following the neglect of labour, and punishment inflicted to impel the performance of labour.

They are different both as respects the intention of the party inflicting the punishment, and the moral effect produced on the party receiving it. In the one case the whipping is inflicted in anticipation of eventual negligence, in the other for that which has been actually committed. In the one case it presumes misconduct, and makes the punishment precede the commission of offence; in the other twenty-four hours are interposed between the commission of the fault and the punishment assigned to it, and if those deliberate, and as they may be termed judicial punishments which are to follow the offences of the Slave at an interval of twenty-four hours have the effect, and are inflicted with the purpose of impelling him to labour at a future time, it never could be held by any Court of Justice, that this circumstance would subject the master to the penalties which would attach to those who use the whip on the impulse of the moment, as a mere stimulus to present exertion. And I cannot but anticipate that on a reconsideration of the clause it will be observed, that the intention of the Legislature could not have been expressed in a manner less ambiguous.

In the 11th section it is observed, with respect to the plantation record-book, that the Order requires only that such a book should be kept upon every plantation and estate throughout the island, and that no record-book is required to be kept by the inhabitants of towns and villages, and it is enquired whether the proprietor of an estate living in a detached country residence, is to keep such a book; as also what is meant by the terms "plantation, or estate," as employed in the Order in Council, since it is alleged that these words are too loose and indefinite to afford a sufficient guide to the real meaning of the Order.

The purpose and meaning of the Order, in this respect, is to exempt from the obligation of keeping these records the masters of all private-houses, not belonging to or occupied with plantations, whether such houses are situate in the towns and villages, or in detached situations in the country.

In plantations which are frequently remote from all populous towns, and where the Slaves are unavoidably secluded from public observation, the opportunity of abusing the master's or overseer's authority, and the temptation to exact excessive labour, will be chiefly found. But in private families the probability of such abuses is comparatively small. The daily occurrences of a well ordered plantation may be made public, without inflicting pain on those engaged in its management, but it would be impossible to exact a public record of all the punishments inflicted in a private family, without violating the privacy of domestic life, and wounding those feelings which the Legislature is bound to respect. It is upon these grounds that the Order in Council has required the record of punishments to be kept only on plantations and estates.

The expressions "plantations and estates," were used as being terms of familiar use and certain signification invariably employed from year to year by all the Legislatures in the West Indies, in their acts for imposing taxes, enjoining public services, and for every other public or private purpose.

The Order in Council having declared, actually null any sentence of any Court of Justice which may direct the sale of a Slave apart from his or her lawful or reputed wife, or husband, or infant child; the Committee enquire in the 12th section of the Appendix, what is to be the situation of the creditor or purchaser, in the event of the sale being annulled subsequently to the purchase, observing that those parties cannot know whether the Slave put up to sale has or has not any reputed husband, wife, or child. The principal parties in a transaction of this description would be the individual purchasing

the Slave, the Creditor procuring, and the Court directing the sale of such Slave.

With respect to the purchaser, he is subject to the universal rule *caveat emptor*, and if he buys a Slave without enquiring into his family and connections, he will only have to blame his own improvidence should the purchase prove invalid. With respect to the creditor procuring the sale, he must in this, as in every other case, be liable to whatever inconveniences may result from the sale of his debtor's property in an irregular or illegal manner. And with respect to the Court directing the sale, and its officers, they will by the Order incur the obligation of executing the process of the law against this description of property, with peculiar care and circumspection. And it is not to be forgotten that as the execution is rendered invalid, only when the Slave put up to sale, and his reputed kindred or connections, are the property of the same person, the enquiry—whether the Slave has any such kindred or connections, is confined within very narrow limits.

The Committee have enquired in the 13th section, if a Slave have both a lawful and a reputed wife, whether such Slave is to decide with which of the two he is to be sold? This question is in effect an enquiry—whether the law was meant to protect an adulterous connexion,—a question to which, when thus stated, it can hardly be necessary to reply. Again, it is asked—if the illicit connection has been productive of an infant family, are the illegitimate children to be sold with the putative father and his lawful wife, or are they to be retained and sold with the natural mother? The latter would certainly be the legal mode of proceeding. In the prevalent disuse in any society of regular nuptials the habitual, though unlawful concubinage of the parties would equally indicate the father. But when the alleged father is the lawful husband of another woman, no presumption or legal repute of fraternity could arise, and in such a case the bastard could have no reputed father, in the sense in which the words are used in the law, and the offspring of such concubinage would follow the sale of the mother.

The Order in Council declares Slaves competent in the law to hold and dispose of various descriptions of property. But the Committee state in the fourteenth section, that the Slaves have been in the habit of keeping stock on their owner's lands, and that these animals being kept there only by sufferance of the owner, are of course subject to be destroyed by him, if they prove, as may easily happen, intollerable nuisances. It is therefore enquired whether the Order proposes to enlarge the right of the Negroes so as to entitle them to feed this stock on the owner's land against his will, or whether it leaves the rights of the Master and Slave in this respect on the same footing as before. In reply to this it is only necessary to observe, that the Order does not deprive the master of any of his former rights over his own property. It merely declares the competency of the Slave to acquire land or goods in the same manner, and subject to the same restrictions as any other person, while the keeping their stock on their owner's land will depend as much as ever upon the good will and pleasure of their owner.

The Order in Council has enacted, that any Slave may purchase his own freedom, or that of his wife, brother, sister, or child. In the case of an old and infirm Slave having acquired property sufficient to purchase either his own freedom, or that of his son, who might be in the prime and vigour of life; the Committee enquire—might such a Slave elect to remain in slavery, himself continuing a burden to his owner, and to emancipate his son, who forms a valuable part of his owner's property? This is a just right which the Slave clearly possesses under the operation of the Order. The most powerful inducement to a life of labour and self denial is destroyed if the Slave is not permitted to employ, as may please him best, whatever property he may acquire by his exertions. An old man might purchase his freedom at a cheap rate, but if he prefers labouring longer to purchase that of his son, such an instance of parental regard and self denial would not make the father less deserving of support. Besides, if the aged father might not purchase the freedom of his own son, there is nothing which could prevent his making over to

the son the means of purchasing it for himself. The prohibition would therefore not only be harsh, but inoperative. Nor is the master really injured, for if the son be strong and valuable the owner will receive his proportionable price. If, on the other hand, the father is old and infirm, is it because he has spent his youth and strength, in habits of industry, and in his master's service, that he is unworthy of that master's support?

The Order, in the case of voluntary manumissions of infant children, and infirm and aged Slaves, requires a bond to be entered into for the maintenance of the infant till the age of fourteen, and of the aged and infirm during life. In reference to this clause, the Committee propose in the seventeenth section the following questions:

First, must persons enter into these bonds where the manumission is effected for a valuable consideration? The reply to this enquiry is,—that in such cases the bond will not be required.

But, secondly, the Committee then enquire—what security will the public have that aged, diseased, or infirm Slaves, manumitted for valuable considerations, will not become a public burden?

There is no absolute and perfect security against this risk, but neither can it be said in the case of any individual that the public is absolutely secure against the risk of his becoming a charge on their funds. The security in the case of a Slave manumitted for a valuable consideration is however by no means inconsiderable. Such manumissions can only take place with the concurrence of the Slave himself with his own money, or with the money of some one who has an interest in his welfare. It is not to be supposed that the consent would be given, or the money paid, if there were a reasonable prospect that the manumission would injure the party emancipated, by reducing him from a state of sufficiency and certain maintenance to a state of poverty and distress. A Slave who can raise, or possesses the means of purchasing his own freedom, will seldom belong to that class of persons who sink into pauperism. It may be said of this as of every other system of law, that frauds may be attempted, but in this case an officer is expressly appointed, who, as the guardian and protector of Slaves, will be bound to counteract such fraudulent practices.

In the eighteenth section the Committee next enquire, whether the valuation of a Slave is to be made with reference to his physical strength, or to his moral and intellectual acquirements, or with reference to both. The value of a Slave, of course, depends both on his strength and on his acquirements, and an appraisement which was not formed in reference to both would be manifestly unjust to the owner.

The Order in Council having rendered Slaves competent witnesses upon the production of a certificate from their religious teacher, it is enquired, in the nineteenth section, whether this enactment renders Slaves incompetent, who cannot produce such a certificate, but who, according to any pre-existing law, might, in certain cases, and for certain purposes, have been received as witnesses. The Order in Council furnishes a distinct answer to this question, by declaring “that nothing therein contained shall extend to take away or diminish any power or authority which any court of criminal jurisdiction now hath to admit in any case the evidence of persons being in a state of Slavery.”

Lastly, the Committee have observed, that the Order in Council often makes mention of “persons in a state of Slavery” and “free persons” and sometimes uses the word “person” alone and without any qualifying epithet. It is therefore enquired whether the word person, when used thus absolutely, is to be understood as descriptive both of Freemen and Slaves. On a reference to the terms of the Order, I am unable to discover a single instance in which the word person is used without being preceded or followed by some expressions which clearly ascertain what class of persons it is intended to designate. The word “persons,” however, if used in a general sense, without any reference to any preceding passage, would necessarily comprize both Slaves and Freemen.

I have, &c.

(Signed)

BATHURST.

By the KING.

A PROCLAMATION.

WHEREAS, doubts may arise respecting the meaning of certain of the provisions contained in a certain Order made by the King's most excellent Majesty, with the advice of His Privy Council, on the 10th day of March 1824, for improving the condition of the Slaves in this island, and it is expedient that such doubts should be obviated and removed. Now, therefore, by virtue of the powers and authority in me on that behalf vested, and in pursuance of the special instructions of His Majesty in that behalf; it is hereby ordered and declared, that nothing in the said Order contained extends, or shall be construed to extend, to authorize or enable any Slave to hire himself or herself to work either to his or her owner or manager, or to any other person, between the hours of sun-set on Saturday and sun-rise on Monday, but that all such hiring is, in and by the said Order, prohibited and declared illegal under and subject to the penalties in the said Order in that behalf mentioned.

Provided, nevertheless, and it is hereby declared, that in case it shall be absolutely necessary for the preservation of the crops or produce upon any plantation or estate in this island, and for the prevention of essential injury to the same, to work and employ thereupon any Slaves or Slave between the hours of sun-set on Saturday, and sun-rise on Monday, and if any such Slaves or Slave shall in any such special case voluntarily consent and agree to work between the hours aforesaid, upon any such plantation or estate for the purpose aforesaid, nothing in the said Order contained doth extend, or shall be construed to extend, to prevent any such Slaves or Slave from hiring themselves, himself, or herself, either to his or her owner, or to any other person to work upon any such plantation or estate between the hours aforesaid, provided always that no such Slave shall or may lawfully be so hired to work during the hours aforesaid in the service of any person or persons except their, his or her owner or manager, unless with the special consent in writing of such owner or manager. Provided also, that the Protector and Guardian of Slaves shall, by notices, to be by him from time to time issued in the usual and most public manner, signify the lowest rate of wages at which Slaves may, during the period of six calendar months next ensuiug the date of every such notice, hire themselves, either to their respective owners, or with the consent of their respective owners or managers, to work for the special purpose of the preservation of the crops or produce upon any plantation or estate in this island, in which notices shall be stated, the different rates of such wages payable to the Slaves so hiring themselves, according to age and sex of such Slaves, and according as they may be, field Negroes or artificers, and no hiring of any Slave for any such special purpose aforesaid, shall be a legal hiring, or shall be exempted from the penalties of the said Order in Council, unless such Slave shall actually receive, and be paid for his or her own use and benefit, wages at not less than the rate so to be fixed by any such public notice as aforesaid.

And it is further ordered and declared, that nothing in the said Order in Council contained shall extend, or be construed to extend, to prevent the employment between the hour of sun-set on Saturday, and the hour of sun-rise on Monday, of any Slave or Slaves as a watchman or watchmen upon any estate or plantation, or in nursing, or attendance on the sick, or in attendance upon the person, or in the family of his or her owner or manager, or in performing or making preparations for any interment, or in extinguishing any fire, or otherwise in preventing any irreparable damage or injury to the property of his or her owner, employer, or manager; and no Slave so employed shall be entitled to any hire or wages for such his or her services; provided, nevertheless, that no Slave shall be employed between sun-set on Saturday evening, and sun-rise on Monday morning, in field labour, or in any of the ordinary works upon any plantation or estate, upon the pretence, or by reason

that irreparable injury would arise from the postponement of such labour, unless such Slave shall voluntarily engage in the same; and shall for such his labour receive and be paid such hire and wages as aforesaid.

And it is further declared, that nothing in the said orders contained extends, or shall be construed to extend, to prevent any master, owner, or manager of any female Slave under the age of ten years from causing her to be punished and corrected for any fault or misconduct by her committed, in such and the same manner, and to such and the same extent, as any child of free condition may be, and usually is, punished and corrected in any schools or school for the education of youth in this Island.

And it is further declared, that nothing in the said order contained extends, or shall be construed to extend, to require any entry to be made in any Plantation Record Book of any punishment inflicted on any female Slave, other than and except such punishments as by a Proclamation issued in the name of his Majesty on the 23rd day of June 1824, in pursuance of the said Order in Council, are expressly permitted to be inflicted on such female Slaves as a substitution for the punishment of whipping.

And whereas the said Order in Council hath not made provision for the manner in which the expences of appraisement of Slaves proposed to be manumitted are to be defrayed, be it, therefore, and it is hereby ordered, that in all cases where such appraisement shall be made by reason of the refusal of the owner or owners of any such Slave to effect his or her manumission, or by reason of any differences of opinion between the Protector and Guardian of Slaves and the owner or proprietor of any such Slave, respecting his or her price or value, the expences of such appraisement shall be equally borne by, and divided between, such owner or proprietor and the Slave proposed to be manumitted. And in all cases where such appraisement shall be made by reason of the inability of the owner or proprietor to effect a valid manumission by private contract, or by reason of the minority, coverture, idiocy, or lunacy of such owner or proprietor, or by reason of the absence of any such owner or proprietor, or other person having a charge upon the said Slave from the Island, or by reason that any such owner or proprietor is unknown, or cannot be found, or by reason of the precedency in any Court of Justice in this Island of any suit or action wherein the title of the said Slave, or the right to his services is in controversy, then and in all such cases the expences of the said appraisements shall be equally divided between the Slave proposed to be manumitted, and the owner and proprietor, or other persons having any charge upon, or interest in him, and such last-mentioned moiety of the said expences shall be deducted from the money arising from the manumission of the Slave before the investment thereof, in the manner directed in and by the said Order in Council.

And it is hereby further ordered and declared that, whenever any Slave or Slaves, or any right or interest in any Slave or Slaves, shall upon the conviction of any person or persons in the manner in the said Order in Council mentioned, become forfeited to His Majesty, his heirs and successors, such forfeiture shall not be carried into effect by the actual seizure or sale of the property so forfeited, until the particulars and circumstances of the case shall have been reported to His Majesty through one of his principal Secretaries of State, and until His Majesty shall have signified his royal pleasure therein, provided that, pending any such reference to His Majesty, such forfeited property shall be, and remain legally vested in him, subject to be divested in case His Majesty shall be graciously pleased to remit any such forfeiture.

And it is further ordered and declared, that no such forfeiture as aforesaid to his Majesty of any Slave or Slaves, or of any right or interest in any Slave or Slaves, shall, or according to the true intent and meaning of the said Order in Council, doth, in any way diminish, affect, or take away the right or interest of any person or persons to or in any such Slave or Slaves, other than and except the person or persons upon the conviction of whom any such forfeiture may be incurred.

No. 15.

MY LORD,

Trinidad, 15th September 1824.

HAVING communicated to the Chief Judge presiding in the Courts of Civil and Criminal Jurisdiction, copies of your Lordship's dispatches of the 24th June and 14th July, I have now the honour to transmit a representation, which I have received in reply, and which I beg leave to submit for your Lordship's consideration.

Your Lordship will observe, that the Chief Judge is of opinion, that it is necessary that those amendments which your Lordship has been pleased to declare as the interpretation to be given to certain parts of the Order in Council of the 10th March, should be embodied and promulgated in a legal shape. I do not, however, consider myself authorized to adopt such a measure, as your Lordship's despatch of the 24th June intimates that any new order would be inexpedient; and as the strict construction of the penal enactments would be materially affected by the alterations, I have to request your Lordship's express sanction to the measure recommended by the Chief Judge, unless your Lordship would think fit to submit such an order for His Majesty's Royal approbation.

I have the honour to be, my Lord,

Your Lordship's faithful and obedient Servant,

(Signed) RALPH WOODFORD.

Earl Bathurst, K. G. &c.

SIR,

Court House, Port of Spain, 14th September 1824.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 21st of August, transmitting for my information and that of the Members of the Courts in which I preside, copies of the instructions received from His Majesty's Secretary of State, dated respectively the 24th of June and the 14th of July, in explanation of certain parts of the Order in Council of the 10th of March last, providing for the religious instruction of the Slaves in this Island, and for the improvement of their condition.

Your Excellency has not stated in your communication whether these instructions are intended to be declaratory of the Law upon those points to which they refer, or whether in their decisions the Courts are to be governed by the strict letter of the Order in Council itself; and it appears to me the more necessary that this should be understood, because, although from the concluding Clause of Earl Bathurst's letter of the 24th of June, it may be inferred that it is his Lordship's intention that the public officers under this Government should be guided by the letter and not by the order, the third Clause of that letter seems inconsistent with such an intention, his Lordship therein declaring with reference to the eleventh Clause of the order, that as a penal Clause, it must of course be construed strictly, and the letter of the 14th July is only directory to the Crown Prosecutors.

In calling your Excellency's attention to the points in question, I think I shall best make myself understood by referring in the first instance to Earl Bathurst's letters according to their dates, and from them to those Clauses of the order to which they relate.

To the observations contained in his Lordship's letter of the 24th of June, upon the tenth Clause of the Order in Council, the construction given by his Lordship as to the effect of preventing Slaves from hiring themselves out on Sunday, either to their masters or to any one else, although for their own benefit, is undoubtedly consistent with the strict letter of the Clause itself. Upon this point, therefore, the Court can feel under no difficulty nor embarrassment; such does not appear to me to be the case, however, with respect to the eleventh Clause of the Order.

That Clause directs that it shall be unlawful to carry any whip, cat, or other

instrument of the like nature while superintending the labour of any Slaves or Slave in or upon the fields or cane pieces, upon any estate or plantation within the said Island, or to use any such whip, cat, or other instrument for the purpose of compelling or coercing any Slave or Slaves to perform any labour of any kind or nature soever, or to carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument of the like nature, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same over any Slaves or Slave.

A disobedience of the Order in either of these three cases, renders the party offending guilty of a misdemeanour; the use of the whip, as an impulse or coercion to labour, whether such use be immediate or postponed, appears to me to be equally prohibited by this Clause, and if it is to be construed strictly, and by the letter, as his Lordship says it must, it does not appear to me capable of any other interpretation, whatever might have been the intention of His Majesty's Government in framing the enactment.

Upon that passage of his Lordship's letter which relates to the marriage of Slaves, and to election given to them, to apply to the Protector, or to the Commandant, I do not think it necessary to submit any observation to your Excellency.

There can be no difficulty in the construction of the Clause.

His Lordship next proceeds to state, that it would have been superfluous to enact that prosecutions should be conducted in the manner established by the Order in Council of the 16th September, 1822, in the Courts constituted for the administration of Criminal Justice; that the Court in which prosecutions are to take place is sufficiently indicated by the naming of that Court, according to its legal style and appellation, namely, "The Court for the Trial of Criminal Prosecutions." "There is only one such tribunal in Trinidad, and therefore no mistake can arise as to what Court is meant. The Law of September, 1822, having already prescribed the mode of proceeding in that Court, it would have been redundant to have enacted that the necessary forms of that Court should be observed."

The Order in Council of the 16th September, 1822, as your Excellency knows, establishes three Courts for the administration of Criminal Justice, a Court of Criminal Inquiry, a Court for the Trial of Criminal Prosecutions, and a Court of Appeal in all cases of Condemnation to Death. The Order in Council of the 10th of March directs that offences against that Order shall be heard, tried, and enquired of by and before the Court for Criminal Prosecutions (which is not the legal style and appellation of any Court existing in this Island), and if, as Lord Bathurst observes, in his letter of the 14th of July, offences against the last-mentioned Order are to be prosecuted in the same manner, and by the same persons, as offences against any other part of the Criminal Law of the Colony, it is needless for me to remind your Excellency that such prosecutions must have their commencement in the Court of Criminal Inquiry, which would be at variance both with the Order in Council, and with the letter of the 24th of June.

His Lordship next writes that the forfeiture of Slaves upon a second conviction for an unlawful punishment is expressly left to the discretion of the Court, and therefore would not be enforced except in extreme cases. It is also to be observed, says his Lordship, that the forfeiture is to the benefit of the Crown, and therefore would not be enforced unless the offence were of a very serious character.

The 42d Clause of the Order of the 10th of March, as your Excellency is aware, leaves no discretion whatsoever with the Court; by a second conviction for inflicting any cruel or unlawful punishment upon any Slave, under whatever circumstances, the person convicted, in addition to the payment of a penalty not less than £50. nor more than £500. sterling, is declared absolutely incapable to be the owner or proprietor, or to act as the manager, overseer, or superintendant of any Slaves or Slave within the Island; and the Slaves of such party become absolutely forfeited to and vested in his Majesty.

Neither is the right of prosecution for enforcement of the penalty limited to the Crown prosecutor. By the express letter of the law, it is competent to any individual in the community to institute such a prosecution, and the judgment for the penalty and forfeiture in case of a second offence must follow the conviction under the law; and as by the Order in Council of the 16th of September, 1822, no appeal is admissible in criminal cases, except in cases of condemnation to death, I am at a loss to ascertain by what means the judgment can be reserved or suspended, at least so far as the penalty extends.

Having thus stated to your Excellency what has occurred to me upon the perusal of Earl Bathurst's Letter of the 24th of June, permit me to call your Excellency's attention to that of the 14th of July. In that Letter his Lordship commences by observing upon the specific objections that had been made against the enactments of the Order of the 10th of March, in the communications to which his Lordship refers, and states that it is not to be assumed that the Courts of Trinidad would, under any circumstances, adopt an interpretation so repugnant to the obvious meaning of the law as to declare, that, while labor is prohibited from sun-set on Saturday evening to sun-rise on Monday morning, the exception which permits the employment of domestic Slaves is confined to the Sunday, and that therefore the general inhibition will operate during the Saturday evening. Whatever may have been the intention of the framers of the law, I think there can be no doubt that, according to its strict letter, the prohibition extends in all cases, generally from sun-set on Saturday to sun-rise on Monday. The exception only permits the employment of the persons therein referred to on Sunday. This, like the eleventh, is a penal clause; a moiety of the penalty recoverable under it is payable to any person who may prosecute for the enforcement of it, and should such a case be brought before the Court, I should not think it warranted in exercising any discretion. Indeed the very instruction to your Excellency to direct the Crown Officers not to prosecute in such cases, seems to imply a conviction in his Lordship's mind, that the penalty must be enforced if sued for, and the offence be established. The same observations will apply in the cases of Watchmen and others.

The power of the Commandants in Slave cases has been sufficiently defined by the proclamation issued by your Excellency on the 24th of June.

With respect to the persons by whom prosecutions for offences against the Order of the 10th of March are to be instituted, I am not aware that any difficulty is likely to arise. To the manner of proceeding in such causes I have already called your Excellency's attention.

Respecting cases of disputes between Slaves and the right to the enjoyment of their property under the Order, I do not think it necessary to make any observation; and the last point to which I have to solicit your Excellency's attention, is that part of Earl Bathurst's Letter which relates to the discretion vested in the Courts, under the Order in Council of the 5th August, 1822, to postpone the sale of Estates when circumstances may render such postponement just and equitable.

There can be no doubt that cases may occur in which the Court would feel itself justified in exercising the discretionary power afforded to it by the Order in Council of the 5th August, 1822, to postpone the sales of estates taken in execution under it; a hurricane, an insurrection, or any other great public calamity which might befall the Colony, and the effect whereof might be but temporary, might possibly warrant such an exercise; but, looking at the policy of that law, considering that the very end and object of its enactment were to facilitate the recovery of debts, and to repeal privileges and protections which had been productive not only of injustice and great loss to the creditor, but also almost invariably of ultimate ruin to the debtor, doubting much of the justice or propriety under any circumstances of delaying the satisfaction of a debt admissibly just, and more especially in cases of mortgages, where the security for payment becomes lessened in proportion with the depreciation in value of the pledge, I cannot think that any depression which may be produced in the value of property in this Island by the effects of the Orders

of the 5th August, 1822, and of the 10th of March last, would justify the interposition of the Court to postpone the sale of any estate taken in execution in satisfaction of a recorded judgment.

In conclusion, I have to submit to your Excellency my opinion, that the instructions transmitted by Earl Bathurst being more particularly addressed to the Crown prosecutors, are not intended to influence the decisions of the Courts. Should your Excellency, however, differ from me in such a construction, and be of opinion that his Lordship's Letters are to be acted upon as the law of the Colony, I have further to submit to your Excellency my opinion, that it will be necessary to give effect to them by the promulgation of an Order from your Excellency, declaring the instructions contained in those letters as explanatory of the law in respect of those parts of the Order in Council of the 10th of March, to which they particularly refer.

I have the honour to be, Sir,

Your Excellency's most obedient humble servant,

(Signed) ASHTON WARNER, Chief Judge.

His Excellency the Governor.

No. 16.

Extract of a Dispatch addressed to Earl Bathurst, by Sir R. Woodford, dated Trinidad, 30th October, 1824.

I HAD the honour to receive, on the 25th instant, your Lordship's dispatch of the 11th September, inclosing a Draft of a Proclamation for amending certain parts of the Order in Council of the 10th of March, and explaining other points adverted to by the Committee appointed at the Meeting of the 14th of May; and I have the honour to lay before your Lordship a copy of the Proclamation which was published yesterday, and transmitted to the Chairman of the Committee, together with an extract of your Lordship's dispatch, for the information of the applicants; and I feel assured, that your Lordship having condescended to enter into an explanation of the Clauses that appeared to the Committee either obscure or inconvenient, will be duly appreciated by the planters of the Colony in general.

I have the satisfaction to add, that the quarterly returns of punishments have been generally complied with, and that tranquillity prevails throughout the Island.

Task-work is becoming general.

BY THE KING.—A PROCLAMATION.

WHEREAS doubts may arise respecting the meaning of certain of the provisions contained in a certain Order, made by the King's Most Excellent Majesty, with the advice of His Privy Council, on the 10th day of March 1824, for improving the condition of the Slaves in this Island; and it is expedient that such doubts should be obviated and removed. Now, therefore, by virtue of the powers and authority in me in that behalf vested, and in pursuance of the special instructions of His Majesty in that behalf, *It is hereby Ordered and Declared*, that nothing in the said Order contained extends, or shall be construed to extend, to authorise or enable any Slave to hire himself or herself to work, either to his or her owner or manager, or to any other person, between the hour of sun-set on Saturday, and sun-rise on Monday, but that all such hiring is, in and by the said Order, prohibited and declared illegal, under and subject to the penalties in the said Order in that behalf mentioned. *Provided nevertheless, and it is hereby Declared*, that in case it shall be absolutely necessary, for the preservation of the crops or produce upon any plantation or

estate in this Island, and for the prevention of essential injury to the same, to work, and employ thereupon any Slaves or Slave, between the hours of sun-set on Saturday and sun-rise on Monday, and if any such Slaves or Slave shall, in any such special case, voluntarily consent and agree to work between the hours aforesaid, upon any such plantation or estate, for the purpose aforesaid, nothing in the said Order contained doth extend, or shall be construed to extend, to prevent any such Slaves or Slave from hiring themselves, himself, or herself (either to his or her owner, or to any other person), to work upon any such plantation or estate, between the hours aforesaid; *Provided always*, that no such Slave shall or may lawfully be so hired to work during the hours aforesaid, in the service of any person or persons, except their, his, or her owner or manager, unless with the special consent in writing of such owner or manager. *Provided also*, that the protector and guardian of Slaves shall by notices to be by him from time to time issued, in the usual and most public manner, signify the lowest rate of wages at which Slaves may, during the period of six calendar months next ensuing the date of any such notice, hire themselves either to their respective owners, or with the consent of their respective owners or managers, to work for the special purpose of the preservation of the crops or produce upon any estate or plantation in this Island, in which notices shall be stated the different rates of such wages payable to the Slaves so hiring themselves, according to the age and sex of such Slaves, and according as they may be field negroes or artificers: and no hiring of any Slave for any such special purpose as aforesaid, shall be a legal hiring, or shall be exempted from the penalties of the said Order in Council, unless such Slave shall actually receive and be paid for his or her own use and benefit, wages at not less than the rate so to be fixed by any such public Notice as aforesaid. *And it is further Ordered and Declared*, That nothing in the said Order in Council contained, shall extend, or be construed to extend, to prevent the employment, between the hour of sun-set on Saturday, and the hour of sun-rise on Monday, of any Slaves or Slave as a watchman or watchmen upon any estate or plantation, or in nursing or attendance on the sick, or in attendance upon the person or in the family of his or her owner or manager, or in performing or making preparations for any interment, or in extinguishing any fire, or otherwise in preventing any irreparable damage or injury to the property of his or her owner, employer, or manager; and no Slave so employed, shall be entitled to any hire or wages for such his or her services; *Provided nevertheless*, that no Slave shall be employed between sun-set on Saturday evening and sun-rise on Monday morning, in field labour or in any of the ordinary works upon any plantation or estate, upon the pretence, or by reason that irreparable injury would arise from the postponement of such labour, unless such Slave shall voluntarily engage in the same; and shall for such his labour receive and be paid for such hire and wages as aforesaid.

And it is further Declared, That nothing in the said Order contained, extends, or shall be construed to extend, to prevent any master, owner, or manager of any female Slave under the age of ten years, from causing her to be punished and corrected for any fault or misconduct by her committed, in such and the same manner and to such and the same extent, as any child of free condition may be and usually is punished and corrected in any schools or school for the education of youth in this Island.

And it is further Declared, That nothing in the said Order contained extends, or shall be construed to extend, to require any entry to be made in any plantation Record Book, of any punishment inflicted on any female Slaves, other than and except such punishments as by a Proclamation issued, in the name of His Majesty, on the 23d of June, 1824, in pursuance of the said Order in Council, are expressly permitted to be inflicted on such female Slaves as a substitution for the punishment of whipping.

And whereas, The said Order in Council hath not made provision for the manner in which the expence of appraisement of Slaves proposed to be manumitted are to be defrayed; *Be it therefore, and it is thereby Ordered*, That in

all cases where such appraisement shall be made by reason of the refusal of the owner or owners of any such Slaves to effect his or her manumission, or by reason of any difference of opinion between the protector and guardian of Slaves, and the owner or proprietor of any such Slave, respecting his or her price or value, the expences of such appraisement shall be equally borne by and divided between such owner or proprietor and the Slaves proposed to be manumitted. And in all cases where such appraisement shall be made by reason of the inability of the owner or proprietor to effect a valid manumission by private contract, or by reason of the minority, coverture, idiocy, or lunacy of such owner or proprietor, or by reason of the absence of any such owner or proprietor, or other person having a charge upon the said Slave from the Island, or by reason that any such owner or proprietor is unknown or cannot be found, or by reason of the pendency, in any Court of Justice in this Island, of any suit or action wherein the title to the said Slaves, or the right to his services is in controversy: then, and in all such cases, the expences of the appraisement shall be equally divided between the Slave proposed to be manumitted, and the owner or proprietor or other persons having any charge upon or interest in him; and such last-mentioned moiety of the said expences shall be deducted from the money arising from the manumission of the Slave, before the investment thereof in the manner directed in and by the said Order in Council.

And it is hereby further Ordered and Declared, That whenever any Slave or Slaves, or any right or interest in any Slave or Slaves, shall, upon the conviction of any person or persons in the manner in the said Order in Council mentioned, become forfeited to his Majesty, his heirs and successors, such forfeiture shall not be carried into effect, by the actual seizure or sale of the property so forfeited, until the particulars and circumstances of the case shall have been reported to his Majesty, through one of his principal Secretaries of State, and until his Majesty shall have signified his royal pleasure therein; *Provided,* that pending any such reference to his Majesty such forfeited property shall be and remain legally vested in him, subject to be divested in case His Majesty shall be graciously pleased to remit any such forfeiture.

And it is further Ordered and Declared, That no such forfeiture as aforesaid, to His Majesty, of any Slave or Slaves, or of any right or interest in any Slave or Slaves, shall, or according to the true intent and meaning of the said Order in Council, doth in any way diminish, affect, or take away the right or interest of any person or persons, to, or in any such Slave or Slaves, other than and except the person or persons upon the conviction of whom, any such forfeiture may be incurred.

Witness His Excellency Sir RALPH JAMES WOODFORD, Baronet, Our Governor and Commander-in-Chief in and over the said Island of Trinidad and its Dependencies, and Given under the Great Seal of this said Island, at the Government-House in the Town of Port of Spain, this Twenty-Ninth day of October, in the Year 1824, and in the Fifth Year of Our Reign.

RALPH JAMES WOODFORD.

By His Excellency's Command,

FREDERICK HAMMET, *Acting Secretary.*

DEMERARA.

No. 1.

SIR,

Downing Street, 24th January, 1824.

I HEREWITH transmit to you the Commission, under which you will immediately proceed to take upon yourself the Government of the Colony of Demerara, and had you not been already apprized of the general nature of the measures which His Majesty's Government felt it expedient to adopt in pursuance of the Resolutions of the House of Commons on the subject of improving the condition of the Slave Population, I should have felt it my duty to explain them to you in the fullest manner on your assumption of the Government of Demerara at the present moment.

The unfortunate events that have lately occurred there have shewn how completely the views and object of His Majesty's Government, expressing the opinions of Parliament, have been misunderstood by the Slave Population, and I have already directed your predecessor to notify to the Slaves that the object of progressively qualifying them for an extension of privileges would be rendered abortive by any general misconduct, or acts of insubordination on their part. You will take the earliest opportunity of impressing them with the full assurance of your determination to repress any appearance of insurrectionary movements, and in the event (which I trust is most improbable) of the recurrence of revolt, you will not fail to adopt such prompt and effectual measures as were employed by your predecessor, and which have received the most gracious approbation of His Majesty.

I have the honour to be, &c.

(Signed)

BATHURST.

Major-General Sir Benjamin D'Urban, K.C.B. &c. &c.

No. 2.

SIR,

Downing Street, 18th March, 1824.

I HEREWITH enclose you a copy of an Order in Council, which will immediately be passed on the subject of the treatment of Slaves in the Island of Trinidad. This Order was founded upon a draft of an Order framed by the Government, in compliance with my directions, upon my Circular dispatch of the 9th July, 1823, and applying the spirit of the provisions of that Circular to the circumstances of the Spanish Law.

I have to request therefore that you will forthwith transmit me a draft of an Order in Council applying the provisions of this Order in Council to the circumstances of the Dutch Law in the Colony of Demerara. In the execution of this duty, I can have no doubt that you will receive the cordial assistance of the Court of Policy, who have done themselves so much honour by the prompt and conclusive manner in which they pledged themselves to the abolition of the use of the whip, and of the flogging of female Slaves, previously to the unfortunate insurrection, which for the time delayed their proceeding further upon the subject.

I have the honour to be, &c.

(Signed)

BATHURST.

Major-General Sir Benjamin F'Urban, K.C.B. &c. &c.

No. 3.

MY LORD,

King's House, Demerary, 2d April 1824.

WITH a view of affording to your Lordship the best information possible as to the feelings of the Court of Policy of this Settlement with respect to the measures proposed by His Majesty's Government for ameliorating the state of the Slave population, I do myself the honor to transmit certain extracts from that Court's Minutes, containing the discussions and Resolutions which have there taken place on the subject, from a period considerably antecedent to the arrival of your Lordship's dispatches down to the last session, when your Lordship will perceive all discussions on this subject were directed to be laid over until the next ordinary session then to be resumed.

In compliance with your Lordship's commands, I did not fail to urge the Court of Policy to proceed without loss of time in giving effect to the resolutions entered into previous to the revolt, in which they were deterred from proceeding, by an anxiety to avoid agitating the public mind by the continuance of discussions which evidently had that tendency, to an extent which rendered it doubtful whether any enactments, requiring so much co-operation from individuals to render them effective, could at this moment be attempted with a reasonable prospect of success.

So far as I am enabled to judge, the Court of Policy, and the inhabitants of this Settlement generally, are heartily disposed to meet the views of His Majesty's Government, with regard to every practicable amelioration of the state of the Slave population; but I cannot avoid adding, that I fully coincide in opinion with the Members of the Court of Policy, that the urging of any such measures on the Colonists precipitately, might have the effect of creating opposition where none now exists, and therefore that it was very advisable the attempt should not be made until the confidence of Masters in their Slaves should have been in some measure restored.

I trust the Court proceedings in this respect will meet your Lordship's approbation.

I have the honour to be, my Lord,

Your Lordship's most obedient humble Servant,
(Signed) JOHN MURRAY.

The Right Honourable the Earl Bathurst, K. G. &c.

Extract from the Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and dependent Districts of Demerary and Essequibo, held pursuant to Adjournment at the Court House, George Town, Demerary.

Monday, the 2d of June, 1823.

(After Prayers.)

HIS Excellency moved the Order of the Day for receiving the intended motion of the honorable Member, Mr. Austin, respecting the regulations for the working of Slaves, &c.

The honorable Member, Mr. Austin, observed, that the intelligence from the Mother Country received since the last Meeting of the honorable Court, now induced him to decline bringing forward at the present moment the intended motion respecting the working of the Slaves, and at same time requested the notice given by him to that effect on the 5th *ultimo* may be considered as withdrawn.

The Court having expressed its perfect acquiescence in the propriety of withdrawing for the present the proposed motion, agreed thereto accordingly.

(A true Extract)

(Signed)

CHARLES WILDMAN,
Deputy Secretary.

Extract from the Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and dependent Districts of Demerary and Essequibo, at an extraordinary Meeting held at the Court House, George Town, Demerary.

Monday, the 21st of July, 1823.

(After Prayers.)

THE foregoing matter having been disposed of, his Excellency stated that he had next to submit to the consideration of the Court a dispatch with which he had been honoured by Lord Bathurst, communicating the Resolutions which were unanimously agreed to by the House of Commons on the 15th May last, to adopt effectual and decisive measures for meliorating the condition of the Slave Population in his Majesty's Colonies.

His Excellency observed, that this Court must necessarily derive considerable satisfaction in having anticipated in some degree the intention of meliorating the condition of the Slaves, by its previous determination to look into, and, where necessary, amend and revise the existing Laws and Regulations which affect the Slave Population of this Colony.

But the intelligence which so shortly afterwards reached the Colony having induced the Court to suspend its proceedings in this respect, it would now be a favorable opportunity to resume, with a consideration of the present communication conveying the views of His Majesty's Government, its former intention, and adopt such measures as it may deem best calculated to meet the ends and objects of both.

His Excellency concluded by moving, that the dispatch and enclosure be now read by the Secretary, which, after thanks returned, was unanimously agreed to.

The foregoing papers having been read, his Excellency stated that he did not wish or expect the Court should enter into any discussion upon their contents this day, but that the further consideration of them should be adjourned until the first day of the ensuing Ordinary Meeting; the Court would then, he hoped, be full, and have the assistance of his Honor the First Fiscal, who had been prevented giving his attendance this day in consequence of indisposition.

The Court then resolved to adjourn the further consideration of the papers just read until Monday the 28th July.

(A true Extract)

(Signed)

CHARLES WILDMAN,
Deputy Secretary.

Extract from the Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and dependent Districts of Demerary and Essequibo, at its ordinary Assembly held at the Court House, George Town, Demerary.

Monday, the 4th of August, 1823.

(After Prayers.)

HIS Excellency the Lieutenant-Governor, after having shortly recapitulated the proceedings of the Court on Monday, the 21st *ultimo*, when he had laid on the table the dispatch and enclosure of Lord Bathurst, proposed that the Court do now proceed to take those papers into consideration, observing it would be at the same time matter for serious deliberation of this Court, how

far the general measures for meliorating the condition of the Slaves contemplated in the speech of Mr. Secretary Canning, could be introduced and acted on.

Whether the system therein laid down should not be put in progress here, he conceived that the interest of the Colony would be best consulted by shewing a disposition to meet the wishes of the mother country in this respect.

The dispatch of my Lord Bathurst expressed the desire felt by His Majesty's Government, that the melioration should originate with this Court, in preference to their being sent out as commands, considering the former course would be more consonant to the feelings of its Members, unwilling to deprive them of the satisfaction they would derive by supporting an object which has been approved by all classes.

His Excellency concluded by observing, that he considered the whole question one of the most serious that ever was brought under its deliberation, involving as it did consequences of the most vital importance, not only to the Slaves themselves, but to the Colony at large, necessarily requiring the exercise of that cool and deliberate judgment which could alone ensure results favourable in their combinations and consequences.

The dispatch from Lord Bathurst, together with the Resolutions of the House of Commons, passed on the 15th May last, which were laid on the table by His Excellency the Lieutenant-Governor on Monday the 21st ultimo, having been read by the Secretary,

The Court proceeded to deliberate thereon, without however coming to any final Resolution.

A true Extract,

(Signed) CHARLES WILDMAN, Deputy Sec.

Extracts from the Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and dependant Districts of Demerary and Essequebo, at its ordinary Assembly held at the Court House, George Town, Demerary.

Wednesday, the 6th of August, 1823.

(After Prayers.)

THE Court resumed its deliberation on the dispatch of Lord Bathurst, laid on the table since the 21st ultimo.

His Excellency proposed that the report of Mr. Secretary Canning's speech in the House of Commons, which His Excellency now anew laid on the table, be read, which was agreed to.

Fiat Insertio.

The foregoing document having been read, was ordered to be entered on the minutes, to serve for information.

The discussion on the matter connected with the subject of the question before the Court having been continued until a late hour, it was resolved on the motion of His Honor George Bagot, seconded by Mr. President Wray, to adjourn the question until to-morrow.

A true Extract.

(Signed) CHARLES WILDMAN, Deputy Secretary.

N. B. For the Minutes of the Court of Policy, which sat on the 7th of August 1823, *vide* Papers presented last year, page 115.

Extract from the Minutes of the proceedings of the Honorable the Court of Policy of the Colony, and dependant Districts of Demerary and Essequibo, at its ordinary Assembly held at the Court House, George Town, Demerary.

Wednesday, the 4th of February, 1824.

(After Prayers.)

HIS Excellency the Lieutenant Governor then called the attention of the Court, to the proceedings which had taken place on the 7th August last, and proposed that the Secretary do now read the Minute containing the Court's resolutions of that date, which having been agreed to, and the Minute of the 7th August having been read by the Secretary,

His Excellency, addressing the Court, stated that he confidently relied upon the Court, that it would take the earliest moment in its power to carry into effect the resolutions of that day; they had been transmitted by him to Lord Bathurst, and had been received by His Majesty's Government as a pledge given by this Court to meet the wishes of Government, and the Commons House of Parliament of Great Britain, to accelerate the ameliorations intended for the benefit of the Slave population of these Colonies.

Subsequent events had necessarily interposed and prevented the Court's proceeding at an earlier period to pass those Laws required to give effect to its resolutions; but His Majesty's Government nevertheless confidently expected that the Court would promptly act upon them, and he was instructed to press on the Court, if necessary, the earliest accomplishment of measures so satisfactorily commenced.

His Excellency observed, that he was confident he was addressing men who possessed every requisite information on the subject it was now his duty to bring forward, and who perfectly understood the true interests of the community, which it was unquestionably their province to consult and protect. He felt confident likewise, that a spirit of liberality existed, as well in the Members of this Court, as in the inhabitants of the Colony generally, and a disposition to ameliorate and improve the condition of their Slaves in every way, and to the fullest extent that prudence and a due regard to safety will admit. The conduct of the Negroes on the windward coast had delayed the intended benefits to the Slaves contemplated in the resolutions just read; but he considered the Court was bound to extend them to those who had remained unmoved by the examples of those misguided people, and who had stood faithfully attached to their masters; this circumstance he conceived entitled them to the most liberal construction of their conduct. It remained now with the Court seriously to consider the importance and necessity of proceeding to give legal force to its resolutions of 7th August last. His Excellency concluded by observing, that every Member individually was competent to judge of those regulations which are best calculated to promote and secure the proper protection and comfort of the Slaves; consistent with the safety of the lives and properties of their masters. It was unnecessary for him to add anything to the sentiments already expressed by him; he felt assured the Court would do its duty.

The Court, having returned thanks to His Excellency, proceeded to take into consideration the communication he had been pleased to favour it with.

His Honour the First Fiscal stated, that as the Court had passed certain resolutions on the 7th August last, which he conceived had the force of Law, it would be the duty of the Court now to give them effect, by ordering them to be published.

His Honor Mr. President Wray observed, that those resolutions were not Law, but had bound the Court to pass certain enactments, which it had still to do; but he was clearly of opinion that the benefits intended to be granted to the Slaves, should in the first place be limited to three months; with the double object of enabling the Court to judge of the effect it would have on the

Slaves, as well as to keep a ready check on their conduct by convincing them that if the Court had the power to grant indulgencies, it could also recall them if abused; but it appeared to him the Court being now called on by His Excellency the Governor to give effect to its resolution passed on the 7th August last, the question for the consideration of the Court was, whether the time is arrived that it will be safe to carry those resolutions into effect.

The honourable Member, Mr. M'Turk, stated, that he was not prepared to enter into a discussion of the subject brought before the Court by his Excellency, or how far it was advisable at this moment to carry into effect the resolutions of this Court of the 7th of August, but would content himself with briefly stating, that the feeling which actuated him in giving his cordial assent to that resolution had very materially changed since that period. The late unhappy revolt, which rendered martial law indispensably necessary for the last five months, kept the Slave population (for whose benefit this resolution was intended) in more than ordinary restraint, and that having only lately ceased, he considered it premature to make any enactments founded on those resolutions until it could be ascertained whether the disposition and conduct of the Slaves warranted it safe to carry them into effect; and therefore would propose, that the consideration of this subject be postponed until the next ordinary Session of this Court, and then be resumed.

The motion of the honorable Member having been seconded by Mr. Newton,

The Court thereupon agreed, without a dissenting voice, to adopt the motion of the honorable Member, Mr. M'Turk, as a Resolution of this Court.

(A true Extract)

(Signed)

CHARLES WILDMAN,
Deputy Secretary.

Extract from the Minutes of the Proceedings of the Honorable the Court of Policy of the Colony and Dependant Districts of Demerary and Essequibo, at its Ordinary Assembly, held at the George Town, Demerary.

Friday the 6th of February 1824.

(After Prayers.)

HIS Honor Mr. Fiscal Bagot rose, and, addressing the Court, said, that before entering upon the business for which it is this day assembled, he requested to be allowed to call the attention of his Excellency the Governor and the Honourable Members to the Minutes of the Court of 5th May and 2d June 1823, for the purpose of founding a motion upon them. In the minutes of the former date will be found a notice of a motion, given by the honorable Member John Austin, for regulating the hours of working the Slaves on Plantations, and a proposition by his Honor the First Fiscal, for taking into consideration at the same time the laws and regulations affecting the Slave population. It appears by the minute, that the 2d of June was fixed on for resuming the motion of the honorable Member, and going into the consideration of the Slave Laws; and it must be in the recollection of every Member of this Court, that at the time the notice was given no intelligence had been received in the Colony of any intention of bringing under the view of Parliament the state of the Slave population of the West Indies.

It will be seen by the minute of the 2d of June, that the receipt of that information during the recess induced the honourable Member to withdraw the notice, in which the Court fully acquiesced, being desirous of ascertaining what might be the views of the Mother Country connected with the motion which it was then understood was about to be made in Parliament, previously to entering into the proposed measures, or making any alteration in the Laws affecting Slaves.

It must be in the recollection of the Members of this Court, that a dispatch of the Right Honorable the Secretary of State for the Colonial Department, con-

taining certain propositions for the Court's consideration and adoption, was communicated to the Court by his Excellency the Lieutenant-Governor in the month of July following, and that certain resolutions founded thereon were passed on the 7th August, and the further consideration adjourned to the 28th of the same month, for the purpose of giving the Members time to weigh and consider, as well as opportunity to consult with the gentlemen in their respective districts, on the safest, best, and most efficient means of carrying these resolutions into effect, and likewise with the view of securing to the Court the valuable assistance of his Honor the President, whose time would be necessarily taken up with the Courts of Law during the interval.

The unhappy events that have occurred in the Colony since that period, have suspended all further consideration of the measures, until the present Session, when the Court's attention has been called to it by his Excellency. And on the motion of the honourable Member Mr. M'Turk, the Court has resolved again to defer it to the next Ordinary Session.

He therefore begged leave to move that, as a simultaneous measure,—The Court does at its next Ordinary Session take into its most serious and deliberate consideration all the laws and regulations affecting the Slave population, with the view of adopting such modifications and amendments as will tend to ameliorate and improve the condition of the Slaves, always keeping in view that degree of discipline which is equally necessary for the protection of the rights and properties of the masters, and the happiness, comfort, and well-being of the Slaves themselves.

The foregoing motion having been seconded by the honourable Member Mr. M'Turk, was unanimously agreed to, and passed. It was therefore resolved, that the Court do take into consideration the object mentioned in the foregoing motion at the next Ordinary Session of the Court in April.

A true Extract.

(Signed) CHARLES WILDMAN, Deputy Sec.

No. 4.

Extract of a Despatch addressed to Earl Bathurst by Maj.-Gen. Sir B. D'Urban, dated King's House, Demerara, 5th May, 1824.

I HAVE already had the honour in my last communication from Antigua to acknowledge your Lordship's Despatch of the 24th January, containing instructions respecting the Slave population of this Colony.

With reference hereto, I have used every means since my arrival to inform myself accurately, as to the actual state of feeling and disposition of the Slaves.

This I have done by having conversations upon the subject with various Gentlemen of the Colony, whom I believe to be the most intelligent, and the least likely to mislead me, and who reside in different districts, as well of the East Coast, which was the theatre of the revolt, and right bank of the Demerara river, which was supposed to join it, as of the coast westward to and beyond the Essequibo, where no positive traces of insurrectionary projects were discovered.

The result of all this information, compared and combined, is not very satisfactory; for it compels me to be convinced that the spirit of discontent is any thing but extinct, it is alive as it were under its ashes; and the Negro mind, although giving forth no marked indications of mischief to those not accustomed to observe it, is still agitated, jealous, and suspicious.

Many of the Slaves of this Colony, and especially those on the East Coast, are described to me as remarkably well informed upon all that passes in England and in the Colonies interesting to their views and condition; many of them read, most of them well understand what is read, or repeated to them, they are all (naturally enough) inquisitive and anxious to learn whatever re-

lates to them, and unquestionably they continue to procure very early information of all discussions in Parliament, in the newspapers, and in the public prints.

I have also become aware that the recal of one Governor, and the appointment of another, has induced the Slaves to expect that the latter is the bearer of something interesting to their prospects, and therefore acting in the spirit of your Lordship's instructions of the 24th January, I have issued the enclosed proclamation, in which I have inserted the words prescribed by your Lordship, and have also endeavoured to guard against any feeling of impatience that might arise from the delay which must necessarily take place in the ultimate enactment in the measures of amelioration, by the preparation and transmission to England of the draft for an Order in Council (as directed by your Lordship's instructions of the 18th March, which I shall have the honour to acknowledge in a separate despatch), and by awaiting the return of the order, after it shall have been issued; for as the Slaves will see that whatever may be done for them must depend upon their own behaviour, and my report of it; a certain time is necessarily implied, before which shall have elapsed, they can have no expectations.

In order to insure the due circulation of this proclamation, and also the faith of the Negroes in its authenticity, and its consequent influence upon them, I am proceeding through the districts of the East Coast, and have appointed that two chosen Slaves from every estate shall meet me at the residences of their respective Burgher Captains, where I shall in person read the proclamations to them, explain to them myself what I wish explained, and send them back to their comrades; I look forward to good effects from this measure, and I shall at the same time visit the Posts, and become acquainted with the country.

I shall afterwards visit the banks of the Demerara River, and westward to Essequibo inclusive, but the concerns of the East Coast are the most pressing, and must be attended to first.

PROCLAMATION.

By His Excellency Major-General Sir BENJAMIN D'URBAN, Knight Commander of the Most Honorable Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, Lieutenant-Governor and Commander-in-Chief, in and over the United Colony of Demerara and Essequibo, its Dependencies, &c. &c. &c.

Demerara and Essequibo.

L. S.

B. D'URBAN.

THE Slave Population of the Colony will have been already made aware, by the King's Proclamation, issued on the 10th day of March last, and recently published by His Excellency Major-General MURRAY, that there is not the slightest foundation for the belief which they had been erroneously led to entertain, of "Orders having been sent out for their Emancipation."

They will also have learned, that the acts of Insubordination into which that false belief had so fatally betrayed them, "have excited His Majesty's highest displeasure;" That if, for the future, "they fail to render entire submission to the Laws, and dutiful obedience to their Masters, they will be held undeserving of His Royal protection;" and that all His Majesty's Governors "are charged and commanded to punish those who may hereafter disturb the tranquillity and peace of their respective Colonies."

I do therefore hereby declare to the Slaves, my firm determination to repress every appearance of insurrection; and in the event (which I trust is most im-

probable) of any new revolt, I will not fail to put it down, by the immediate and decided operation of the powerful military force now at my disposal, and by the same prompt and effectual measures which were employed by my predecessor in the Government, and which have received the most gracious approbation of His Majesty.

I trust, however, that the Slaves will spare me so painful a task, and not bring upon themselves so certain and severe a punishment; but, on the contrary, that by steadily persevering in a peaceable and obedient conduct, they will, in due time, enable me to recommend them to His Majesty, as still deserving His Gracious protection, and as not unworthy of being contemplated in those measures for improving their condition, which their late criminal acts had suspended, and from which, any renewal of such acts must infallibly exclude them.

They may be assured, that as, on the one hand, I will punish with inflexible severity, all proceedings upon their part, which may be contrary to peace and good order,—so on the other, if they continue in a temperate, obedient, and industrious behaviour, they will always find me ready to protect and befriend them, as the Representative of His Majesty, and fulfilling His Gracious will.

That no farther delusion may, by possibility, exist among them, and that they may well and clearly understand their own situation, I have thought fit, in His Majesty's Name, to issue this my Proclamation, commanding all persons having charge of Slaves, to explain and make known to them the contents thereof immediately.

Given under my hand and seal of office, at the King's House in Georgetown, Demerara, this 3d day of May, 1824, and in the 5th year of His Majesty's Reign.

(By Command,)

WALTER R. D'URBAN, Gov. Sec.

God save the King.

No. 5.

Extract of a Dispatch addressed to Earl Bathurst, by Major-General Sir B. D'Urban, dated King's House, Demerara, 5th May, 1824.

I HAVE had the honour to receive your Lordship's dispatch of the 18th March, which I found here on my arrival.

I shall proceed with the least possible delay to execute the instructions therein conveyed to me; and with your Lordship, I trust that the Court of Policy will be disposed to assist me in doing so; but if it should be otherwise, I understand your Lordship, that I am at any rate to prepare (with the assistance of such other information upon the existing regulations and the Dutch laws as may be within my reach,) a draft for an Order in Council, applying the provisions of the Trinidad enactments to the Dutch laws and the circumstances of this Colony.

No. 6.

SIR,

Downing Street, London, 1st July, 1824.

I HAVE received your dispatch of the 5th May, and I have to inform you, that the measure which you propose to adopt, of proceeding yourself through the various districts of the Colony under your Government, with the view of

more effectually removing the false impressions which the Slave population have received in regard to the intentions of the British Government, has obtained His Majesty's approbation.

I have the honour to be, Sir,

Your most obedient humble servant,

(Signed)

BATHURST.

Major-General Sir Benjamin D'Urban, &c. &c.

No. 7.

MY LORD,

King's House, Demerara, 25th June 1824.

UPON the 5th of May I had the honour to acknowledge your Lordship's despatch with its enclosure.

I did not fail to bring this important subject under the consideration of the Court of Policy, at the earliest practicable period. This was on the 31st of May, and the Court immediately proceeded, in conjunction with me, to frame a draft of Regulations for the melioration of the Slave condition, which I have now the honour to transmit to your Lordship*.

In this, the provisions of the Trinidad draft have, according to your Lordship's instructions, been applied (in their order), as far as it has appeared practicable, to the circumstances of the Dutch Law in this Colony; always endeavouring to keep in view the spirit of your Lordship's despatches of the 28th May, and 9th July 1823, as the basis of the whole.

Where, as it has happened in one or two instances, Clauses of the Trinidad draft have been omitted altogether as inapplicable to Demerara, or otherwise provided for in this draft, or where other provisions have been respectively substituted for other Clauses of it, the reasons have been shortly stated in the marginal notes for your Lordship's information; and where, as in a few instances it has also happened, the details of your Lordship's instructions have not been so literally adhered to, as I perhaps could have wished. The reasons of the Colonial Members for not thinking it safe, at present, to go further with reference to the actual moral state and disposition of the Slave population of the Colony, are also noted in the margin. In addition to these explanatory notes, however, I think it right to offer a few observations in elucidation of some of the Clauses of this draft, and of the subject generally, which may not, perhaps, be altogether useless in framing such an Order in Council as His Majesty may see fit to issue thereupon. I shall submit these observations in the order of the Clauses to which they respectively apply.

With reference to the Clauses 1, 2, 3. It is already the duty of the Fiscal to protect the Slaves generally and individually, by watching over the due execution of the Colonial Laws and Regulations made for their advantage†; to receive their complaints against their masters or others; to redress them if well founded, and to see justice done to all parties, whom he is empowered to summon before him and examine upon oath, the Slave's evidence being good and competent in all cases; to ascertain that the sick houses of the Slaves are properly attended, that their food and clothing are duly provided and supplied, and generally to watch over their treatment and condition; to punish petty offences committed by them in a summary but moderate manner, by whipping or imprisonment; and in case of any cruelty, oppression, or other breach of these Laws on the part of the masters, to proceed for the penalty which they inflict.

The Protector of Slaves certainly should have no property in Slaves, or interest in such property, directly or indirectly (nor indeed should the Fiscal, even if he were not Slave Protector, and his salary should be such as to make it just that he might be also prohibited from practising as a Lawyer). If the

* Enclosure No. 1.

† B. annexed to the Draft.

Protectorship be confirmed in the Fiscal (which certainly assimilates best with the Dutch Law), he should have a considerable additional salary, because the additional labour and responsibility devolving upon him by the operation of these Regulations, will be considerable.

If His Majesty should be pleased to disunite the offices of Fiscal and Protector, then I would recommend that the person chosen to fill the latter should be, as far as possible, unconnected with the Colony; a man of a certain age, of judgment and conciliation, and of great firmness of character; his having any knowledge of the Law would not be material; in any case requiring legal advice, the Fiscal could be required to afford it; his salary should be sufficient to make him independent.

With reference to Clause 4:

Although the *permanent* Protector should never hold Colonial property, or be allowed to have any interest in it, yet I apprehend that in the case of his death, sickness, or temporary incapacity, it may be often impracticable to find a proper *provisional* Protector in the Colony, if this restriction be adhered to with regard to him; at this moment I am not aware that I could point out any such an individual. The Protector, however, should be strictly held to a personal performance of his duty, and if any circumstance should render him incapable beyond a very short period, he should be replaced, for the efficiency of this system of melioration obviously hinges upon him.

Upon the whole, it is certainly desirable that the office should be vested in the First Fiscal.

With reference to Clause 7:

The Burghers, Majors, and Captains are analogous to Justices of the Peace in their respective districts, except that they unite, *ex officio*, with their civil duties those of Majors and Captains (Militia), and are already the direct assistants of the Fiscal in all matters respecting the maintenance of the public peace and good order.

With reference to Clause 11:

The Members of the Court of Policy, who are resident proprietors and of practical experience, are of opinion that this restriction upon Sunday markets is carried as far as it can be with prudence for the present. They conceive that even as it is, it will be a very unpalatable measure to the Slaves, many of whom come to the market from a distance of twenty miles; and with these latter, an earlier conclusion of the markets would amount to a prohibition to sell their goods there at all. As it stands, it concludes them by the usual hour of morning service in the different churches.

It has been proposed, and every endeavour will be made, to establish a Church for Slaves, especially in George Town, under a Clergyman of the established Church, to commence at half-past eleven, and hold six or seven hundred; and this may be made applicable to the market Slaves from the country, according to the spirit of the dispatch of the 9th July 1823, to Demerara and Berbice.

With reference to Clause 13:

It may occasionally be impracticable, according to the local circumstances of the Colony, and the distribution of some of the estates, to procure white witnesses of punishment; but as Slave evidence is admissible in all cases, the alternative of six Slaves appears adequate to all purposes; and, to say the truth, I should prefer the six Slaves to the possible collusion or connivance of two or three neighbouring White overseers*.

The close of this Clause is necessary to preserve the Fiscals in the exercise

* See D, annexed to the Draft.

The last of the cases here extracted is that of Cornelius Beck, which happened since my arrival. The Dutch Law requires two witnesses for conviction; in such a case the Slave's evidence was therefore important.

A Petition was made to me to extend the Royal mercy to the criminals, which I thought it my duty to refuse, and he suffered accordingly.—B, D.

of the power which by the Dutch Law they do, and according to the spirit of it, should possess.

With reference to Clause 14 :

Your Lordship will observe by the second part of this Clause, and its explanatory marginal note, that the gentlemen of the Colony who are in the Court of Policy think it absolutely necessary to vest in any two of the Magistrates therein mentioned, a discretionary power of inflicting corporal punishment, to a certain extent, and under certain restrictions and regulations, upon females guilty of aggravated and repeated misconduct. They declare it to be their belief, that it is not yet safe to take away this power of punishment from the Magistrates, for that without the salutary fear of it, arising from a knowledge that it still may be inflicted, the women, who are at all times more difficult to manage and more refractory than the men, will now be put forward by the latter to do that which they themselves dare not do; and that they foresee, besides, dangerous insubordination and disorder into which the men may ultimately be seduced by the women's example, and at their instigation. These gentlemen say that they shall be very glad when the march of civilization, and of moral and religious improvement, may render it no longer necessary to keep this dernier resort for extreme cases still in the hands of two concurring Magistrates, but that it certainly is necessary now.

I have thought it right to repeat their opinion and arguments here, because the question is a very serious one, and it is important that your Lordship should have before you every thing which may best enable you to judge whether the provision in question shall stand or be expunged.

With reference to the 19th, 20th, 21st, and 22d Clauses :

It does not appear that there are any Clauses in the Trinidad Code of corresponding provisions to these, but it has been thought expedient to introduce them, as beneficial and salutary; and they are besides, some of them, the actually existing Laws of the Colony*.

With reference to the 23d, 24th, and 25th Clauses :

Much of the substance of these Clauses has been taken from the Melioration Act passed by the General Assembly of the Leeward Islands at St. Christopher's in 1798. The present state of civilization, and of moral and religious improvement, among the Negroes here, is, I conceive, less advanced than that of the Leeward Island Slaves was then. These provisions with respect to marriage, therefore, go as far, perhaps, as the people are yet susceptible of; and as they have been unquestionably very beneficial in the Leeward Islands, there is good reason to hope that they may be so here.

With reference to Clause 28 :

The only expence now left upon a manumission (excepting when it may become necessary to make provision for the future support of the manumitted Slave,) is 22 guilders, which is actually and unavoidably incurred by the Registrar, and which therefore it does not appear easy to get rid of.

With reference to Clause 29 :

The latter provisions of this Clause seem absolutely necessary to protect the interests of persons having such liens upon estates.

With reference to Clause 30 :

It will be expedient that the amount of the salary of the Protector should be fixed according to His Majesty's pleasure.

It will be a laborious office, necessarily incurring much odium, and should be well remunerated.

With reference to Clause 31 :

As the Proprietors make their returns to the District Assistants in the January of each year, and these to the Protector in February, those of the latter are required in April, which will allow him the month of March to prepare them.

* See in B, annexed to the Draft, the 18th Article, &c.

With reference to Clause 33 :

If His Majesty should judge it right to add any severer punishment for a further repetition of the offence to which this Clause points, I humbly trust, with reference to the latter part of the marginal note, that it will be a punishment attaching only to the *offender himself*, in which case it little matters how severe it be made, since such a person can deserve no mercy ; but that it will not, as in the forty-second Article of the Trinidad draft, extend beyond himself to the forfeiture of his property, because in that case, any family who should have the misfortune to have a brutal father, might, in an instant, and without any offence upon their parts, be involved in the consequences of his crime, and be reduced to beggary.

With reference to Clause 34 :

Until the operation of the proposed regulations shall have been submitted to the test of experience, this discretionary power of suspension, under certain circumstances, appears to me very necessary.

The Enclosure, No. 2, contains the commencing and concluding Minutes of the Court of Policy, upon the consideration of this Draft, by which your Lordship will perceive that it occupied us for more than a fortnight, and it is a justice due to the Court generally, to say, that they assisted me with great diligence and good will.

I have the honour to be, my Lord,
Your Lordship's most obedient and most humble Servant,
B. D'URBAN.

To *Earl Bathurst, K. G.* &c. &c. &c.

No. 1.—Draft of proposed Regulations for improving the condition of Slaves in Demerary and Essequibo.

A.—Copy of Draft or Order in Council for improving the condition of Slaves in Trinidad (see page 124).

B.—Regulations for the Treatment of Servants and Slaves in Demerary and Essequibo, enacted the 23rd March, 1785, and published the 29th following.

C.—Regulations for the Manumission of Slaves, enacted the 6th of April, 1815, and published the 11th following.

D.—Cases of Convictions of white and other free persons, on Slave evidence, between the years 1774 and 1824.

Demerary 25th June, 1824.

(Signed) CHARLES WILDAY, Dep. Sec.

No. 1.

DRAFT OF REGULATIONS, &c.

WHEREAS it is necessary that further provision should be made for the religious instruction of the Slaves in His Majesty's Colony of Demerary and Essequibo, and for the improvement of their condition ; and whereas the First Fiscal of the United Colony of Demerary and Essequibo hath hitherto performed the duties of the office of Protector of Slaves in the said United Colony, and it is expedient that the said office should be more fully established, and that the duties thereof should be more clearly ascertained ;

1. Be it therefore ordered, That the First Fiscal of the United Colony as aforesaid, shall be, and he is hereby confirmed in his said office of Protector of Slaves, and that as such Protector of Slaves he shall appear before the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, of the said United Colony, and in his presence shall take and subscribe an oath in the following words :

I, A. B. do swear, that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of Protector of Slaves in the United Colony of Demerary und Essequibo without fear, favour, or partiality.—So help me God.

Provided nevertheless, and it is hereby ordered, that nothing herein contained shall extend to prevent His Majesty from disuniting the office of Protector of Slaves from the office of First Fiscal aforesaid, and from appointing a distinct and separate officer to act as, and be Protector of Slaves, in case His Majesty shall see fit so to do.

2. And it is hereby further ordered, that the said Protector of Slaves shall establish and keep an office in George Town, and shall regularly attend at such office, on such days and during such hours of the day as the Lieutenant-Governor, or acting Lieutenant-Governor of the said Colony, by any general or special orders to be by him from time to time issued, may appoint; and shall at such office and not elsewhere, keep, deposit, and preserve the several records, books, papers, and writings hereinafter directed to be kept by him.

3. And it is further ordered, that the said Protector of Slaves shall not be the owner or proprietor of any plantation situate within the said Colony, or of any Slave or Slaves, employed or worked upon any plantation, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon any such plantation, Slave or Slaves, and shall, and is hereby declared to be incompetent to act as, or be the manager, overseer, agent, or attorney of, for, or upon any plantation or estate within the said Colony, or to act as the guardian, trustee, or executor of any person or persons having, or being entitled to any such plantation, or any Slave or Slaves*; and in case any such Protector of Slaves within the said Colony shall have, acquire, hold, or possess either in his own right, or in right of his wife, or in trust for any other person or persons, any plantation situate within the said Colony, or any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture, or any share or interest in, or any mortgage or security upon, any such plantation, or Slave or Slaves, or shall act as manager, overseer, agent, attorney, guardian, trustee, or executor as aforesaid, he shall henceforth, *de facto*, cease to be such Protector of Slaves, and forfeit such his salary, and some other fit and proper shall forthwith be appointed to succeed to the said office.

Provided nevertheless, that all acts which may be done by or by order of any such Protector of Slaves after any such avoidance as aforesaid of such his office, and before the same shall by public notice in the Gazette of the said Colony be declared void, shall be as valid and effectual in the law as if no such avoidance of office had occurred.

4. And it is further ordered, that the said Protector of Slaves shall be resident within the said Colony, and shall not quit the same without a special licence to be granted for that purpose by His Majesty through one of his principal Secretaries of State, or by the Lieutenant-Governor, or acting Lieutenant-Governor for the time being of the said Colony; and no such licence shall in any case be granted for any time exceeding three months, nor shall any such licence be granted by any such Lieutenant-Governor or acting Lieutenant-Governor as aforesaid, unless it shall be made to appear to him, on the oath of some medical practitioner, that such absence is necessary for the recovery of the health of the said Protector of Slaves.

5. And it is further ordered, that upon the death or resignation or other avoidance of the said Protector of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the said Colony, it shall be lawful for the Lieutenant-Governor, or acting Lieutenant-Governor to nominate and appoint some other fit and proper person to act

* Several Members of the Court of Policy consider the restrictions, as to property, upon this appointment as unnecessary; but do not object to it.

as the Deputy for the said Protector of Slaves until His Majesty's pleasure shall be known; and the said Deputy shall receive such allowance, to be deducted from and out of the salary of the said Protector of Slaves, as the Lieutenant Governor or Acting Lieutenant Governor for the time being of the said Colony shall be pleased to appoint.

Provided that the said Protector of Slaves in the said Colony shall at all times perform his duty in person, and not by deputy, except only in cases in which the Lieutenant Governor, or acting Lieutenant Governor of the said Colony, is hereinbefore authorized to appoint a deputy for that purpose.*

6. And it is hereby further ordered, that the said Protector of Slaves shall have power to administer an oath, in all matters relating to the duties of his office, and all such authority, of what nature or kind soever, as is now by Law vested in the Burgher Officers of the several districts of the Colony, for the maintenance of the public peace and good order, shall be, and the same is hereby vested in the said Protector of Slaves, to be by him exercised throughout each and every district of the said united Colony.

7. And it is hereby further ordered, that the Burgher Captains, or Senior Burgher Officers of the several districts within the said Colony shall be, and they are hereby declared to be Assistant Protectors of Slaves in their several and respective districts, and the said respective Captains, or Senior Burgher Officers shall, and are hereby required in their several and respective districts to be aiding and assisting the Protector of Slaves in the execution of the powers hereby committed to him; and for that purpose to obey and carry into execution such lawful instructions as they may from time to time receive from him about, or in relation to the matters herein-mentioned, or any of them.

8. And it is hereby further ordered, that in all actions, suits, and prosecutions, which may at any time hereafter be brought, or commenced in any tribunal or Court of Justice within the said Colony wherein any Slave may be charged with any offence punishable by death or transportation, or wherein any question may arise as to the right of any alleged Slave to freedom, or wherein any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, or wherein any question may arise respecting the right of any Slave to any such property, as he or she is hereinafter declared competent to acquire; then, and in every such case, such notice shall be given to the Protector of Slaves of every such action, suit, or prosecution, as, according to the Law of the said Colony would be given to the said Slave, if he or she were of free condition.

And the Protector of Slaves may, if he see fit, attend the trial or hearing, and all other proceedings in every such action, suit, or prosecution, as the Protector of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of any such Slave.†

9. It is hereby strictly forbidden to planters, managers, and others, to employ their Slaves on Sundays and Holidays, either on plantation or other work (a breach in the dam, and other highly necessary and indispensable work excepted), or under some other special circumstances, after having obtained permission to that effect from the nearest Magistrate, or the respective Fiscals; under a penalty of six hundred gilders.‡

10. And it is further ordered, that no person shall be allowed to employ or hire the Slave of another person on Sundays and Holidays in plantation or other work (a breach in the dam, or other highly necessary work excepted), or under some other special circumstances, after having obtained permission to that effect from the nearest Magistrate, or the respective Fiscals; under a

* It appears to the Court that the disqualifying Clause respecting colonial property, restricting the provisional filling up of the office, might render it impracticable to provide a proper person.

† If the Protector were absolutely required to attend all such proceedings, it would be incompatible with his other duties.

‡ This is the actually existing law. See B.

penalty of twenty-two guilders for each and every Slave so employed or hired.

11.—And whereas His Majesty has been graciously pleased to intimate his intention to make effectual provision for the religious instruction of the Slaves in this united Colony of Demerary and Essequibo,

It is hereby further ordered (subject to revision at some future period) that from and after the day of next, the markets holden in George Town * for the sale of meat, vegetables, and other provisions on Sundays, and all other markets to be holden on the Sabbath-day throughout the said Colony, shall be limited to the hour of eleven o'clock in the forenoon, and that due warning shall be given by the ringing of a bell at half-past ten o'clock to all persons to prepare to depart, and that from and after the hour of eleven in the forenoon, no person or persons whatsoever shall remain therein, or publicly shewforth or expose for sale any meat, poultry, vegetables, provisions, fruit wares, merchandize, goods, or effects, on the Lord's day, after the hour of eleven o'clock, aforesaid, upon pain that every person guilty of a disobedience or nonconformance to this order, shall forfeit the goods or effects so exposed for sale. †

12.—And it is hereby further ordered, that it shall henceforth be illegal for any person to carry a whip, or other instrument of punishment, in the field or elsewhere, either as a badge of authority, or as a stimulus to labour, under a penalty of six hundred guilders. ‡

13.—And it is hereby further ordered, that if a male Slave has committed an offence of such a nature as to render it absolutely necessary that he be punished, such punishment must be inflicted with reason, and without cruelty or passion §; the punishment to be enforced by and on behalf of the proprietor, may not exceed, at the utmost, twenty-five lashes, nor if it exceed five lashes, shall it be inflicted before the day following that on which the offence was committed, or without the presence of one person of free condition, or of six Slaves to witness the infliction of such punishment, other than and besides the person by or on the behalf of whom the said punishment shall be inflicted, under the penalty of nine hundred guilders; and if such punishment shall not exceed five lashes, it shall be directed and superintended by some person of free condition, having a charge on the estate. No punishment shall be inflicted but at or near the buildings of the estate, nor shall it be repeated on the same day, nor until the delinquent shall have fully recovered the effects of any former punishment. Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishment which may be inflicted on any Slave under or by virtue of any sentence or judgment of any Court of competent jurisdiction within the said Colony, or in pursuance of any order of the respective Fiscals.

14.—And it is further ordered, that it shall not be lawful for any master, attorney, or manager, or others, having charge of any Slave or Slaves, to inflict the punishment of flogging or whipping upon any female Slave within the United Colony of Demerary and Essequibo for any offence whatever, save and except as is hereinafter provided, under a penalty of nine hundred guilders;

* This is with reference to Lord Bathurst's Letter, dated 9th July, 1823, addressed especially to Demerary and Berbice, transmitting a copy of his Lordship's circular Letter to the other Colonies of the same date.

† The certificates of having gone to church after market, cannot well be enforced, for as many of the Slaves have come from a great distance, and as there is not sufficient room for them in the churches of the town, the measure appears to be impracticable; when more room shall have been provided, which it is hoped may be effected at no distant period, then a further restriction on the Sunday markets may be enforced: but as this is sure to be a disagreeable regulation to the Slaves, a gradual change by the provisional restrictions now proposed, appears most prudent under present circumstances.

‡ This Clause has been substituted for Article 11 of the Trinidad Code, according to the spirit of the 2d Resolution of the Court of Policy, unanimously voted on the 7th of August, 1823, it appearing more comprehensive and effectual.

§ This is the wording of the old Dutch law actually in force, vide B.

but that any female Slave may for any offence committed by her be subject and liable to solitary and other imprisonment or confinement in the stocks, not exceeding one calendar month.

Provided nevertheless, that it shall and may be lawful for the respective Fiscals, or any two persons being, or having been, Members of the Courts of Policy or Justice, or for any two Burgher Officers, not under the rank of Captain, on complaint made to them or any two of them respectively, by the owner or manager of any female Slave, to authorise the infliction of any number of lashes not exceeding twenty-five; such authority, however, being by an order in writing, signed by the party or parties granting the same, stating the nature of the offence, and that it has been satisfactorily proved to him or them that such offender has been twice, within two months, deservedly punished, by solitary or other imprisonment, or confinement in the stocks, as is above provided; such authorised punishment to be subject to the regulations which are herein-before provided for the flogging or whipping of male Slaves, and not to be inflicted on the naked body. The party or parties who grant such order being hereby required to transmit an authentic copy thereof to the Protector of Slaves, at any period not exceeding two months from the date of the order.*

Provided also, that no person shall in any manner be justified in granting such authority for the flogging or whipping any female Slave belonging to himself, or in whom he is interested or over whom he has any charge.

15.—And it is hereby further ordered, that there shall be kept by every person having charge of a task or working gang of Slaves exceeding six in number, and upon every estate throughout the Colony, a book, to be called *Punishment Record Book*, and that it shall be the duty of the owner, proprietor, manager, or other person having the direction thereof, to enter and record in the said book, at or within forty-eight hours after the time of the infliction of any punishment whatsoever on any female Slave, excepting solitary or other imprisonment, or confinement in the stocks, not exceeding forty-eight hours, or on any male Slave who may be punished with any number of lashes exceeding five, a statement of the nature of the offence, and of the time when, and the place where, it was committed, together with the names of the free person or persons, or of the six Slaves, present at the infliction of the punishment, and of the number of lashes inflicted, under a penalty of three hundred guilders.

And if any person or persons shall wilfully or fraudulently make, or cause to be made, any false entry or fraudulent erasure in any such *Punishment Record Book*, or shall wilfully or fraudulently burn, destroy, cancel, or obliterate the same, or any part or parts thereof, the person or persons so offending shall incur a penalty of nine hundred guilders.

16.—It is hereby further ordered, that all persons herein-before enjoined to keep a *Punishment Record Book* shall, during the month of January in each year†, repair to the Burgher Captain, or in case of his sickness or absence, to some other person appointed by the Lieutenant Governor or acting Lieutenant-Governor for the time being for the district in which such estate may be situate, or where such task or working gang may be employed at the time of making such return, and then and there produce before him a precise and exact transcript of every entry which, during and up to the last day inclusive of the preceding year, may have been made in the said *Punishment Record Book*, and shall also take and subscribe an oath, to be annexed to the said transcript, in the following words:

I, *A. B.* the owner, manager, or overseer (as the case may be) of
in the District of _____ in the United Colony

* It appears to the gentlemen of the Colony composing the Court, that this extension is absolutely necessary for the preservation of order and subordination, and that even so guarded, the measure is not without danger, the disposition of the Slaves being in their opinion widely different from that which they contemplated on the 7th of August, 1823, when they passed the resolution upon this subject, adverted to in the dispatch of the Secretary of State now before them.

† Once a year substituted, on account of the great inconvenience which, from the nature of the local circumstances of the Colony, would be the result of a more frequent attendance.

of Demerary and Essequibo, do make oath and say, that the transcript hereunto annexed contains a true copy of every entry which, during and up to the last day inclusive of the preceding year, hath been made in the said Punishment Record Book of the before-mentioned
under a penalty of three hundred guilders*.

17. And it is hereby further ordered, that the Burgher Captain of each District in the Colony, or person appointed to perform his duty as hereinbefore provided, shall transmit to the Protector of Slaves of the said Colony at his office in George Town, within the following month of February in each year, the whole of the returns so made to him, together with the original affidavits thereunto annexed; and in case any such Burgher, Captain, or person appointed to do his duty as aforesaid, shall himself be the owner or manager of any estate or gang of Negroes exceeding six, he shall, together with the said returns, transmit to the said Protector of Slaves a transcript of the entries in his own *Punishment Record Book* for the last preceding year, together with an affidavit, to be sworn before some other Burgher, Captain, or the Protector, in the manner and form and under the penalty prescribed by the preceding article.

18. And it is hereby further ordered, that the said Protector of Slaves shall enter and record in one book or set of books duly paged and indexed, to be by him kept for that purpose, the whole of the returns so made to him, and shall keep and preserve in his office the originals of the said returns and affidavits †.

19. Every planter or proprietor of Slaves shall take the necessary precaution, that his Slaves be properly supplied with provisions, and shall therefore be obliged to have provision grounds prepared on the estate and properly planted, calculating one acre for five Negroes; allowing moreover a reasonable weekly allowance, according to the custom of the Colony, and as may best be obtained, and also provide them with proper clothing, under a penalty of ninety guilders for every acre less in provisions than required, and one hundred and fifty for every Slave who shall not have been properly provided with his allowance ‖.

20. And be it further ordered, that the hour for field-work of Slaves shall be from six o'clock in the morning until six in the evening, and not longer; and that two clear hours shall be allowed them during that period for rest and meals, under the penalty of three hundred guilders.

21. And it is further ordered, that every proprietor of Slaves, or his attorney, shall employ a legally qualified medical practitioner to attend their sick Slaves, and shall provide such medicine, food, and other necessaries as such medical practitioner shall from time to time reasonably order and direct; and that there shall be on every estate or place where the Slaves usually reside, a commodious hospital or sick-house, furnished with proper conveniences and attendants for the sick, under a penalty of six hundred guilders; and that a book or register shall be kept in every such hospital, in which the names and treatment of all such Slaves shall be respectively entered by the medical attendant.

* The latter part of the 16th article of the Trinidad Code has been omitted, because Lord Bathurst's Letter only requires the accuracy of the entries to be certified by oath; and where there is no punishment, there is no entry.

The provisions of the 17th Clause of the Trinidad Code are omitted as unnecessary, it being the practice of the Colonists to make affidavits to their Taxes during the same month, and to repair to the Burgher Captain for that purpose accordingly.

The 18th Clause of the Trinidad Code is rendered unnecessary by the penalty awarded for a breach of the 16th Article.

† The 21st Article of the Trinidad Code is omitted, as being unnecessary, because the evidence of Slaves is competent here in all cases (see the annexed cases, extracted from the Criminal Records, D). And by Lord Bathurst's Circular Letter of the 9th of July 1823, this Clause was obviously founded solely upon such evidence being supposed incompetent; this, therefore, with the preceding 13th Article of these regulations, and the powers invested in the Protector and his assistants, appear effectually to guard against any such abuse as the 21st Clause seems intended to prevent.

‖ This Clause is the existing Law of the Colony (Article 18 of the Regulations for the Treatment of Servants and Slaves), and the respective Fiscals are expressly charged with its due enforcement. Vide B.

22. And it is further ordered, that no person shall, under a penalty of five hundred guilders, bury, or allow to be buried, any Slave who has suddenly, or under suspicious circumstances, or shortly after punishment, met his death, or who has hanged or otherwise made away with himself, until previous information be given; if in George Town, at the office of the First Fiscal; or in the country, until such information be sent to the nearest Burgher Officer; or if this be impracticable, some other respectable inhabitant, who shall, with some legally qualified medical practitioner, attend for the purpose of inspecting and examining the corpse, and send a certificate of the result of such examination to the respective Fiscals*.

23. And it is further ordered, that every owner or manager of any Slave on any estate within this Colony, shall in the month of January of every year, assemble together the Slaves under his direction, and enquire which of them are married, or have a reputed husband or wife, or more than one; and if an admission be made, in consequence of such enquiry, of more than one, then such owner or manager shall exhort such Slave, making such admission to elect some one Slave only as his or her husband or wife; and when such election is made, such owner or manager shall enter the same in a book to be kept for that purpose, and make the same as public as possible, by reading it to them in a distinct and audible voice at each succeeding Yearly Assembly, at the same time extolling the good behaviour of those who had been faithful to their engagements, and reprobating the misconduct of those who have acted to the contrary, and doing his utmost to keep together in harmony parties who made such election, and to encourage all the other Slaves of which he is owner or manager, as they shall arrive at the age of maturity, to marry or make such election as aforesaid, and adhere as strictly as possible to the same.

24. And it shall and may be lawful for any clergyman of the Established Church of England and Ireland, or any minister of the Dutch Reformed Church, or of the Kirk of Scotland, or for any priest or curate of the Roman Catholic religion, upon receiving the permission in writing of the owner or owners (or their attorney) of any Slaves wishing to intermarry, to solemnize such marriage †; and every person by whom such marriage may be solemnized shall register in a book to be by him kept for that purpose, every such marriage, with the date thereof, and the names, ages, and places of abode of the parties contracting.

25. And it is further ordered, that every female Slave who may have a child, while she preserves her fidelity in marriage, or in such engagement as aforesaid, or is reputed so to do, shall, six weeks after the birth of such child, if the said child be then living, be entitled to receive from her owner or his attorney, twelve guilders; and fifteen guilders for every other child she shall thereafter bear and have under the same circumstances; and if any owner or attorney shall omit in any respect to comply with and fulfil the direction of this Clause, he shall incur a penalty of three hundred guilders for every such offence.

And it is further ordered, that as soon as any female Slave shall have six children living, and who have been born during marriage or such cohabitation as aforesaid with reputed fidelity, the youngest of which children shall be seven years of age, the owner or manager of such female Slave shall not thereafter oblige such female Slave to do any labour in the field, or any other than light work, under a penalty of three hundred guilders.

26. It is further ordered, that it shall and may be lawful for any Slave in this Colony, with the approbation and consent of his or her owner or his attorney,

* This is the existing Law, excepting that the penalty is herein increased from one hundred and fifty, to five hundred guilders. Vide B.

† With respect to making the marriage of Slaves ("binding, valid, and effectual in Law, to all intents and purposes"), as prescribed in the 22d Clause of the Trinidad Code, it has been deemed absolutely necessary to omit any such regulation, because the privileges which the Dutch Law give, mutually to husband and wife, would be totally inconsistent with a state of Slavery.

to acquire, hold, or possess property of any kind (save and except fire-arms and ammunition, as forbidden by the 22d Clause of the existing law annexed, and such Colonial produce as is prohibited to be sold or bartered by the 11th article of the same law*), and to dispose of the same by bequest or otherwise, as he or she may think proper; and if any white or free person in this Colony shall purchase from any Slave any article in which such Slave shall or may have lawfully acquired a right of property, and shall refuse to pay for the same, it shall and may be lawful for the owner or legal possessor of such Slave to have and maintain an action in his or her own name or quality, for the recovery of the price or value of the said article so purchased, in like manner as if the same had been purchased from himself or herself; and the Court in its sentence shall decree for the plaintiff for the use of the Slave, if he or she shall be proved to have been so defrauded; and if any owner or legal possessor in this Colony shall unjustly withhold from any Slave under his or her direction, any sum of money which shall have been so decreed by the Court to the use of such Slave, or shall on any occasion unjustly appropriate to his or her own use, any money or property of any kind which such Slave shall or may have so lawfully acquired, or if any other white or free person shall molest or disturb any such Slave in the possession or free use or enjoyment of any money or property so lawfully acquired by such Slave, such owner or legal possessor, or such other white or other free person, shall, upon conviction thereof, be liable to restore to the said Slave the money or property so unjustly appropriated to his or her own use, and be further liable to fine or imprisonment, or both, at the discretion of the Court.

27. And it is hereby further ordered, that Savings Banks shall be established within the said Colony, for the better preserving the property of any Slaves therein, and that interest (at the average rate of Government funded securities) shall be allowed upon every sum of money which may be deposited in any such Savings Banks, under the condition that the said sum or sums is or are to remain for one twelve months †; and any Slave making any deposit of money in such Savings Banks, shall bequeath the said money to whomsoever he pleases, in case of his death, by a declaration to be lodged in the records of the Banks, which declaration shall be equivalent to a will; the whole, however, to be subject to such rules and regulations as may be hereafter deemed advisable. All the Savings Banks to be under the immediate direction of the Protector of Slaves, subject to the general superintendence of the Governor and Court of Policy.

28. And it is further ordered, that all applications for manumissions shall be made as heretofore, to the Governor and Court of Policy, and that in future no fee of office shall be received on account of the manumission of any Slave ‡, save and except the sum of twenty two guilders, and no more, to be paid to the Secretary and Registrar of the Court of Policy for the actual expences incurred by him in advertising, preparing, and registering letters of manumission, who is hereby required, as heretofore, to register the same in a book already kept by him for that purpose.

And be it further ordered, that a sum in no instance exceeding one thousand guilders §, shall, if the circumstances of the case from infancy, age, or infirmity, seem to the Court to require it, be paid to the Receiver of the Poores' fund, by those who apply for the letters of manumission.

29. And it is hereby further ordered, that in case any Slave within this Colony shall be desirous to purchase his or her freedom, or that of his or her wife or husband, child, brother or sister, or reputed wife or husband, or child,

* Vide B.

† There is no mode of employing the capital with certain safety, so as to be free from litigation, if attempted to be secured within the Colony, and therefore the present plan is proposed. From the disposition and habits of the Negro, as actually existing, it does not appear that the detail of this project can, with any benefit, be further entered into at present.

‡ See C.

§ Ibid.

or brother, or sister, it shall and may be lawful for any such Slave, by and with the consent of his or her legal possessor, so to purchase the freedom of him or herself, or of the others as aforesaid. And if the legal possessor of any such Slave shall, by reason of any suit depending respecting such Slave, or by reason of any mortgage, settlement, trust, lease, or other charge upon or interest in such Slave, being vested in any other person or persons, be unable to execute a valid and effectual manumission of any such Slave, then and in each and every of the cases aforesaid, the Protector of Slaves may apply to the President of the Court of Justice of the said Colony, who shall nominate an appraiser to ascertain the value of such Slave, the said appraiser being first duly sworn before the said President of the Court of Justice, to make a fair and impartial appraisement. And the said appraiser so nominated, shall value such Slave, when produced before him, by the person desirous of manumitting such Slave, and such appraised value, if satisfactory to the said President of the Court of Justice, shall be binding upon all parties interested or having any charge upon such Slave, and the amount of any such appraised value shall, previously to the letters of manumission being granted, be paid into the hands of the Colonial Receiver.

And it is further ordered, that the money to arise from the manumission of any Slave by virtue of the proceedings aforesaid, shall and may be laid out and invested, under the authority of the President of the Court of Justice, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; and such purchased Slave or Slaves shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to, all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands, of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject to, at such the time of his, her, or their manumission*.

30.—And it is hereby further ordered, that the salary of the Protector of Slaves shall by him be taken and received in lieu and in full satisfaction of all fees, perquisites of office, advantages, and emoluments whatsoever; and that if the said Protector of Slaves shall take or receive, directly or indirectly, any fee, perquisite of office, advantage, or emolument, other than his said salary, for or in respect of any act, matter, or thing, done or performed by him in the execution of such his office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his office.

31.—And it is hereby further ordered, that the said Protector of Slaves shall, during the month of April in each year, deliver to the Lieutenant Governor or acting Lieutenant Governor for the time being, a report in writing exhibiting an exact account of the manner in which the duties of his office have been performed during the year next preceding the date of his report, and the particulars of all the returns which by virtue of these regulations may have been made to him during that period.

And the Lieutenant Governor or acting Lieutenant Governor for the time being shall thereupon administer to the said Protector of Slaves an oath that such report contains a true and accurate statement of the several matters and things therein referred to; and the Lieutenant Governor or acting Lieutenant Governor for the time being shall, and he is hereby required, by the first convenient opportunity, to transmit such report to his Majesty's principal Secretary of State for the Colonies.

* See D. It has been shown that all Slave evidence is admissible here; but the granting of such certificates as are prescribed by the 35th and 36th Articles of the Trinidad Code, will be recommended by the Lieutenant Governor or Acting Lieutenant Governor to all Ministers of the Established Churches in this united Colony, because such certificates may enable the Court of Justice to appreciate more precisely the value of evidence, where in the same cause there may be opposing Slave testimony, by giving *ceteris paribus* the greater weight to that of the Slave having a certificate.

And it is hereby further ordered, that if the Protector of Slaves, or any Burgher Captain, or the person performing his duties, as aforesaid, shall wilfully or fraudulently make, or cause to be made, any erasure or interlineation in any of the books, records, or returns aforesaid, or shall wilfully falsify, or cause to be falsified, such documents, or burn, cancel, or obliterate the same, the person or persons so offending shall incur a penalty of nine hundred guilders, and if such person be the Protector of Slaves, he shall be moreover thereby disqualified from holding his office*.

32.—And it is hereby further ordered, that all and every the fines, forfeitures, and penalties hereinbefore imposed, shall be recovered on complaint to their Honours the Fiscals, or either of them, or to the Protector of Slaves, as an officer of the Colony for the special purposes of matters arising out of these regulations, who shall bring the aforesaid claim, and levy of forfeitures and penalties before the Honourable the Court of Justice in the usual and ordinary manner, as in the case of other Fiscal actions.

All fines and forfeitures recovered under the several provisions of these regulations are to be divided as follows, one moiety to be paid to the informer, and one moiety to be paid to the Colonial chest.

33.—And it is hereby further ordered, that if any person shall be twice convicted of inflicting upon any Slave any cruel or unlawful punishment, the person so convicted shall thereby incur double the penalties hereinbefore provided †.

34.—And it is further ordered, that it shall and may be lawful for the Lieutenant Governor, or acting Lieutenant for the time being, to suspend all or any of the clauses of this Act, whenever he thinks civil danger or serious inconvenience likely to arise from any continuance of their operation, reporting thereon to His Majesty's Government ‡.

And it shall and may be lawful for the President of the Court of Justice to report to the Lieutenant Governor, or acting Lieutenant Governor, any legal inconvenience or injustice which he finds to result or about to result from any of the clauses of this Act, and on receiving the sanction of the Lieutenant Governor, or acting Lieutenant Governor, to suspend all proceedings producing, or about to produce such legal inconvenience or injustice, until His Majesty's pleasure thereon is known, to whom it shall and may be lawful to order and direct all such proceedings to be cancelled, annulled, and made void *ab initio*.

35.—Nothing herein contained shall be held, or construed to extend, to revoke or repeal any of the regulations respecting the treatment of Servants and Slaves, enacted the 23d of March, 1785, and published the 29th following, save and except in so far as they may be repugnant to these regulations.

A true copy of the original document, entered on the Minutes of the Honourable the Court of Policy of this day.

Court of Policy,

Court House, George Town, Demerary, the 16th of June, 1824,

Quod Attestor,

CHARLES WILDAY, Dep. Sec.

* Article 40 of the Trinidad Code appears superfluous, because by the existing law the affirmation of a Quaker is received in lieu of an oath, and if he affirm falsely, he incurs all the penalties for perjury.

† Note on the 49d Article of the Trinidad Code:—This appears a clause of unprecedented and unequalled severity, there being no discretion vested in the Governor or the Court in any degree to mitigate the punishment.

No difference of punishment, whatever the nature of the preceding convictions, and however different their moral guilt, its operation would go to ruin the family as well as the party himself, and thus destroy the innocent with the guilty.

‡ The effect of these regulations is still to be proved, and as in practice they may be found incompatible with the safety and good order of the Colony or particular parts of it (and also under the peculiarities of the Dutch law), this clause is proposed as a precaution against such possible danger.

B

Regulations for the Treatment of Servants and Slaves.

WE the Representatives of His Highness the Prince of Orange and Nassau, Governor General of the Netherlands' possessions in the West Indies, and Directors of the privileged West India Company, at the Meeting of Ten held in Amsterdam.

To all to whom these presents shall come, greeting:

Whereas it has come to our knowledge, that notwithstanding the different enactments, ordinances, and provisions, which have been from time to time enacted and published by the respective Governments of Demerara and Essequibo, as well before as after the separation, against all improprieties and irregularities in the direction of estates; and in the conduct of the servants and tradesmen thereon employed, generally but more particularly as regards that which is observed towards Slaves; from which often proceed the most fatal consequences, and tend to the prejudice of the public welfare in general, as experience and observation hath taught us.

Therefore, having deliberately considered the same, and being desirous, as far as in our power, to provide for and place these matters on such firm footing, that every one may know in future how to conduct himself after mature deliberation, and having examined the report drawn up and transmitted to us by the Director General and Counsellors of Rio Essequibo, and the Commander and Counsellors of Rio Demerary at their combined meeting, held at our requisition in the month of October 1778. We have determined, by the renewal of some former statutes and the repeal of others, to fix and appoint, ordain and decree, as we do by these presents ordain and decree, the following regulations, whereby every proprietor whether planter or not, manager, administrator, servants, tradesmen, or whoever it may be, shall be guided from henceforth, especially towards Slaves.

ARTICLE I.—All proprietors, attorneys, or managers, and their white servants shall be kept to a strict observance of the contract entered into by them. The proprietor, attorney, or manager, shall in all cases be obliged to give his servant a written discharge, containing a certificate of his behaviour, and the reasons for so discharging him, whether it be at the expiration of his time of service by contract, or in the meantime; and on refusal, the servant shall be at liberty to cite his employer before Counsellor Commissaries at the next ensuing Roll Court to give such certificate. Should the said employer not make his appearance at the second citation, or no one in his behalf, he shall be considered to have nothing to lay to the charge of his Servant, whereby he would be precluded from an opportunity of procuring another situation: an extract whereof shall be given to the servant at the employer's expence.

ARTICLE II.—No servant, whether manager, surgeon, or tradesman, may leave his employer until the expiration of his engagement, unless with the consent of the employer, and after obtaining from him a letter of discharge and certificate, a settlement of accounts will not be considered a discharge, on pain of a fine of one hundred and fifty guilders, independent of such penalty as may have been stipulated on this head in the contract between the employer and his servant, to be determined with regard to all fines. And no planter, proprietor, or manager whatever, shall hire or engage any servant out of employment, who is not provided with such a discharge or extract as is mentioned in Article 1, under the penalty of three hundred guilders.

ARTICLE III.—No planter or other inhabitant whatever, shall be permitted to seduce or entice, or attempt to seduce or entice any servants or other workmen of an estate, or any one else who has hired himself to another, by offering higher wages, or holding out other promises superior to their present situation, until they shall have served their time as per agreement, under the penalty of forfeiting for the first offence the sum of three hundred guilders, for

each servant so seduced or attempted to be seduced from his employer, double this sum for the second offence; and for the third, to be punished according to the exigency of the case.

ARTICLE IV.—An employer, or master, and his servant, shall be obliged to give one another notice, six months before the expiration of the contract, whether the same will be continued with mutual consent or not, or a new contract entered into, otherwise the contract will be considered as tacitly continued for one year longer.

ARTICLE V.—All servants shall be obliged to serve their master with fidelity, honour, and diligence, during the period of their indenture; it being in the power of the employer in case of contrary behaviour of the servants, to discharge them, paying them, however, up to the day of their discharge, and giving them, nevertheless, a certificate as mentioned in Article 1, unless there was any special agreement on this point stipulated in the contract between them.

ARTICLE VI.—Servants, who shall treat their masters or their representatives with disrespect, or shall use unbecoming and abusive language, or dare to threaten or strike them, whether it may have been in a state of intoxication or not, shall be complained of the Fiscal, to be punished by authority, by being put on bread and water for a few days, or by any other light corporal punishment as the case may require.

ARTICLE VII.—If any servants render themselves incapable by drunkenness of performing their work, or doing that to which they have bound themselves, or shall trifle or idle away their time, wilfully neglecting their work at times, they shall be complained of to the Fiscal to be punished by authority, to be put on bread and water for a few days, or any other slight corporal punishment as the case may require.

ARTICLE VIII.—If any servants quit their place, or transgress against any of the preceding articles, the employers may complain thereof to the Fiscal or Courts, in order that, after hearing and examining of the parties by the Court, to make such disposition as may be deemed requisite.

ARTICLE IX.—All free tradesmen who have undertaken any work may not leave the same until finished; provided the person for whom the work has been undertaken supplies them with proper materials, unless by special permission or consent, on agreement between them; under a penalty of one hundred and fifty guilders.

ARTICLE X.—It is prohibited to all, whether free coloured inhabitants, servants on estates, at the fortresses, or elsewhere, masters, mates, and crews of vessels laying in or before the rivers of Essequibo and Demerary, or such as may hereafter lay there, from trafficking or trading with Slaves, in any part of the colony, wherever it may be; and from buying or bartering with them any kind of produce, sugar, coffee, cocoa, indigo, cotton, rokow, syrup, rum, bottles, or flasks, or any thing else of the kind; the only articles allowed to be purchased from them are vegetables and ground provisions, the produce of their gardens, or stock, which they are permitted to rear, and in payment for these, may be given to Slaves, money, clothing, or trinkets; but no muskets or any other fire-arms whatever, nor gunpowder, nor lead, to prevent as much as possible robberies, and other ill consequences, under the penalty of three hundred guilders, to be forfeited by those who shall have been detected to have traded with any Slave, contrary to this article; and if unable to pay the said fine, to be in that case punished by being placed on bread and water for some days.

ARTICLE XI.—All Slaves, as well males as females, are prohibited from selling or bartering with any one whatever, any produce, sugar, coffee, cocoa, indigo, rokow, syrup, rum, bottles or flasks, or any thing else; being permitted to sell only vegetables and ground provisions the produce of their gardens, or stock, which they are allowed to rear, on pain of being severely flogged on the plantation to which they belong, for the first time; and for the second, to be punished by sentence of the Court, according to the exigency of the case.

ARTICLE XII.—No planter or other inhabitant of whatever denomination, is

allowed to punish or cause to be punished, the Slave of another (excepting only one blow with a stick or cane to an insolent Negro), on pain of forfeiting six hundred guilders.

ARTICLE XIII.—The proprietor of an estate, or at least one of his servants, shall remain as much as possible on the estate on Sundays and holidays, in order to prevent improprieties, such as revolt of Negroes, fire, &c. prohibiting an estate from being left at night without its proprietor, manager, or at least one white servant thereon, under the penalty of three hundred guilders for every offence, to be applied as before.

ARTICLE XIV.—All planters and proprietors of Slaves are hereby enjoined when a Slave of their's runs away, to give notice thereof within eight days at the Secretary's Office, and the name and description of the runaway, and also the date when he absented himself, to be entered in a book to be kept for that purpose; and when the Negro returns or is brought back, information must be given thereof within eight days, to be again taken off the records, under the penalty of sixty guilders for every Slave not reported.

ARTICLE XV.—When runaway Slaves are taken in the neighbourhood or elsewhere, and the owner is known, notice thereof shall be sent to him, and the Negro restored on paying a reward of twelve guilders, ten stivers if taken within the river, and twenty-five guilders if taken beyond the river, and fifty guilders if beyond the Post at Morocco, or past Mahaicony Creek; and the proprietor of the apprehended Negro shall be obliged, if his estate is situated on the west side of Boerasserie Creek, to send at his leisure the said Negro to Fort Island; and if situated on the east side to Stabroek, to be severely punished, in presence of his owner if he desires it, who shall not be allowed to inflict further punishment.

If the owner of the apprehended Slave is unknown, or hesitates to release him, the person who apprehended him shall be at liberty to have him conveyed to the jail, and receive the reward as specified, where he shall be employed for the public good: the owner of runaway Negroes must apply from time to time at the jail, to inquire whether such Negroes have been sent there.

ARTICLE XVI.—If it be detected, that the neighbouring or other Slaves dare to come on the estates, or any where else, to steal provisions or any other articles, the proprietor of such an estate or goods shall bring the said Slave to his master; or if he has not been able to take him, he shall make a complaint to his master, and demand such reasonable satisfaction as the offence and circumstances may require: if this satisfaction be refused, he shall complain to the Fiscal; and the Negro being taken, send him to the Fiscal, accompanied by a detail of the case for his information.

ARTICLE XVII.—If a Slave has committed an offence of that nature, that it is absolutely necessary that he be punished, such punishment must be inflicted with reason, and without cruelty or passion; the punishment, to be enforced by or on the behalf of the proprietor, may not exceed at the utmost twenty-five lashes, and, to avoid all accidents, such punishment shall not take place until the Slave shall have been laid down flat on his face, and tied between four stakes.

It is not permitted to any owner to use more severe or extraordinary means of punishment towards his Slaves; but when they may deserve heavier punishment, he shall be obliged to send them up to the jail, to be there punished agreeable to sentence, under the penalty of nine hundred guilders in contravention of this article.

ARTICLE XVIII.—Every planter, or proprietor of Slaves, shall take the necessary precaution that his Slaves be properly supplied with provisions, and shall therefore be obliged to have provision grounds prepared on the estate and properly planted, calculating one acre for five negroes; allowing, moreover, a reasonable weekly allowance, according to the custom of the Colony, and as may be most readily obtained, and also to provide them with proper clothing, under the penalty of ninety guilders for every acre less in provisions than required, and one hundred and fifty for every Slave who shall not have been pro-

perly provided with his allowance. The respective Fiscals being hereby expressly ordered and authorised to be vigilant in enforcing strict obedience to this Our order, and for this purpose to visit the estates from time to time, to enquire into these matters, and to report to the respective Courts.

ARTICLE XIX.—No proprietor, or servant, shall be permitted, when their Slaves are dancing and carousing, to allow Negroes of other estates to join them, unless such Negro has a special permission thereto in writing from his master, and the owner or manager of the estate where the dance is given, in which case only he shall be admitted; and as often as Slaves are allowed to dance and carouse, the owner and servants shall keep a watchful eye, and take the necessary precautions to prevent all disturbances, under the penalty of one hundred and fifty guilders, to be applied as before mentioned.

ARTICLE XX.—Every one shall be allowed to give his Negroes leave to dance once a month, the regular holidays not included, but never later than two o'clock in the morning, under the penalty of one hundred and fifty guilders.

The burgher officers, and other inhabitants, are by these presents requested, and, if need be, ordered to pay particular attention to the above, and in case of infringement to give notice thereof to the Fiscal.

ARTICLE XXI.—All proprietors, or managers on estates, shall be obliged, when they send out one or more Slave or Slaves, by land, or along the banks of the rivers or creeks, to give him or them a proper pass; and all the Negroes found on another's property, or in any part of the rivers, having no pass, shall be taken up as runaways, and be dealt with as per Article XVI.

Furthermore, all planters and managers shall, as far as they are able, take care that their Slaves do not after sunset, or at night, travel backwards and forwards in courials and canoes in the rivers, unless provided with a pass, which too frequently happens, and from which arise many ill effects; and in order to prevent this, planters, managers, and other white servants, are strictly desired to hail all such Slaves, and should they have no pass from their master, and refusing to stop at the estate, they shall give notice thereof to the master of the Slaves, and if unknown to the Fiscal.

ARTICLE XXII.—All planters and proprietors possessing or superintending Slaves are directed to examine the negro-houses at several different times in the course of the year, whether there are concealed amongst them any muskets or other fire-arms, with powder and lead; if any be found, to take possession thereof, and retain the same.

And the aforesaid planters, proprietors, or managers shall not entrust fire-arms in the hands of the Negroes, except to one or two huntsmen, which arms thus entrusted must be returned the same evening, and be put away in a place of safety, under a penalty of nine hundred guilders, to be applied as before mentioned.

ARTICLE XXIII.—We further expressly prohibit any one from being buried, whoever it may be, either a white man or Slave, who has suddenly, and under suspicious circumstances, or, as regards the Slaves, shortly after punishment met his death, or has hanged himself, or has otherwise made away with himself, until previous information be given (if in the towns) at the Fiscal's office, and if it happens on the plantations, to the nearest doctor, for the purpose of inspecting and examining the corpse; and a proper certificate of the result of his examination shall be sent to the respective Fiscals, under the penalty of one hundred and fifty guilders, to be applied as before mentioned. And if any inhabitant be desirous of placing the head of a Negro who may have committed suicide on a pole as an example to deter others, he shall not be allowed to do so on his own authority, but must address himself for that purpose to the nearest magistrates, to whom he must produce a certificate of the particulars, at least from the surgeon of the estate on which the circumstances happened, and, if possible, from the surgeon of the estate and two neighbours; in which case the magistrate is authorised to grant such permission as is necessary, under the penalty of nine hundred guilders.

ARTICLE XXIV.—It is strictly forbidden to planters, managers, and others, from employing their Slaves on Sundays and holidays, either on plantation or other work (a breach in the dam and other highly necessary work excepted), or under some other special circumstances, after having permission to that effect from the nearest Magistrate or Fiscal, under the penalty of six hundred guilders, to be applied as before mentioned.

ARTICLE XXV.—Any one who shall have brought any white person or persons, or Negroes, under criminal arrest, shall be obliged to give notice thereof within twenty-four hours, in writing, to the respective Fiscals, which written notice must contain the complaint of the arresting against the arrested party, and in default thereof to pay a penalty of ninety guilders. No white men, or Negroes, may be removed from under arrest unless by high authority.

ARTICLE XXVI.—Henceforth no Negroes shall be allowed to walk on any of the public dams or streets in the evening after seven o'clock, unless provided with a pass from his master, or with a light or fire, under a penalty of thirty guilders, to be forfeited by the person who shall have sent him or them without a pass or light for the first, and sixty guilders for the second time, and after that to arbitrary punishment. All Slaves trespassing against this article without the knowledge of their masters shall be punished according to circumstances.

ARTICLE XXVII.—No Negro shall be permitted to walk along any of the dams or public streets with a gun or any other sharp weapon, without a special written permission from his master, under the penalty of arbitrary punishment.

ARTICLE XXVIII.—All inhabitants of both rivers are hereby enjoined to warn their Negroes that they may not henceforth, when on board of any craft, sing, it being only allowed to them to sing their usual songs on board of vessels where there are whites, under the penalty of being punished according to circumstances.

All the beforementioned fines shall be applied and divided,—one third for the Fiscal, one third for the informer, and one third for the Poor's Fund. Both the respective Fiscals are hereby authorised, and, if necessary, ordered, either themselves or their deputies, to any strict attention, and to examine minutely, at unlimited periods, whether our above written regulations and proclamation have been strictly observed and obeyed, as well in Fort Zeelandia and Stabroek as in the rivers and creeks; and that no public discussions are held on these our ordinances and proclamation tending to ridicule and bring them into disrespect; and in case of finding such, to challenge the same, inflict the fine, and to give notice of said challenge to the Court, and, by non-session, to the Governor, General, or Commander, in order to call an extraordinary meeting if he deems it necessary, to make such arrangements as they may see fit to maintain the respect due to the Courts, agreeable to the proclamation of their High Mightinesses of the 23d of March 1772, renewed and amplified on the 6th of August 1776.

And that no one may plead ignorance hereof, the respective Secretaries are ordered, on the publication hereof, to affix a copy of the same at all public places and taverns, also taking care that it be always affixed at the taverns, and that the tavern-keepers be ordered to abide and suffer the same on pain of shutting up their tavern for three months.

Done at our meeting in Amsterdam, on the 1st of October 1784,
(Signed) N. GEELVINCK Vt.

In my presence,
(Signed) N. W. ROELL.

A faithful translation from a printed copy in the Dutch language, April 18th, 1824,

L. H. W. MACK.

C.

COURT OF POLICY.

Publication.—By his Excellency Major General John Murray, Lieutenant Governor in and over the Colony of Demerary and Essequibo and its Dependencies, Commander in Chief, &c. &c.—And the Honourable Court of Policy of the said Colony, &c.

Unto all whom these presents shall or may concern greeting, be it known ;
WHEREAS we have taken it into our serious consideration the increasing applications for leave to manumit Slaves, as well as the very informal mode of making such applications, and various other abuses which have insensibly crept into use in these respects.

And whereas we have observed of late, a total want of evidence in support of Petitions of this nature ; few or none containing sufficient information, by which the Court could form any just criterion in affixing the fine to be paid to the Poor-fund ; in doing which, the motives inducing owners to manumit Slaves, should always be kept in view, as well as the ability of such owners to contribute to their support, should they hereafter be reduced by poverty or sickness to apply to the Poor-fund for relief.

That in many instances these Petitions (and particularly those framed by Attorneys at Law or Sworn Clerks) are presented by persons, who become patrons of such Slaves, without being called upon by any moral obligation or attachment to them, and who are actually unacquainted with either owner or Slave, their character, circumstances, and other objects of information absolutely essential for the Court to be in possession of, to enable them to form a just estimate of the pretensions of such Slaves to freedom. All which irregularities and departures from the established laws and usages, tend to defeat the end and intention of this sovereign grace to reward exemplary fidelity and good conduct of Slaves, by giving them the rights of freedom ; the indiscriminate dispensation of which cannot be too much guarded against or avoided.

And whereas it has also become absolutely necessary to adopt the strongest measures, to prevent the abuses too prevalent, of individuals taking upon themselves to give Slaves a pretended right to freedom under the form of bills of sale, deeds of gift, free passes, and general releases from servitude ; as well as executors and heirs acting under wills, giving to any Slave or Slaves left free by their former owners, general releases from servitude without first applying for letters of manumission of such Slave or Slaves ; all of them equally illegal and fraudulent, both as they respect the existing laws, as the injustice to the Slave so imposed upon ; such pretended acts “ being but an abandonment on the part of the owner, or release of his own proper authority over the person of the Slave, which did or could not convey to the object of his bounty, the civil and political rights of a natural born subject :” hence arise numerous evils to the Colony by such abandonment of Slaves, who, left to themselves without an object and often without means of support, soon become obnoxious to society, and in the end fall victims to this unjustifiable practice.

In order, therefore, to prevent a continuance of these illegal acts, and also for the better understanding of the laws respecting the manumission of Slaves, we have, after a mature deliberation, resolved, first, to abrogate all former ordinances relating thereto, particularly the Act of the 30th of January, 1793, and 1st of November, 1804, and they are hereby abrogated accordingly.

And we have enacted, as we do by these presents enact, That from and after the day of the date of the publication of this our Proclamation, for the prevention of individuals executing bills of sale, deeds of gift, free passes or releases from servitude, and for establishing regulations for manumitting Slaves, that the same be considered, and is to have the full force and effect as all Acts passed by us.

First.—As the power of granting manumissions to Slaves in this Colony is solely vested in the Governor and the Honourable Court of Policy, all Acts and Deeds of whatsoever nature, executed by unauthorised individuals, and pretending to convey the right of freedom to Slaves, are illegal, and the same are hereby declared to be null, void, and of no effect whatever.

Second.—That any person or persons, being inhabitants of this Colony, who shall presume to infringe upon this sole and undoubted power of the Governor and Court of Policy, by granting or executing any letter of licence, free gift, or general release from servitude to any Slave or Slaves, either the property of themselves, or as acting under any power or deed whatever granted to them for that purpose by the owner or owners of such Slave or Slaves, or who shall assign over their right and property in any Slave or Slaves to themselves, or by bill of sale, dispose of their interest and property in such Slave or Slaves, by way of ransom or redemption of themselves from servitude, or in any manner attempt to grant or release from servitude any Slave or Slaves, except by application to the Honourable the Court of Policy, by petition for leave to manumit such Slave or Slaves, and complying with the laws and regulations hereafter more particularly detailed, shall be fined in a penal sum of 1000 guilders, recoverable against the party so offending according to law; which fine shall be disposed of at the discretion of the Court.

Provided, and be it nevertheless understood, that the above penalty does not apply or extend to the bills of sale, deeds of gift, and other acts and deeds done and executed before the publishing of this present Act.

Third.—All persons desirous of manumitting any Slave or Slaves, whether proprietor, attorney, or executor, or otherwise duly qualified, must address themselves by petition to the Honourable the Court of Policy, which petition must be delivered to the Colonial Secretary's Office, at least six days before the ordinary sessions. The said petition must state the name, residence, and occupation of the petitioner; also the motives for manumitting such Slave or Slaves, together with his, her, or their names, ages (and if children, their respective names and ages), also the means such Slave or Slaves will have of maintaining themselves.

Fourth.—Every such petition must be supported by full and sufficient vouchers, in corroboration of what is therein stated. Also, a full proof in whom the property of such Slave or Slaves is vested, and the circumstances of the petitioners; and where parties employ attornies at law, or others, as assistants to frame petitions in their names, for leave to manumit any Slave or Slaves, such petitions will not be attended to, unless proper references are made to respectable persons of well known character and consideration, perfectly acquainted with the circumstances of the case, and competent to give such satisfactory information as the Court may require.

And we strictly forbid any person or persons, attornies at law and others usually assisting, presenting such petitions, unless all the forms aforesaid and particularly what relates to the circumstances of the petition, and good character of the Slave or Slaves, are strictly complied with.

Fifth.—The parties to all such petitions, as well as the Slave or Slaves, must appear personally before the Honourable Court of Policy, and then and there answer to all such enquiries as the Court may deem meet, respecting what has been stated in the petition; a particular day in each session for that purpose will be set apart, of which due notice will be given through the public papers by the Colonial Secretary, and on failure of the parties attending, such petition will be thrown out.

Sixth.—The Court having affixed a sum to be paid for such Slave or Slaves into the poor chest, for the purpose of providing a fund for free people who may eventually be reduced to poverty, such sum (to be paid by those who apply for letters of manumission to the receiver of the poor funds,) shall always be apportioned to the merits and circumstances of the case, in such manner, however, that it shall not be less than two hundred and fifty guilders, nor more than fifteen hundred guilders. The Secretary shall be ordered to issue

the necessary official notice in the public Gazette, of the intention of the petitioner to manumit such Slave or Slaves, three successive Saturdays immediately before the ensuing session, in order that any person or persons having any right or claim on the petitioner's property, or on the Slave or Slaves so intended to be manumitted, may oppose such manumission in a legal manner.

The Colonial duty of fifty guilders on each letter of manumission shall nevertheless continue to be paid in the same manner as heretofore.

Seventh.—The parties having complied with all the foregoing orders and regulations, and laid over with their second petition, requesting actual delivery of letters of manumission, the receipts of the respective receivers of the Colonial duty, and the poor funds for the sums required to be paid, and provided no opposition has been made thereto, the Court will then authorise the Secretary to deliver off to the petitioner open letters of manumission for such Slave or Slaves, agreeable to the present form, signed by the Governor, and countersigned by the Secretary, with the seal of the Colony thereto affixed.

Which letter of manumission must be exhibited at the respective offices of the Government Secretary and Fiscals, in the district where the parties reside (for the purpose of being registered), within one calendar month after the same shall have been delivered, under the penalty of fifty guilders, which fine shall be recovered by summary execution.

The Secretary to give the Fiscals notice of all letters of manumission given off.

Eighth.—And in order to prevent the abuse of persons who present the first petition for leave to manumit their Slave or Slaves, and, leave being granted, neglect to comply with the orders made on such petition, and to prevent also such Slave or Slaves assuming the rights and privileges free people are by Law entitled to, as though they had actually received their letter of manumission; it is hereby ordered, that a sum not exceeding five hundred guilders must be deposited with the first petition in Court, which sum so deposited, shall go in diminution of the expence of taking out such letters, should they be granted; and if not, said deposit shall be returned to the parties, they paying the expence of such petition. But should the petitioner neglect to comply with the order on said petition, and not actually take out the letters of manumission within six months after the date of appointment made thereon to that effect, the said deposit shall become forfeited and paid into the poor chest (after the Secretary shall give notice to the parties, by publicly advertising such defaulter, three several times), and the parties be obliged to commence *de novo*, should they afterwards be desirous of obtaining letters of freedom.

No right, title, or pretension to freedom, can or may be assumed by any such Slave or Slaves, until the actual possession of the letters of manumission before described, which must be dated on the day they are actually taken out, such Slave or Slaves being, as they are hereby declared to be, liable during the intermediate time between presenting the first petition and receiving the letter of manumission to all the regulations and laws Slaves are subject to, besides, in case any charge of misconduct, cognizable by the civil authority, be brought against them, and proved, that then such Slave or Slaves shall be prohibited taking out letters of manumission, for a period to be determined by the Court according to the nature of the case.

And whereas we have seen with surprise that masters of vessels, and others, have presumed to interfere with the rights and prerogatives of this Court, by procuring manumissions in foreign countries, and re-selling them at a low rate to Slaves who were not absent from the Colony at the period such Slave or Slaves were so pretended to be manumitted, a practice calculated to do much mischief, to confuse property, and contrary to law;

We have therefore thought fit to enact, and be it enacted accordingly, that all persons who shall directly or indirectly be parties to, or agents in any act or acts done and executed in parts beyond seas, or not within the jurisdiction of this Colony, whereby it is pretended to manumit or release any Slave or Slaves living within the Colony or its jurisdiction during the actual period and date of such deed, shall, on conviction, be liable to, and pay a fine of one

thousand guilders, recoverable according to law; besides the claim of such Slave or Slaves, on its being proved that he, she, or they were in anywise a party, or concerned in such act, being thereby considerably weakened in any future application for freedom.

And that no ignorance may be pretended of the several orders contained in this our ordinance, the same shall be published, printed, and sent round, as is customary.

Thus enacted in our Extraordinary Session, held at the Court House, George Town, Demerary, on the 6th day of April, 1815, and published on the 11th following.

(Signed) JOHN MURRAY.

By command of the Court.

CHARLES WILDAY, Clerk Court Policy.

D.

COURT OF JUSTICE.—DEMERARY AND ESSEQUEBO.

The following Cases of Convictions of White and other free persons on Slave Evidence between the years 1774 and 1824 have been extracted from the Records of Criminal Sentences of the Courts of Justice of Demerary and Essequibo.

1.—*PIETER CALLAERT*, a White man, condemned to be broken alive on the wheel, his head afterwards to be cut off, and his body burnt to ashes, by sentence dated 11th January 1774.

Crime.—For having been the instigator of, and having aided and assisted in, the late insurrection, which commenced on the night between the 12th and 13th of August last (1773); and for giving the Negroes ammunition, consulting and advising with them, and urging them to murder P. C. Hooft and his wife; by which many White persons, free Indians, and Slaves, lost their lives.

This conviction was chiefly on Slave evidence, particularly upon that of a driver named Jacob, belonging to the prisoner, and a White man, E. M. Birmingham.

The sentence was carried into execution on the following day.

2.—*John West*, a White man, convicted of theft on the sole evidence of three Negro Slaves, named Charles, Peter, and Tom.

Sentence, twenty-five years' banishment, 26th June 1807, and pronounced the same day. Subsequently carried into effect.

3.—*Cornelius de Weever*, a White man, convicted of murder; the sole evidence his own Slaves; 10th December 1811. Executed on the 14th following.

4.—*Henry Wells*, a White man, convicted of selling rum: sole evidence his own woman Slave Phillis. Condemned in the costs of the proceedings, and his long confinement previous to trial adjudged as a punishment; 25th of May 1812.

5.—*James Jaffrey*, a White man, and proprietor of plantation Perth, convicted of *homicidium culposum* on the evidence of his Slaves Prince and Julius, and the Slave Sandy belonging to the adjoining plantation Broomlands.

Sentenced, on the 12th of March 1813, to be branded on the back with a hot iron by the public executioner at the place of execution, and banished for ever from the Colony. This sentence executed the 20th of March following.

6.—*John Love Robinson*, a White man, convicted of selling rum, principally on the evidence of the Slaves William, Sandy, and Knall.

Condemned, by sentence dated 28th of August 1813, to be banished and pay a fine of one thousand guilders. Sentence subsequently carried into effect.

7.—*Benjamin Sanguinetti*, convicted of *homicidium culposum*, in a slight

degree, on the evidence of a Negro slave named Virgil, belonging to Harrower and Alstrom, and the Negro women Nancy and Eddy.

Sentenced, on the 20th of February 1819, to one month's imprisonment; which sentence was carried into effect.

8.—*Thomas Bulboni, Peter Trebi, and Paul Maré Antony*, White men, convicted of *homicidium culposum*, in a slight degree, convicted partly on the evidence of the Negro Harry, belonging to Betsey Bentinck, free coloured woman. Sentence dated the 19th of April 1821, and pronounced the 2nd of June following. Punishment, six months imprisonment; which sentence was carried into effect.

9.—*Benjamin Campbell*, free coloured man, convicted of having received stolen goods, on the evidence of the Negro man Henry, and the girls Bloom and Grace. Sentenced to be whipped and banished, 30th September 1822. Sentence executed the 22nd of October 1822.

10.—*Pieter Cornelius Beek, alias Beak*, convicted of having shot his Negro Slave named Antony, on the evidence of a White man named Gogel, and the prisoner's own Slave named John. Sentenced to be hanged, and executed on the 8th of May 1824.

(Signed) CHARLES WILDAY, Deputy Secretary.

Extract from the Minutes of the Proceedings of the Honorable the Court of Policy of the Colony and Dependent Districts of Demerary and Essequebo, at its Adjourned Meeting, held at the Court House, George Town, Demerary.

Monday, the 31st May 1824.

(After Prayers.)

THE Order of the Day having been moved by his Excellency the Lieutenant Governor, for the resumption of the dispatch of Lord Bathurst, dated the 18th March last, communicated on the 24th instant, and again brought under the consideration of the Court by his Excellency on Saturday last.

Whereupon the Court agreed to enter upon the deliberation of his Lordship's dispatch and enclosure to-morrow.

The Court was then adjourned until 12 o'clock to-morrow.

(A true Extract) CHARLES WILDAY.

Extract from the Minutes of the Proceedings of the Honorable the Court of Policy of the Colony and Dependent Districts of Demerary and Essequebo, at its Adjourned Meeting, held at the Colony House, George Town, Demerary.

Wednesday, the 16th June 1824.

(After Prayers.)

THE Secretary brought up the Draft of Regulations, &c. which he had been directed on Saturday last to have fairly copied. And said Draft of Regulations having been read was of the following contents:

(Fiat Insertio.)

The Court, after finally correcting the Regulations aforesaid, approved thereof, and ordered the Draft to be entered on the minutes of this day's proceedings.

The Court lastly directing the Secretary to hand to his Excellency the Lieutenant Governor, without waiting for a resumption of these minutes, a fair copy thereof, with the documents referred to properly attached.

(A true Extract)

CHARLES WILDAY, Deputy Secretary.

No. 8.

Downing Street, 20th November, 1824.

SIR,

I HAVE received and laid before the King your despatch of the 25th day of June last, together with the draft which accompanied it, of the Law which the Court of Policy propose to pass for the improvement of the condition of the Slaves in Demerara.

Although I am not able to signify to you His Majesty's unqualified approbation of this draft of a law, yet I am to state that His Majesty has been pleased to express his satisfaction with the zeal and assiduity manifested by the Court of Policy in giving effect to his royal intentions, and the wishes of Parliament, in favour of the Slave population. You will therefore apprise the Members of the Court that His Majesty relies with confidence on their continued and cordial co-operation in carrying the measures of His Majesty's Government into complete execution.

In the desire to multiply and strengthen the social relations by which the different classes of His Majesty's subjects in Demerara are united, I have to signify His further pleasure that the intended concessions in favour of the Slaves should originate with the Court of Policy, rather than with himself, acting with the advice of his Privy Council. Whenever the necessary law shall be finally digested and framed, you will therefore consider yourself as authorized to promulgate it in the usual manner as an Act of the Court of Policy; and you will by the earliest opportunity transmit to me a transcript of it, in order that I may submit to His Majesty in Council the draft of an order for confirming and rendering it effectual. You will, however, understand, that this is conceded, on the supposition that the Court of Policy will adopt the various alterations that I am about to suggest in the draft transmitted to me from the Colony, in which event only you will exercise the authority now confided to you to promulgate the law.

I proceed therefore to notice in their order the various provisions of Law as framed by the Court of Policy, which it will be necessary to amend, and the several omissions which must be supplied, before it can be finally promulgated as a Legislative Act, and I desire to impress upon you the necessity of directing to these points your own attention, and that of the Court of Policy, with the utmost care that no inadvertency should occur, by which the opportunity would be sacrificed of enacting such a law as would leave nothing further incumbent upon His Majesty's Government, than to recommend to His Majesty that it should be confirmed. First, I have to call your attention to the circumstance that no specific provision is made for the remuneration of the Protector of Slaves. Unless an adequate salary is granted to this officer, it will be impossible to confide these duties to any person except the Gentleman bearing the office of Fiscal; and cases might arise in which the union of these offices in the same person would be highly inconvenient. I do not object to their being so united at present; but the Fiscal cannot reasonably be required to undertake so great an addition to his public duties, unless an adequate compensation be made for the increased labour and responsibility he will have to sustain.

By the Trinidad law the person entrusted with the office of Protector is in all cases forbidden the possession of plantation Slaves. According to the draft of the Demerara law, the person deputed to that office, in the absence or during the temporary incapacity of the Protector, may be possessed of such property. The difficulty of finding proper persons to discharge the duties may perhaps afford a sufficient reason why an inflexible rule, excluding, in all cases, the proprietors of Slaves, should not be established. It must, however, be distinctly understood, that even the temporary appointment of a Deputy Protector of Slaves must be made in favour of a person who is not himself the owner of property of this description, except on occasions when it may be impossible to find such a person at once willing to undertake the trust, and competent to the

efficient and faithful execution of it. And when any such exception shall occur, the Officer administering the Government, on notifying the appointment to me, will be expected to transmit a statement of the peculiar circumstances justifying the departure from the general law. And it will be necessary to introduce in the Act of the Court of Policy, a clause laying down these principles.

2.—The attendance of the Protector of Slaves at all public prosecutions in which they may be concerned, which is required by the Trinidad Order in Council, is not required by the drafted law; and it is stated by you to be impracticable in Demerara, where the Protector of Slaves will have also to discharge the duties of First Fiscal. Though I cannot but regard the habitual attendance of the Protector of Slaves on these occasions as an important advantage; yet as it is not to be obtained except at the expence of disuniting two offices which, for many reasons, ought if possible to be held by the same person, you will not insist upon a strict adherence to the Trinidad law in this particular; provided that some other sufficient provision be made for securing the prompt and impartial execution of criminal justice in those cases in which Slaves may be the parties concerned.

3.—Sunday markets, which in Trinidad must be closed at 10 o'clock in the morning, are allowed in the drafted Law to be kept open till 11; and the reasons which you have stated for the substitution are sufficient. It is to be borne in mind, however, and ought to be expressed in the Law, that the total abolition of such markets is contemplated, as soon as the measures shall have taken effect which are designed to remove the causes of its temporary inexpediency.

4.—The employment of Slaves on Sunday is prohibited in the Trinidad Order and the conjunct Proclamations, by provisions from which those of the Demerara draft differ most materially and inadmissibly in their tenor and proposed effect. It is impossible to acquiesce in the proposal that the labour of Slaves should be permitted on Sunday whenever "special circumstances" may, in the judgment of the Fiscal or Magistrates, appear to require it. These words might in practice receive an interpretation so lax and general as to defeat, in a great measure, the object of the Law. I observe, indeed, that this enactment is borrowed from the ancient Dutch Law, to which I might be disposed to adhere, in every case where in practice it has been found effectual; but even assuming that the regulations of the ancient code have proved sufficient to prevent the employment of Slaves on Sunday, there is still no adequate reason for adopting from that code expressions manifestly vague and indefinite. I must therefore require a close adherence upon this subject to the rules which have been laid down in the Trinidad Order in Council, as explained by the Proclamations which His Majesty has authorized the Governor of that Colony to issue. These rules have been framed after great deliberation, and with the benefit of every assistance which local knowledge, and long experience of colonial usages, could suggest. They are in substance as follows: first, from sunset on Saturday to sunrise on Monday, all compulsory labour is prohibited; secondly, during the same interval, all labour performed for hire or wages is also prohibited; thirdly, the prohibition extends to labour which a Slave might be induced to undertake for his Master's profit by other motives than that of earning hire or wages. Such are the general prohibitory regulations. Various circumstances of society have seemed to require that the following exceptions should be allowed: first, labour performed by a Slave in the domestic service of his Master, or in the preservation of the cattle or live stock on any plantation; secondly, labour performed by nurses in hospitals, by watchmen, and by persons engaged in interments of the dead; thirdly, such labour as may be necessary to prevent or remedy the damage arising from conflagrations, hurricanes, and other casualties of the like nature; fourthly, every other description of labour which, though not specified in terms in the three preceding exceptions, is of the same general nature, and referable to the same general principles; fifthly, an exception is also made of labour undertaken for the preserva-

tion of the crops upon any estate; but, to prevent the abuses to which such a concession might lead, the four following provisions are made: the first, that the preservation of the crops must be incompatible with the postponement of the labour beyond Sunday; the second, that the labour must be performed for wages which are to be paid exclusively to the Slave himself; the third, that the rate of these wages is to be fixed by the Protector of Slaves in a public proclamation; the fourth, that no Slave may hire himself for any such purpose to any person but his Master, except by his Master's express consent in writing.

Now upon referring to the draft which you have transmitted, I collect that the Court of Policy would reduce the whole Law on this subject to the following rules: Planters, Managers, "and others," a description large enough to embrace all persons, are forbidden to employ their Slaves on Sundays and holidays, either "on plantation or other work," words comprehensive enough to interdict labour of every description. The exceptions are: the case of a breach in a dam; secondly, "other highly necessary and indispensable" work; thirdly, any case in which, under "special circumstances," the owner may obtain from the nearest Magistrate or the respective Fiscals, permission to employ his Slaves on Sunday. These rules and exceptions are applied to the case of persons hiring the Slaves of others, as well as to the case of persons employing their own Slaves.

Upon comparing these rules with the corresponding provisions in force in Trinidad, you will not fail to observe that there are several points of very material distinction. Thus the prohibition in Trinidad is more definite with respect to time. The word "Sunday" may be understood in a larger or narrower sense. The hours of sunset and sunrise define the interval of rest with greater precision. Again, the draft prepared by the Court of Policy is less discriminating, both by the prohibition in the first instance, which comprises all kinds of labour, and by the subsequent exceptions, which allow works of necessity, and works which, under special circumstances, may be authorized by a Magistrate. Therefore, by the terms of the prohibition, the various inconveniences against which provision has been made in Trinidad, would be sustained in all their force, whilst the terms of the exceptions, if they may be construed so as to obviate some of these inconveniences, might also be construed in so wide a sense as practically to nullify the prohibition. I have further to observe that the penal clause does not seem to me to have been judiciously framed by the Court. It has been proposed to subject a Master employing his Slaves on Sunday to a penalty of 600 guilders, and persons hiring the Slaves of others to a penalty of 22 guilders for each Slave so hired. In Trinidad it is left to the discretion of the Court to inflict a penalty, varying from five to fifty dollars, according to the circumstances and aggravation of the offence.

Under these considerations, His Majesty expects that the Court of Policy will revert to the model which the Order in Council, together with the proclamations in Trinidad, supply; and especially that they will define every description of labour which is to be permitted on Sunday, instead of investing the Magistrates and Fiscals with a discretion so unlimited as that which it has been proposed to confer.

5.—The offence of carrying a whip in the field, according to the draft, is in all cases only punishable by a mulct. But as this offence may be committed by a Slave or by a free person in indigent circumstances, the punishment must be fine or imprisonment as provided by the Order in Council for Trinidad.

6.—With respect to the punishment of Slaves I have to point out to you two important distinctions between the Order in Council and the Draft prepared by the Court of Policy. Where the punishment does not exceed six lashes the latter would allow the immediate infliction of it, and dispenses with the attendance of witnesses; whereas the Order in Council does not admit any punishment except in the presence of witnesses, and after an interval of 24 hours from the commission of the offence. I am to apprise you that this deviation from the principles of the Trinidad Order cannot be sanctioned. It is indeed obvious that if any punishment may lawfully take place without wit-

nesses, and without the required interval, there will be no effectual security for the Law. You will also remark, that in this requisition nothing more is demanded than what the spirit of the old Dutch Law (as quoted in the draft of the Court of Policy) required. It is stated to have been a rule of that code that punishment should be inflicted "without passion." The Court of Policy are, then, only desired to secure by a definite precautionary enactment, the observance of the rule which the Law has already established in more general terms. The second deviation from the Trinidad Order in Council on the subject of the punishment of the Slaves, consists in substituting six Slaves for one free person as witnesses of the punishment. The objections which might be urged against this alteration are obvious, and by no means destitute of weight. On the other hand, I am ready to acknowledge the force of the difficulty which is anticipated in cases where the attendance of a free witness cannot be procured without great inconvenience and an improper postponement of the punishment. In such cases, and in them only, the substitution of six Slaves will be permitted, but this concession must be guarded by the following provisions. The owner must, if required, be able to prove that it was not in his power to procure the attendance, within twenty-four hours, of a witness of free condition. It must be distinctly and unequivocally ascertained that the evidence of Slaves is admissible in all cases in the Courts of the Colony, and the presence of witnesses must be made the indispensable condition of all punishments, whatever may be the number of lashes inflicted.

7.—The abolition of the punishment of females by the whip is an enactment of the Trinidad Order in Council, of which no qualification can be acceded to by His Majesty's Government, in as far as relates to adults. And I have the less reluctance to signify the King's pleasure upon this subject, since the Court of Policy have gone so far in concurrence with it. The case of young children is indeed excepted in Trinidad, in compliance with the representations of the inhabitants, an exception which it might almost seem superfluous to have made in express terms, as the Law plainly did not purport to regulate the mode and degree of correction to be observed in the education of children. In that particular case, however, it is now expressly declared that female Slaves, under the age of ten years, may lawfully be corrected in any manner in which children of free condition are punished in schools for the education of youth. With this solitary exception, the rule must be made absolute and unqualified. I am fully aware of the necessity of providing an effectual substitute for this mode of punishment. Accordingly, the Governor of Trinidad has, under the express sanction of the Order in Council, promulgated a Proclamation, a copy of which I have the honour to inclose, enumerating the different modes of punishment which are to be allowed, on occasions of offences being committed by adult females. I have further to apprise you, that in consequence of a report which has been made of the efficacy of the Tread-mill as a mode of punishment, which, without injury to the health of the sufferer, excites a salutary alarm in the minds of those who may be exposed to it, the Governor of Trinidad has been authorized to permit this method of punishment in the case of females. I trust that no difficulty will be found in adopting this portion of the Trinidad Law in the Colony under your Government.

8.—The Trinidad Order in Council requires that, upon any prosecution of the Owner for the illegal punishment of a Slave, if the Slave, on being produced in Court, shall exhibit on his person the traces of recent flogging, and shall declare them to be the consequence of any unlawful punishment, and being examined shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, the Owner shall be required to prove, either that the punishment was not inflicted by him, or that it was a lawful punishment; and, on failure of such proof, the Owner is to be convicted of the offence. In the draft prepared by the Court of Policy this provision is omitted; upon what ground I am not aware, unless it be in

tended to say that the unsupported testimony of a single Slave is, by the Law of the Colony, sufficient to convict the Owner, without any positive enactment for that purpose. As, however, it is not stated that such is the Law, I am not prepared to sanction the omission.

9.—The provisions for recording the punishments inflicted on plantations are very minute and numerous, both in the Order in Council and in the draft which you have transmitted. Not deeming it necessary to insist upon an exact conformity, in this respect, to the rules of the Order in Council, I forbear to enter upon any minute comparison of the corresponding enactments in those different instruments, but shall confine myself to noticing such of the proposals of the Court of Policy as it will be necessary to revise and alter.

In Trinidad, a record will be preserved of all punishments of females which have been substituted for flogging, and of all punishments of men exceeding three stripes; whereas the Court of Policy would require the record to be made only when the punishment of women shall exceed forty-eight hours imprisonment, and where that of the men shall exceed five lashes. On this point the rules in force in Trinidad must be transferred to Demerara.

It will also be necessary that, in conformity with the Trinidad Order in Council, the Plantation Record Book in Demerara should specify both the time and the place at which each punishment may be inflicted.

The model afforded by the Trinidad Order in Council must further be adopted by requiring a statement in the record of the names of the persons by whom, and by whose authority, each punishment is inflicted.

The penalty denounced in Trinidad against persons neglecting or omitting to make the proper entries in the Record Book of the Plantation, must also be imposed in the amended Draft of the Law, when passed by the Court of Policy.

Returns must be made once in each half year as in Trinidad, instead of once every year as proposed in the draft which you have transmitted.

The returns must be made under the sanction of an oath, as it is required in Trinidad, that the party making them has punctually and accurately kept the Plantation Record Book, and that he has made no fraudulent erasures or false entries in it; or, if the book should contain no entry of any punishment, then the party making a blank return must accompany it with an oath, that he has inflicted no punishment which ought to have been entered in his book.

10.—On the important subject of the evidence of Slaves, the Law which you have transmitted is wholly silent. You account for this by stating that, according to the Dutch Law, the evidence of Slaves is in all cases admissible; and, in support of this representation, you have subjoined a statement of the cases, in which such testimony has been admitted in the Court of Civil and Criminal Justice during the last fifty years. These cases, however, are stated with such extreme brevity, that it is quite impossible to collect from them what may actually have occurred on these occasions respecting the admission of Slave testimony. It is not alleged, nor without a very distinct statement to that effect, can I assume, that the Court of Demerara admitted the testimony of Slaves precisely in the same manner, and to the same extent, as the testimony of free men. It is perfectly consistent with every thing that appears in the ten cases transmitted by you, that the Slaves were admitted as witnesses, either because there was a total failure of other testimony, or because their statements could be and were affirmed and corroborated by the evidence of other witnesses of free condition. But it does not clearly appear that Slaves have been allowed to give evidence of facts within the knowledge of themselves and of free persons also, where such free persons have either refused to give evidence, or have contradicted the statements of the Slaves. Let it be supposed, for example, that any number of Slaves should allege that a murder had been committed in their presence, and in the presence of free persons, and suppose that the free persons should either contradict the assertions of the Slaves, or should avoid appearing as witnesses, could or could not the testimony of the Slaves, or the unsupported testimony of a single Slave, be received

in such a case in the Courts of Demerara? To this inquiry the cases you have transmitted do not furnish an answer. If the Law be that the testimony of Slaves is to be admitted precisely on the same conditions, and under the same qualifications, as that of other persons, a principle so important should be recognized and established by a declaratory enactment. If, on the other hand, the Law has placed witnesses in a state of slavery under peculiar restrictions, then the case of Demerara differs little from that of Trinidad; because in that Island, before the Order in Council, Slave evidence was admitted in certain cases, and under certain qualifications. Upon this supposition, the course adopted in Trinidad should be pursued in Demerara; that is, the rules of evidence in the case of Slaves should be plainly laid down, with an express saving of any power which the Courts formerly possessed, of admitting the testimony of persons in this condition, in other instances than those which may be enumerated in the Act. The advantage of adopting the provisions of the Order in Council on this head, does not consist merely in obtaining a clear definition of the rules of Law on a subject so important, but also in the distinction which a Slave will obtain, in having his name recorded as one whose progress in education entitles him to be so far placed on the footing of a free person, a distinction which cannot fail to produce salutary effects by the encouragement it affords to good conduct and continued exertion.

11.—The marriages of Slaves are proposed to be regulated by provisions substituted for those of the Order in Council for Trinidad, but which will, I am sure, upon consideration, appear to be so inadequate (and one part of that proposition is in truth so open to ridicule), that I am persuaded the Court of Policy will at once acknowledge the expediency of a stricter conformity to the Order in Council. It will be perfectly easy to obviate the objection that the Dutch law would by the effect of the marriage under the general words used in the Trinidad Order, confer on the husband rights with which it is not really intended to invest him. The Act might expressly provide that the apprehended consequence should not follow.

12.—The removal of Slaves by judicial process is a subject which I observe is wholly omitted in the proposed ordinance. As no reason is given for this omission, I must presume that it has arisen from inadvertence. Under the limitations stated in the Order in Council, no solid objection can be made to the adoption of this provision.

13.—The right of the Slave to property which he may have duly acquired is regulated in the proposed law by provisions which vary essentially from those of the Order in Council. First, the power of acquiring, holding, and disposing of property is secured to the Slave absolutely by the Order in Council, whereas in the draft of the law transmitted by you, it is declared that Slaves may lawfully acquire, hold, and possess property with the consent of their owners. That no owner in Demerara would refuse that consent is what I am willing to believe, but any property held by a Slave under such a law would be in truth during his owner's pleasure. It would at once divest him of that legal security of possession which practically, I doubt not, he already enjoys, with few exceptions; but it is the main object of the Order to protect the Slave against the possibility of such an exercise of power by his Master, should a disposition ever exist to exert it. Secondly, by the Trinidad Order the Slaves themselves may bring and defend actions for the protection of their property. According to the draft, this can only be done by the owner for the use and benefit of the Slave. Putting these two provisions together, you will see that a Slave can neither acquire property, nor defend it when acquired, but at the will and pleasure of his Master. I feel confident that it never was the intention of the Court of Policy to make such an enactment; and a strict conformity to the provisions of the Order in Council in these two particulars is indispensable. The exception of fire-arms and ammunition I approve; but no sufficient reason is assigned for excepting the exportable produce of the Colony.

14.—On the subject of Savings Banks the variations between the provisions

of the Order in Council and those of the Demerara draft are not so material as to call for re-consideration.

15.—On the subject of the manumission of Slaves the variations between the Order in Council and the Demerara draft are many and important.

The Order in Council entirely abolishes taxes on manumission, and all fees of office, with the exception of twenty shillings for registering the manumission deed, which is ultimately to be charged against the public Revenue. The Court of Policy propose to retain a tax, which is not to exceed one thousand guilders, which is to be paid to the Receivers of the Poors' fund "if the circumstances of the case" from infancy, age, or infirmity, seem to the Court of Policy to require it. They also authorize the payment of twenty-two guilders, and no more, to the Secretary of the Court of Policy, to indemnify him for the expences incurred in effecting the manumission. Finally, they declare that all applications for manumissions are to be made, as heretofore, to the Governor and Court of Policy.

Under this head, therefore, the variations between the law proposed by the Court of Policy, and that passed by His Majesty in Council, are very considerable. The most important of them, however, is the necessity imposed on every Slave seeking to obtain his manumission, although with the approbation of his master, to procure also the consent of the Governor and Court of Policy. This law, indeed, appears to have been established by an ordinance of the Lieutenant-Governor and the Court of Policy passed on the 6th of April 1815, and the present plan proposes only to affirm and continue it. The ordinance, however, has never received His Majesty's sanction, and in truth appears to be open to very grave objections. I am not aware of any other instance in which it has been distinctly propounded, as a maxim and rule of Law, that the owner of a Slave has not the right of effecting his manumission. I have also to remark, that the draft which you have transmitted, does not provide that the one thousand guilders which, upon the manumission of a Slave may be paid into the Poors' fund, shall be repaid to the Slave, or to his family, in the event of his not becoming burthensome to the fund after his manumission.

On the subject of manumission, the Order in Council contains various important regulations which the Court of Policy propose to omit. It is impossible, however, to authorize this departure from the rules of law established in the neighbouring Colony. I am therefore to direct you to insist upon the introduction into the proposed Act of the provisions in the Order in Council, enabling a Slave to purchase his or her own freedom, or that of his or her wife, husband, child, brother or sister, and of those provisions by which a process for ascertaining the value of the Slave and effecting a judicial manumission is prescribed, in the event of the owner being unwilling, or unable, to effect the manumission himself, or of his demanding an excessive price. Provision must also be made, in conformity with the Order in Council, for the cases of the manumission of the Slaves of minors, married women, idiots, and lunatics, and for the case of the real owner being absent from the Colony or being unknown. It must also be required that public notice should be given to all persons having any interest in the Slave about to be manumitted, to appear and prefer their claims, in order that they may attend and witness the appraisalment. Provision also must be made, as in the recent proclamation in Trinidad, for defraying the expence of the appraisalment. Immediately connected with this subject is a regulation to be found in the Trinidad Order, which it will be necessary to transfer to the Act which is to be passed in Demerara. The Protector of Slaves is required in every case of manumission, by private contract, to ascertain that the party about to effect the manumission, has a legal right to do so. He is also to prepare the necessary deeds, and to see that they are duly registered.

16.—The Court of Policy appear to have omitted a very important regulation established in Trinidad, which postpones the payment of the salary to the Protector of Slaves, until after he has made his periodical returns. The precise nature and contents of these returns are strictly defined in the Order in Council, and are required to be made every half year. The Court of Policy

would substitute annual returns, and would omit the particular words descriptive of their contents. In all these points it will be necessary to adhere strictly to the model of the Order in Council.

17.—The Clause which proposes to vest in the Lieutenant-Governor a power of suspending all or any part of the proposed Law, is perfectly inadmissible; for no individual in Demerara could know under what Law either the Slaves or the owner were living, if the enactments contained in this extensive measure were subject to be suspended at will.

(Signed) BATHURST.

Major-General Sir Benjamin D'Urban, &c.

No. 9.

SIR,

Downing Street, 20th November, 1824.

IN my dispatch of this day's date I have explained to you the alterations which His Majesty's Government have deemed necessary to be made in the Draft of an intended Act of the Court of Policy, which you have officially transmitted to me; and as the intentions of His Majesty's Government have been thus fully and definitely made known, I have to direct, that you will take the earliest opportunity of ascertaining and reporting to me, whether the Court of Policy is prepared to adopt the modifications which have been suggested; and though I have already stated that I do not anticipate any indisposition on their part to the adoption of those alterations, it is necessary that I should explain to you, that in such an event, however desirous His Majesty's Government may be that the origination of this measure of melioration should proceed from the Court of Policy, they would feel it to be their paramount duty to issue without further delay, an Order in Council for the purpose of carrying them into effect.

(Signed) BATHURST.

Major-General Sir Benjamin D'Urban, &c.

BERBICE.

No. 1.

*Extract of a Dispatch from Lieutenant-Governor Beard to Earl Bathurst,
dated Berbice, 14th January 1824.*

I HAVE the honour of transmitting to your Lordship an extract minute of the proceedings in Council of the 10th of the present month, by which your Lordship will see that I have not failed to bring again under consideration your Lordship's several dispatches and suggestions, for the meliorating the condition of the Slave population, and the necessity of an immediate Enactment, prohibiting the punishment of female Slaves by flogging.

Conceiving the Council to have stood pledged to an adoption of this measure, by their minute of the 12th of August last*, it appeared to me to be my duty to instruct the Fiscal to refrain from the exercise of this objectionable mode of punishment.

Your Lordship is aware that I acceded to the wishes of the Council at that time, and subsequently, (under the distressing occurrences which had taken place at Demerara) in delaying any Public Enactment on the subject.

*Extract from the Minutes of the Proceedings of the Honourable the Council
of Government of the Colony, Berbice.*

PRESENT,

His Excellency HENRY BEARD, Esquire, and the Honourable Members,
 JOHN CAMERON, JOHN DOWNER,
 WILLIAM KEWLEY, WILLIAM MUNROE,
 A. KRIEGER, Absent, GEORGE MUNROE.

Saturday, January 10th, 1824.

After prayers.—His Excellency now stated, that he felt it to be his imperative duty to bring again under the consideration of the Council, the several dispatches of Lord Bathurst of the 28th of May and 9th and 12th of July 1823, together with his Lordship's suggestions for the general improvement of the Slave population: his Excellency at the same time, directed the Secretary to read the Minute of Council of the 12th of August 1823, respecting the prohibiting of the flogging of women, and the disuse in the field of the driver's whip, which being read.

His Excellency observed, that although he had acceded to the wishes of the Council at that time, in not urging a promulgation of any Enactment, still he conceived that the Council stood pledged to the adoption of the measure, and indeed, he verily believed, it had been generally understood, and adopted throughout the Colony.

He, however, now thought that an Enactment ought to, and might take place without any danger. He thought this the more necessary because he had prohibited the Fiscal from exercising this objectionable mode of punishing females, and therefore private individuals retained a higher power in this respect than the Fiscal himself, and however unlikely they were, perhaps, to avail themselves of it, yet the infringement of the general understanding would be without punishment.

* Vide Papers presented last year, page 121.

His Excellency also urged the necessity of taking Lord Bathurst's several suggestions into immediate consideration.

The Members of the Council, adverting to the reply made by them to his Excellency on this subject, at the sessions of October last, consider it their duty to state, that it does not appear to them, that the period had yet arrived when it would be either eligible or safe to give publicity, by any Enactment, to such of the measures proposed by my Lord Bathurst, as have already been, or may hereafter be deemed advisable to be adopted, and in this feeling they are not led to consider the safety of this Colony alone; but the effect any Enactment of the nature proposed might have on the neighbouring Colony of Demerary, where the minds of the Negroes cannot but be supposed to be feelingly alive to every thing connected with the change they have been led to look forward to in their present condition; and, under this impression, the Council would most earnestly suggest to his Excellency, the expediency of allowing these matters to rest for the present, and until the restored tranquillity of the colony of Demerary may lead us to hope for the adoption of whatever steps may be resolved upon simultaneously with ourselves; and further, the Members would, with all due deference, recommend to his Excellency a communication with General Murray on this important subject, so as to ensure, if possible, a uniformity of action between two colonies so materially connected by similarity of interests.

No. 2.

MY LORD,

Berbice, 14th May 1824.

AT the meeting of the Council on the 7th April last, I again brought under consideration your Lordship's dispatch of the 9th of July, containing suggestions for meliorating the condition of the Slave population, and I now have the honour of transmitting the Minute of the Council's proceedings thereon.

I have, &c.

(Signed) HENRY BEARD.

The Right Hon. the Earl Bathurst, K. G. &c. &c. &c.

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

Thursday, 7th April 1824.

HIS Excellency again brought under the attention of the Council, Lord Bathurst's dispatch of the 9th July last, together with his Lordship's several suggestions for meliorating the condition of the Slave population, and begged leave to press these subjects on their earliest and most serious consideration.

The Council observed, that the present agitated state of the Colonies afforded them no reason to alter their former opinions on these topics, nor did they at all consider this the proper time to agitate them, and they requested again to refer to their sentiments expressed thereon in the Minute of the 10th January last, and therefore, under these considerations, they hoped his Excellency would forbear at present to press the subject on their attention.

No. 3.

Extract of a Dispatch from Earl Bathurst to Lieutenant-Governor Beard, dated Downing Street, 23d July 1824.

I HAVE received your dispatches of the 14th of January, and the 14th of May last, inclosing various Minutes of the proceedings of the Council with regard to the communications which I have made to you, upon the subject of the improvement of the condition of the Slaves.

Since the Council, contrary to the wishes and expectation of His Majesty's Government, have failed voluntarily to adopt those measures which have received the concurrence and approbation of the majority of the individuals in England most deeply interested in the prosperity of the West Indies, and which have been sanctioned no less by Parliament than by public opinion in this country; I have to inform you, that you will on the arrival of the Commissioners of Legal Inquiry, be required to prepare a Draft for an Order in Council, to be issued in Berbice analogous to that now in force in Trinidad, (a copy of which I herewith transmit to you), adapting the provisions of the inclosed Order to the circumstances of the Dutch Law as administered in Berbice.

No. 4.

Extract of a Dispatch from Lieutenant-Governor Beard, addressed to Earl Bathurst, dated Berbice, 16th September 1824.

I HAVE had the honour of receiving your Lordship's dispatch of the 23d July last, transmitting a copy of the Order in Council now in operation in Trinidad, for meliorating the condition of the Slave population; and instructing me on the arrival of the Commissioners of Legal Inquiry, to prepare a Draft for an Order in Council to be issued in this Colony, analogous to that now in force in that Island, adapting its provisions to the circumstances of the Dutch Law as administered in Berbice. I am not aware of the time when these Gentlemen may be expected here; I shall, however, proceed immediately to frame the Draft of an Order in Council preparatory to their arrival.

From the pledge which I conceived the Council to have given in their Minute of the 12th August 1823, to adopt the suggestions contained in your Lordship's dispatch of the 28th May, in that year, and to consent to promulgate, by public enactment, the prohibition of the punishment of female Slaves by flogging, after a reasonable time had been allowed for the ferment and agitation created by the insurrection in Demerara to subside; I did not contemplate any future difficulty in carrying that measure satisfactorily into effect, particularly as I had restricted the Fiscal from the exercise of this mode of punishment, as stated to your Lordship in my dispatch of the 14th January last.

I however am sorry to report to your Lordship, that I have no hope of the Council redeeming their pledge in this respect, or acceding in any manner to the proposed measures of His Majesty's Government in an Order in Council to be issued in this Colony analogous to that now in force in Trinidad.

No. 5.

MY LORD,

Berbice, 30th October 1824.

I TOOK the earliest opportunity of laying before the Council the dispatch which I had the honour of receiving from your Lordship, dated the 23d July last, instructing me to prepare a draft of an Order in Council to be issued in Berbice, analogous to that now in force in Trinidad.

Your Lordship will perceive by the inclosed extract Minute of the proceedings in the Council on this important subject, that the Council do not appear to have determined yet upon what course they will adopt. I understand that it is their intention to prepare a Minute amongst themselves, to be recorded on the Minutes of Council, founded on your Lordship's dispatch; but as they have adjourned without having come to any conclusion, with which I am acquainted, I deem it to be my duty to make this report to your Lordship; and, at the same time, take the liberty of observing, that I cannot discover any friendly feeling on the part of the individuals composing the present Council, towards the measures intended by His Majesty's Government, to be carried into effect in this Settlement. Seeing, however, that the draft of an Order in Council must be prepared by myself, in conjunction with the Commissioners of Legal Inquiry, with as little delay as possible, after their arrival, the Council may probably be induced to offer to me some suggestions on the subject, previously to their ordinary meeting in January next.

I have, &c.

(Signed)

HENRY BEARD.

The Right Honourable Earl Bathurst, K.G. &c. &c.

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

Saturday, October 9th 1824.

THE Governor submitted a dispatch from my Lord Bathurst, dated the 23d July 1824, transmitting a copy of an Order in Council now in operation in the island of Trinidad, relative to a change in the treatment of Slaves; and although his Excellency had received specific Instructions from His Majesty's Government, to frame an Order in Council to be issued in Berbice, analagous to that in Trinidad, upon the arrival of legal Commissioners in this Colony, yet he would earnestly intreat the Council to give this subject their early and serious consideration, and afford him their best advice and assistance therein, confident it will be much more satisfactory to His Majesty's Government that these important measures should be carried into effect with the concurrence of the Council, as far as possibly may be, and that, with regard to himself, in framing the intended Order, it would be highly gratifying to him, if he could do it in accordance with the views of the Council and inhabitants generally, without departing materially from the principles upon which the intended Order is directed to be formed.

The dispatch was then read and recorded.

The Council, in returning thanks to his Excellency for the communication, wished to have an opportunity of expressing on the Minutes, previous to their being closed, their sentiments on the subject, which his Excellency was pleased to acquiesce in.

(Signed)

JAMES INNES, Col. Secretary.

ST. LUCIA.

No. 1.

Extract of a Dispatch from Major-General Mainwaring, Administering the Government, addressed to The Right Honourable the Earl Bathurst, K. G. dated Pavilion, Saint Lucia, 25th August 1823.

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch of 9th July, forwarding to me copies of your dispatches of that date, to the Governors of His Majesty's colonies in the West Indies having Legislatures, and also of a communication under the same date, from Mr. Wilmot Horton, directing me by your Lordship's command to prepare and transmit forthwith the draft of an Order in Council, in which the regulations and suggestions pointed out in the documents which have been officially transmitted to me, may be embodied in the manner best suited to the civil and religious institutions of this colony.

The points referred in these regulations and suggestions for the improvement of the condition of the Slave population, may be classed under the following heads:

- 1st. Religious instruction and the appropriation of Sunday exclusively to religious duties.
- 2d. The admission of the evidence of Slaves in the Courts of Justice, and the qualifications requisite to validate their testimony.
- 3d. Marriage, especially between Slaves of the same estate.
- 4th. Manumission.
- 5th. The sale of Slaves, limiting the same in certain cases, and rendering such transfer of property as little painful to the individual transferred as possible.
- 6th. The abolition of flogging in the case of females, and of the use of the whip in the field, and the adoption of a more systematic mode of punishment on estates.
- 7th and last. The right of Slaves to acquire property in certain cases, and the mode of securing to them such property when acquired.

As I conceive it to be of the highest importance that the Government of His Majesty should be placed, at the earliest possible moment, in full possession of the local laws and usages as they bear directly or indirectly on these points, I lose no time in submitting to your Lordship's deliberate attention the following observations, without waiting for the draft before-mentioned which I may not be able to obtain from the Procureur-General for these several weeks.

- 1st. Religious instruction, &c.

Upon this point I have the honour to refer your Lordship to my dispatches on the subject of the lamentable situation of this colony, without one minister of the established church or place of worship for His Majesty's Protestant subjects, or even place of worship at Castries for His Majesty's Catholic subjects, who form the principal population.

I shall have the honour to communicate with your Lordship at length on this subject, in the manner directed in your letter of the 9th July, addressed to the Governors of the colonies having Legislatures; in the mean time, I will only say, that no alteration has taken place in the state of religious worship

since October 1821, and that there are now only two ministers of religion duly authorized to officiate as such in this island, one the Roman Catholic curé of the parish of Castries, and the other the Roman Catholic curé of the parish of Soufriere.

Every parish has a church in tolerable repair, excepting Castries and the little populous quarters of Micoud, Praslin, Dauphin, Dennuy and Anse la Raye; Micoud and Anse la Raye having the walls only remaining, the other quarters having no church at all; no parish alone, with the exception of Castries and Soufriere, could afford to support a curé, nevertheless in this very large island there should certainly be if possible a curé in every parish.

There is no Protestant minister.

There is no church at Castries whether Catholic or Protestant, a grant from home would be indispensable for that purpose, the colony becoming every day more and more unable to support such an expence; the construction of a Catholic and Protestant church at Castries, and of a Catholic church in the five smaller or less populous quarters before-mentioned, would cost at least £6,000 sterling, and the colony is at this moment on the point of undertaking a most necessary and indispensable work, the erection of a jail, which has been delayed solely from the want of means.

2d. The admission of the evidence of Slaves, &c.

By the law which governs this colony, the evidence of Slaves is received, excepting for or against their masters, therefore to render a qualification necessary or to increase the number of exceptions, would be to deprive them of a privilege enjoyed under the old French law since the 15th July 1738; I shall wait your Lordship's further commands on this point.

3d. Marriage of Slaves.

By the Royal Ordinance of 1685, it is directed that the solemnities prescribed by the Ordinance of Blois, and by the Royal Declaration of 1639, for the celebration of marriage shall be observed in the case of Slaves as well as of free people, excepting only that the consent of the owner shall be deemed sufficient, without requiring that of the parents.

The same law forbids the owner to place any restraint upon the Slaves in respect to marriage, and declares the children to belong to the owner of the mother.

In this colony marriage among Slaves is little common, but that proceeds from the absence of religious instruction, not from any objection on the part of the owners, who would be anxious to encourage it: marriage between Slaves of different estates is not known.

When a marriage does take place the parties come to Castries or Soufriere, and the celebration is performed with the same rites and formalities as if they were free people.

4th. Manumission.

The yearly ordinances for the levy of taxes, have for these several years past fixed the tax or duty on manumissions at £99 currency, or about £43 sterling, leaving however to the Governor the discretionary power of reducing it as he might deem expedient: this discretion has been largely employed in furthering manumission: two hundred and seventy-five Slaves of all ages have been freed within five years, and the average rate for each individual, of duty, has been £32 currency, or sixty-four dollars.

With whatever view this tax may have been originally imposed I most positively assure your Lordship that it has never been considered, either by Sir J. Keane, or myself, as a branch of revenue, but as an earnest of good conduct afforded to the colony by the person emancipated.

Since His Majesty's Government have thought, however, that this earnest ought not to be demanded, I shall of course feel it to be my duty to subscribe to whatever instructions your Lordship may please to forward to me.

These charges, reduced as they have been of late, (and before the agitation of the present question, as your Lordship will perceive by the within return)

cannot be considered as an obstacle in the way of freedom: the price of ordinary labour here for men is six livres a day, and for women three, for handicraft-men nine livres. The means of existence are extremely moderate, eight or nine livres a week being sufficient to support a working negro.

To demand therefore, eight or nine hundred livres, from a Slave working for him or herself (I place the women from other reasons in the same scale of advantage with the men) was an earnest of good conduct which, within ten months or a year would always ensure manumission to an industrious well conducted Slave. It has always appeared to me, and it appears to me still, that some stimulus is necessary, for I can assure your Lordship that the indolence and the apathy of the person working to obtain manumission is so unaccountably great as to pass the belief of any person not on the spot to witness it.

There are many causes to which I could attribute this indolence, as well as the idleness, profligacy, and want of proper pride in the most part of those newly enfranchised, but that would lead me from the present subject; I have merely said thus much in the defence of the conduct of this Government, which, with regard to freedom, has, I am persuaded, been more forward than most of His Majesty's colonies, although I fear your Lordship has been led to form a directly opposite conclusion.

I should propose in the ordinance for the next year's taxes, to reduce the duty on manumissions (still to be liable to further discretionary reduction of the Governor) to £40 currency, or £30 as your Lordship might judge best, leaving to His Majesty's Representative to use largely his discretion in reducing it in all cases when character or consanguinity might offer a reasonable pretext.

With regard to the form of manumission and mode of drawing it up, &c. I should be extremely unwilling to make any alteration for the present, or to remove it out of the hands of the Colonial Secretary, who is at present charged with drawing up, authenticating, and registering it, further than that the latter duty will be necessarily removed to the Registrar's office when once established.

The interests of the individuals, and indeed of all parties, are much more secure in the hands of a public officer appointed by His Majesty, than they could be in any other way.

With respect to fees they are moderate I should propose, however, taking off the fee on the seal of government, leaving, however, the seal as an essential requisite; at the same time I must say, that I should view the officer who examines the Slave's papers, and draws up and completes the act of manumission, as inadequately paid with the five dollars which would remain; not that I think this ought to be considered at all with a view to the emolument of this officer, but with a view to the interest of those concerned: if your Lordship were to simplify the act ever so much, and to allow any person to draw it up, the individual to be emancipated would reap no benefit, on the contrary the person he employed would ask perhaps double the authorised fees of the public officer.

There can be no objection to taking the bond your Lordship mentions, but I cannot conceive a case in which it would be necessary for children under the existing order of things; your Lordship may not be aware that there are no paupers in this colony.

The second difficulty your Lordship alludes to as a legal one—that the Slave cannot act for himself—is specially provided for by law; the master cannot dispossess himself of the ownership in favour of the Slave without freeing him; therefore when the owner wishes to afford to the Slave the means of obtaining freedom, he gives him a document which either places him (the Slave) under another patron, not master, for the purpose of obtaining freedom, or obliges the owner subscribing the same, to sign the necessary act when required, and in the event of the death of such owner or patron, Sir I. Keane provided, by an ordinance, that the Civil Commissioners should be bound to act as patrons in behalf of the persons to be freed.

The third difficulty, as stated by your Lordship, I apprehend not to exist in

this colony, inasmuch as Slaves are moveables, and not liable individually to mortgage. They may be given in pledge, that is sold with a faculty of repurchase within a given period, but they are still moveables and may be sold by the purchaser notwithstanding his agreement, and the sale is good if no fraud or collusion can be proved against this second purchaser.

By the ordinance of 1685, the husband and wife cannot be sold separately, nor the children from their mother under fourteen, whether legitimate or not; Slaves on estates cannot be seized excepting for the payment of their purchase money, nor can they in any case be brought to judicial sale, excepting with the property itself.

The owner, however, can sell them under the above-mentioned limitation when he pleases, excepting when his estate is under a decree of the court.

Minors until they are twenty-five years old cannot dispose of Negroes on estates, but they may free them when arrived at the age of twenty.

Your Lordship will perceive, therefore, that Slaves are always considered as moveables and cannot individually be mortgaged, that nevertheless the husband and wife, mother and child under fourteen, cannot be sold separately; and that no Slave attached to an estate can be seized and brought to sale separately from the estate, excepting for the payment of the money for which he was sold.

With regard to the difficulty arising out of doubtful titles there is no possibility of altogether removing it; but I can assure your Lordship that in the French law, which appoints the Procureur General and the Procureur du Roi especial guardians in cases of manumission, freedom is viewed so favourably that the Slave must invariably receive the benefit of every doubt, as far as the same may be possible.

5th. The sale of Slaves,—

This point is so connected with that of manumission, which I have just discussed, that I shall only add in further explanation, that while the land, slaves, cattle and utensils on estates are withdrawn by local difficulties, as well as by the law itself, from the ordinary course of legal process, the proprietor retains the right of voluntary sale over the slaves, excepting when his estate is under the décret of real seizure, or when the Judge's ordinance, granted at the suit of a creditor, forbids him to sell, or any person to purchase them. Thus I have the satisfaction of thinking that your Lordship will find, as far as the law regards Slaves, that it is exceedingly paternal and wise.

6th. The abolition of flogging females, &c.

I understand it to be the wish of His Majesty's Government that flogging females, as a domestic punishment, no matter whether with the cart whip, cowskin, martinet, or rods, should be discontinued, but that flogging as a police punishment should still be allowed, when the crime of the female Slave requires it.

There is no subject which I feel to be so difficult to treat as this. The philanthropic feelings of the present day, in which I most fully participate, point out the propriety of making a distinction of punishment between the male and female Slave favourable to the latter; at the same time it is admitted that a state of slavery demands punishment to maintain that subordination, without which the most serious consequences would ensue. It is not therefore intended that female Slaves should be exempt from those measures of coercion which are necessary to ensure the performance of the day's work, but that the punishment of flogging should be replaced by some other less degrading to the sex, which may tend to give birth to a becoming sense of shame.

For the female Slaves of the towns and bourgs, who are exclusively domestics, I think it might be possible, by the means of tread-mills and solitary confinement in proper cells, in the gaol fitted up for the purpose, to establish a system of punishment which would almost entirely do away with the necessity of the whip, but still the whip, or rather the martinet, should be reserved for the present, at least as a punishment for offences of a deeper cast, and for

old offenders, if it were only as a punishment in *terrorem* in the hands of the Judge to deter from crime. But for female Slaves on estates I am at a loss to say what punishment the owner can have recourse to; he cannot afford to lose the services of his female Slaves, who are, generally, much more numerous on estates than the males, by solitary confinement, neither could he afford to send them to the tread-mill, should one or two be established; what punishment therefore does your Lordship propose to substitute in the lieu of flogging for females on estates?

I must particularly request your Lordship to understand that flogging in the case of females is seldom resorted to on well managed estates, the owner on the contrary does every thing he possibly can to avoid it, and when recourse is had to this punishment it takes place in the presence of women only (I am speaking of well managed properties, there may be, and are no doubt, many exceptions.) But the unanimous opinion of all with whom I have conversed here is, that the whip or martinet must be reserved as a punishment in *terrorem* for the females; they unanimously declare that the women are infinitely more difficult to manage than the men; and I have had a special report from one quarter of the island, that since the whip has been discontinued for the women, the men make use of their wives to convey to their owners all sorts of insolent and insubordinate requests and observations; I can perfectly understand the possibility of this being the case, and therefore cannot doubt that it is so, as I am persuaded that the owner will not unfrequently punish the husband for the wife, if he be deprived altogether of the right of punishing this latter.

Your Lordship will perfectly understand that I am speaking solely with reference to this colony, where the administration of estates is generally wanting in that systematic management which has so much meliorated the condition of the Slaves in the old British colonies, and when the want of instruction, and the isolated position of the greater part of the estates, have left the Slaves in a state of ignorance and simplicity.

With regard to the abolition of the use of the whip in the field the planters are exceedingly apprehensive that without this badge of office, the commander will not be able to enforce his orders, they, however, have very generally discontinued it; and I have no doubt, if the means of keeping up order and regularity on their properties is fully reserved to them under the new system, that they will no longer have the least disinclination to adopt the abolition of the whip spontaneously as a general measure.

No domestic punishment can exceed twenty-nine lashes, that, however, although less than in most of His Majesty's colonies, ought to be inflicted in the presence of witnesses, and registered.

Any system of punishment which gives to the owner or person in authority over the Slave, time for cool reflection, must be most desirable, and tend both to the mitigation of the punishment and the repression of irregularity.

7th and last. The right of Slaves to acquire property, &c.

To grant this right would be subversive of the existing law; I can see however no other mischief arising from it than that it will hold out an inducement to the Slave to be dishonest to his owner or to steal, which I should fear would often lead to the commission of misdemeanors, if not of crimes.

There will I should fear be a great difficulty here in establishing a Savings Bank, and if there were no other I am persuaded it will take a very long time to induce the Slaves to place their savings in any public office; I have invariably remarked that the Slave is both extremely mistrustful and injudicious in his confidence.

I shall now have the honour of closing this dispatch, which I have been induced to extend to a greater length than I had at first proposed, in order that your Lordship might not impute any blame to me if the situation of this colony, with reference to the measures in contemplation for the melioration of the Slaves, was not laid before His Majesty's Government in its true colours.

No. 2.

MY LORD,

Pavilion, Saint Lucia, January 10, 1824.

WITH reference to my dispatch of the 25th August, I have the honour to transmit a report of the Crown Officers, and the Judge, upon the regulations and amendments proposed in your Lordship's dispatch of 9th July, addressed to the Governors of colonies having Legislatures.

Your Lordship in forwarding me copy of this communication, instructed me to have a draft of law prepared embodying these regulations in the manner most consistent with the civil and religious institutions of the colony, with that view I directed your Lordship's dispatch to be translated, and to be laid before the principal Officers of the law, for that purpose, provided such a draft were compatible with the existing laws, if not with instructions to draw up such a report as might place your Lordship in full possession of the law as it at present stands, with regard to the several points referred to in the dispatch, and enable your Lordship to judge of the propriety of making any new regulations for this colony.

I should have wished to have made this report more complete by annexing to it that of the Council, but circumstances, with a detail of which it is unnecessary to trouble your Lordship, have rendered this impossible. I should still hope that this report and my dispatch of the 25th August, will be found fully sufficient to aid your Lordship's judgment in this matter.

I have the honour to be, &c.

(Signed) JNO. MAINWARING, Major-General,
Administering the Government.

The Right Honourable the Earl Bathurst, K. G.
&c. &c. &c.

Copy of a Letter addressed to Governors of Colonies having Local Legislatures.

*Colonial Office,
Downing-Street, 9th July 1823.*

IN my dispatch of the 12th ult. I apprized you that it was my intention to communicate to you by the first packet in the present month, further instructions respecting those improvements in the Slave code of the colony under your Government, which, in conformity with the recent resolutions of the House of Commons, it is the earnest desire of His Majesty's Government to carry into effect.

The suggestions which I am about to make, are not to be understood as affording a full developement of what His Majesty's Government have in contemplation on this important subject; it is my purpose rather to point out such changes in the law as may be conveniently adopted at present, and which will (it is hoped) lay the foundation for a further and more effectual reformation. I am therefore

ST. LUCIA.

Translation.

Opinion and Observations of the Attorney-General, Seneschal, and Attorney of the King, on the Regulations proposed in the Dispatch of Earl Bathurst, of the 9th July, a Copy of which is opposite to this and the other parts.

Religion.— Religious instruction, fixing a day, other than Sunday, to hold markets in towns and burghs.

Religion is necessary, the local laws favour it, as well as regards the public worship of Slaves, as of free persons. The custom on all plantations is to cause prayers to be said by the Slaves, in common, morning and evening.

to direct you to lay before the Colonial Legislature of the following remarks and propositions, and you will not fail to press upon that body the importance of directing their immediate and most serious attention to them.

It would be superfluous to insist upon the indispensable necessity of religious instructions as the foundation of every beneficial change in the character and future condition of the Slaves; so deeply, indeed, is His Majesty's Government impressed with this truth, and with the necessity of maintaining an adequate number of clergymen and teachers throughout the West Indies, under episcopal controul, that, if it shall appear that the revenues of the colonies are insufficient for this purpose, they will not hesitate to apply to Parliament for such pecuniary grants as may be necessary for supplying the deficiency; nor can they doubt that the anxiety which has been manifested by the Legislature, and by the public at large, for the welfare of the Slave population, will induce Parliament cheerfully to contribute such funds as may be required for effecting this important object: but this disposition must be met on the part of the assembly by a legislative provision for the abolition of markets on the Sunday, and the substitution of some other time for that purpose, so that the Sabbath may be appropriated to the purposes of rest from labour, and of moral and religious instruction. Unless the time withdrawn from the market were employed in the more becoming occupations of the day, it would too probably be past by the Slaves without benefit to themselves, and perhaps with material detriment, if not danger, to the community. The immediate abolition of Sunday markets is not insisted upon until the means of religious instruction shall have been provided. But His Majesty's Government will not recommend to Parliament the grant of any pecuniary assistance towards the expence of a religious establishment, in any case in which the abolition of Sunday markets, and the substitution of some other day for that purpose, shall not have been prospectively secured.

Religious instruction, in the state of depopulation and misery of the inhabitants, is not practicable in all the parishes of the colony, excepting three, (Castries, La Soufrière, et Le vieux Fort, in each of which there is a pastor,) unless it be by the ministry of the proprietor of each plantation. Such instruction might take place every Sunday morning and evening. The offer of Government to provide for the expences of religious worship and instruction, would occasion vast expences with little good result, considering the aversion of the Slaves to bestow the time and application necessary for such instruction. It is not even likely that ministers could be found willing to expose themselves to all the privations of the first necessities of life, which must necessarily be endured, were they to take charge of the direction of the parishes, for the most part laid waste, their towns being deserted by the inhabitants.

The usage of holding the market on a Sunday is so general and ancient, that any change in this respect could not fail to be misconstrued by the Slaves, and to be considered rather in the light of a concession to their advantage, which would bring about ulterior ones, than as a means to sanctify Sunday, and to attain to their instruction in religion. Besides, according to the same usage, the market, in the places where it is held, only lasts two hours, and gives the Slaves who bring thither some commodity an opportunity to assist at divine service. Therefore they have occasion to find such an opportunity in the path of their interest, for in spite of the liberty they have to go to church on Sunday, few avail themselves of it, if they have no other motive. Moreover it would be an illusive idea to imagine that, were the markets on Sundays suppressed, the Slaves would employ the day in prayer and instruction in religion; it would require authority to constrain them to that, as much as to work.

Religious instruction is also a necessary preliminary to another important improvement in the condition of the Slaves—the admission of their evidence in the Courts of Justice. The permanent exclusion of the testimony of Slaves must essentially interfere with the provisions adopted for their protection. On the other hand to declare that all Slaves shall be qualified to give evidence, would be a change in the system of administering justice in the colonies too momentous to be introduced suddenly; it can only be consequent upon the moral and religious improvement of the Slave population. It is highly expedient, therefore, that in furtherance of the resolutions unanimously adopted by the House of Commons, a law should be passed declaring that the evidence of a Slave shall be received in all, except perhaps certain cases, if upon his appearing in Court to give testimony, he shall produce, under the hand of some of the parochial clergymen, or of the religious teacher authorized by the master or overseer to instruct him, a certificate, stating that the proposed witness has been so far instructed in the principles of religion, as, in the judgment of the party certifying, adequately to understand the obligation of an oath. The cases to be considered must be those in which the master of the Slaves is directly concerned, and such as would affect the life of a white person. For the better preventing the fabrication of certificates, it may be necessary to keep parochial registers of the persons whose competency to give evidence shall from time to time have been certified by the proper authority, and the being enrolled in such a list may be made an object of laudable ambition, and a stimulus to attention and good conduct. Perhaps such certificate should not itself be an absolute qualification to be received as a witness, but it might be regarded as raising such a presumption of competency, that the party producing it should be taken and adjudged to be competent, unless he should be proved to labour under some such disability, as would, according to the law and usage of English Courts of Justice, disqualify a free person.

Admission of the Testimony of Slaves.

In conformity with the laws which rule the island of Saint Lucia, and especially an Ordinance of the King of the 15th July 1738, Slaves are admitted to give evidence in Justice in default of white witnesses. Even, in the case when white witnesses are in sufficient number, the testimony of Slaves is nevertheless admitted in jurisprudence. The only limit in this respect is, that Slaves cannot be admitted as witnesses against their masters.

Religious instruction is not less necessarily the foundation of that relation, the want of which in the system of colonial slavery excites a deep and general commiseration in this country, that of marriage. Where the conjugal and parental rights of the father of a family cannot be maintained, it would be vain to expect from this institution that infinite variety of salutary consequences which naturally belong to it in civilized society. The present want of religious teachers in the colonies presents another difficulty, for without their instrumentality it will scarcely be possible to impress the mind of a Slave with a due sense of the sacred obligations of matrimony, or even to celebrate the mere ceremonial of marriage with any proper and impressive solemnity.

Advantage cannot be too soon, or too anxiously taken of the opportunity of establishing this salutary institution; in doing so, care must be taken to encourage, as far as possible marriages between Slaves attached to the same estates, since the insecurity of conjugal and parental rights is manifestly increased by distant connections, which moreover tend to withdraw the interest and attachment of the Slave from the plantation to which he belongs. As part of this system, provision ought to be made by law for exempting from future labour in the field the mother of a given number of children born in lawful wedlock. Until the religious establishment shall be completed, the solemnization of marriages by persons who are not in holy orders might be permitted, and any minister of religion not engaged in any secular calling might be employed in cases where the attendance of a clergyman of the church of England cannot be procured. Care, however, should be taken that all marriages should ultimately be registered at the parish church, and none celebrated without the consent of the master given in writing; but in the event of the master feeling it necessary to object to the marriage, he should be called upon to communicate the cause of his resistance to the clergyman of the parish to which the parties belong.

Marriages. Exemption from labour on the land, in favour of mothers of a given number of children, begot in lawful wedlock.

The laws of Saint Lucia, authorize marriage between Slaves, and only require the consent of the masters. The formalities and religious ceremonies for such marriages, are the same as for those of free persons. There are many recent instances of such unions. The measure proposed, as an incentive to marriage, to exempt from labour on the land the mother of a certain number of living children, is not only conformable to humanity and to the interest of the inhabitants, but it has been put into practice by some persons in the country, in favour of mothers of six children not legitimate. The number of children alive, to enable them to participate in the above-mentioned exemption, might be fixed at six.

The next subject to which I must draw your attention is the manumission of Slaves, every unnecessary obstacle to which must be removed. Although it appears from the recent returns that taxes have in almost every colony been imposed on manumissions, I am gratified to learn that they have in practice been generally discontinued. No difficulty can therefore be anticipated in obtaining the concurrence of the colonial Legislature in the final repeal of all such charges, and in this I include all official fees which may have been collected either by usage or under positive enactments. The first obstacle to manumission arises from the apprehension of this being resorted to by the owner for the purpose of relieving himself from the burden of maintaining infirm or aged Slaves. I conceive it would be necessary to require the appearance of the person to be manumitted at the office, either of the Colonial secretary or treasurer, whose duty it should be, before registering the deed of manumission, to satisfy himself that the Slave was not less than six nor more than fifty years of age, and that he did not labour under any permanent sickness or infirmity. In cases of Slaves below six or above fifty years of age, or labouring under sickness or infirmity (but in whose cases only) the secretary or treasurer should be required before recording the manumission to take from the owner a bond to the King, with a condition that the penalty should not be enforced, unless the manumitted Slave should, within ten years in the case of the child, and fourteen in the case of the adult, become incapable of earning his own subsistence. A second obstacle to manumission seems to arise from a presumed legal difficulty. It has been urged that a Slave not being capable of making contracts, cannot legally contract for, or become the purchaser of his own freedom: now as this is plainly a difficulty of form only, and not of substance, a remedy may of course be readily devised. Either the competency of the Slaves to make contracts respecting his freedom might be acknowledged by a declaratory act, or it might be pro-

Means to facilitate the Manumission of Slaves, and precautions to be taken that the Manumitted persons do not become burdensome to society in case of illness.

The object proposed cannot be admitted, nor the distinction of age in the persons who shall solicit, or for whom solicitation shall be made, as to manumission and exemption from all labour. As on one side there is no stimulus towards labour greater for a Slave than the desire of obtaining his liberty, and as on the other manumitted Slaves fall very soon into their pristine apathy and aversion for work, whence it follows that they give themselves up to excesses of all kinds, and are therefore brought to a state of infirmity and misery; it would appear proper to manumit indiscriminately all Slaves furnished with the consent of their masters, by means of an impost or tax to be fixed, which would go to form an establishment for the manumitted persons become infirm. It might also be added that he who had manumitted a child under age should be held bound personally, or in his default his heirs and successors, to supply the necessities of the child, until he attained fourteen years. Of the two other presumed obstacles to manumission, that, proceeding from the incapacity of a Slave to make contracts, does not exist in fact at Saint Lucia, where the masters favour their industrious Slaves who, by dint of their labour, industry and economy, come to possess the means wherewith to purchase their liberty; and when the master is satisfied with the just indemnity, which is due to him on account of his right of property over the person of his Slave, he resigns his claim to him for the consideration of money, and he has no occasion for any thing but the sanction of the Government to enjoy his liberty. The other obstacle has also no foundation in this colony, if it be not in the case where a testator has given liberty to his Slave to the prejudice of his creditors. The precaution of registering the acts of liberty, to avoid the loss of it, is customary in Saint Lucia.

vided that all such contracts should be made in the name of the King, in whose name also all actions might be brought to enforce the performance of it. A third and much more serious obstacle to manumission arises out of the legal limitations under which Slaves are legally held. Thus, for example, a Slave and his issue may have been made the subject of entails or of family settlement, or may be held under two or more successive mortgages, &c. and his manumission cannot be effected without the concurrence of a series of reversioners, remainder-men, mortgagees or mortgagers, some of whom may be infants, and others who may not even be in existence during the life of the Slave. A difficulty analogous to this arises from the case of doubtful or disputable titles, and from the circumstance of a Slave being regarded as assets for the payment of the debts of a deceased owner, since in either of these cases it is impossible for the individual prepared to emancipate such Slave to know in whom the legal right to the Slave is vested. The pendency of a suit or action involving the question of the title of the two litigant parties to a Slave, imposes on the latter the necessity of waiting the determination of the controversy before he can safely pay to either the price of his freedom.

To remove all the preceding obstacles to manumission you will therefore propose to the Legislature of

to pass a law to the following effect: permanent Commissioners should be appointed, who, (on application being made by or on behalf of any Slave with his master's consent) should ascertain the names and places of abode of every person having any interest, or probable interest, in him, either as tenant for years or for life, as reversioner, remainder-man, mortgagee, mortgager, trustee, executor, receiver or creditor of any deceased owners or their agents: all these persons should be summoned by personal notice if possible, and if not, then by public advertisement, to attend at the time and place of the appraisal of the Slave. The appraisal should take place at the time and place to be thus appointed, in the presence of at least

one Commissioner, and by at least one sworn appraiser, and the Commissioners should have authority, on application made within one month by any of the parties interested, to direct a new appointment in case there should seem reason to dispute the justice of the original valuation. The second appraisement should be final. The appraised value should then be paid into the colonial treasury. The Treasurer should invest the amount on good security, and every right which formerly existed in the Slave should thenceforward exist not in him but in the fund to be thus purchased by the appraised price of his freedom.

The last topic relating to manumission, to which I think it necessary at present to advert, is the loss of the deed of manumission. It will be expedient that provision should be made for the registration of all manumissions, and that to secure punctuality in this respect, a simple form of manumission should be prescribed by legislative authority, and that the appearance of the party before the Registrar, or one of his deputies should be an essential part of every act of manumission.

I have next to advert to the subject of the sale of Slaves in satisfaction of the debts of their owners. Among the whole range of projected improvements in the colonial system, there is, perhaps, none which, on an attentive consideration, will be found to present more difficulties than this.

As far as the rules of colonial law, respecting the sale of Slaves, are to be collected, from the documents in this office, they may, I conceive, be stated without any material inaccuracy, as follows:

First, it appears to be a general maxim in our colonial jurisprudence, that the whole property of the debtor, whether real or personal, and all his interest in real estates, whether legal or equitable, may be taken in execution, and sold in satisfaction of any judgment against him. I further collect that in the order of sale the executive Officer of the Courts (the Sheriff or Provost Marshal) is bound to seize and sell such property in the following order; that is, he is first to take the severed crops, then the moveable goods, then the debts due

Views to prevent the Sale of Slaves, separately from the Plantations to which they belong.

By the laws of the colony Slaves attached to the culture of land, and dependent on the plantations, cannot be seized and put into execution for the debts of their masters, if it be not for the price of their purchase: nor can they besides be sold by real seizure, separately from the plantations to which they belong: but according to the same laws the proprietors can sell voluntarily their cultivating Slaves without disposing of the land which they cultivate. It would be more difficult and more unjust, perhaps now more than ever, to prevent these voluntary sales: because the proprietors not being able any longer to re-people their plantations are forced to abandon them, and to sell their Slaves to more fortunate proprietors who possess the means to buy them. It is the place to observe here, that, during the last fifteen years, two hundred plantations have been abandoned, also cotton grounds, coffee grounds, and

to the defendant, then his plantation utensils, then his Slaves, and, lastly, his land, resorting to the two latter descriptions of property only in case of a deficiency in the former. It also seems that in every one of the colonies, a judgment has the effect of a mortgage upon all the immoveable property, and upon all the interests in such property which were vested in the debtor when the judgment was entered against him: lastly, it seems that an earlier judgment will, in the order of payment, take precedence of a later mortgage.

A judgment having so much greater an effect in the Colonies than in England, the number entered in the West Indies bears a most unusual proportion to the number of the free inhabitants, and to the extent of their pecuniary transactions. Another result has been, that mortgagees have usually taken judgments as a collateral security for the advances they have made. There is therefore a large body of persons holding charges on the Slaves throughout the colonies, which they have acquired on the faith of laws passed by the Assemblies, and subsequently approved by the Crown. Now, if a law were introduced by which the sale of Slaves, under legal process, in satisfaction of the debts of the proprietor, were prohibited absolutely, and without qualification, the rights thus acquired under acts of Assembly would be subverted, and I am not prepared to recommend a measure trenching so largely on the rights of private property. Supposing that the prohibition were prospective only, and that it therefore should affect merely those debts which might subsequently be contracted, still the Provost Marshal might put up the utensils and the land itself to sale, and it is obviously immaterial to the present question, whether the Slaves are sold without the land, or the land without the Slaves; supposing further that both the land, the Slaves, and the utensils were withdrawn from legal process; if the proprietor still retained the power of voluntary sale, the practical result would be this—that men would then relieve their necessities by selling their Slaves as they could find

cocoa grounds, as well as small sugar works, on which there used to be from ten to forty Slaves, and which Slaves have all been sold to recruit greater plantations.

The laws of St. Lucia prohibit the sale of children under age separately from their legitimate father and mother, or from their natural mother.

purchasers, instead of borrowing money on the credit of them as at present. It seems then to follow that the absolute prohibition of the sale of Slaves, in satisfaction of the debts of the proprietor, would not have the effect of preventing the forced separation of the Slave from his home, unless the right of voluntary sale were also taken away. But a prohibition thus extensive is a more considerable innovation on the law than I am prepared to recommend.

It is satisfactory, however, to remark, that although the theory of the law allows the sale of Slaves to pay the debts of the owner, yet, in practice, such sales can only take place where the owner has the fee simple of the land, and Slaves (which, from the practice of strict entails, in the West Indies, is, in many of the colonies unusual) and has also not contracted any mortgage debt, which, I am afraid, is in most of them still more uncommon. The land and the Slaves being almost universally settled or mortgaged as one consolidated property, the rights of the reversioner, or remainder-man in the one case, and of the mortgagee in the other, necessarily prevent the creditor from selling the Slaves apart from the land. I am therefore disposed to infer, that the great majority of Slaves who are brought to sale for payment of their master's debts, whether under the old English writ of *venditioni exponas* in Jamaica, or under the general executions directed by the Court Acts of the smaller islands, are sold with the land, and suffer no other alteration from the transaction than that of a change of masters. The Slaves who are sold separately, are therefore, in all probability (for the returns give no accurate information on this point) for the greater part those who are not habitually worked upon the plantations, and are in general the domestic servants of their owners, or are employed by the lower classes of freemen in various menial occupations for the profit of their masters; Slaves thus circumstanced are not perhaps materially injured by a compulsory sale, since their employments are not such as to create strong local attachments.

Still to whatever degree the removal

of Slaves from their homes, to satisfy the debts of their owners, may occur, it is obviously fit that it should if possible be prevented, and that precaution should be taken against the more frequent occurrence of such removals hereafter. I am, therefore, with reference to the preceding remarks, to direct you to call the attention of the Legislature of the colony of

to the following amendments of the law upon this subject, without infringing on the rights of any judgment creditors, who may at present hold unsatisfied judgments, provision might be made for preventing the keeping of such judgments alive after the debts for which they may have been obtained shall have been really satisfied. A time should also be fixed beyond which no existing judgment should be capable of being enforced. With reference to judgments which may be hereafter obtained, the executions to issue on them, might perhaps be, both in form and effect, a sequestration, rather than a sale; that is to say, the creditor might be permitted to take possession of the estate, slaves and utensils, and to hold them together until his claims were satisfied by the proceeds, or the rents and profits of the land, slaves and utensils, might be put up to sale as one entire lot, without removing them one from the other. If, however, the substitution of a sequestration for a sale should not be practicable, the only other plan which I can suggest is that of directing, that the land Slaves and plantation utensils shall always be sold together in one entire lot. It may also be expedient to provide that Slaves shall not in future be considered as separate assets for the payment of debts of the deceased owner, but that the land and Slaves, and plantation stock shall always be sold together.

With regard to all Slaves, whether attached to estates or not, you will propose an enactment, prohibiting their being sold apart from their husbands, or wives, or apart from any child, who may be under the age of fourteen. As unhappily the disuse of marriage has prevented the growth of any legal relationship between the Slaves, the prohibition must extend

to the case of *reputed* husbands, wives or children. I have also to suggest, that if the debtor should not be the proprietor both of the husband and wife, or of the parents and children, an appraisement should be made of the value of such members of a family as are the property of the debtor, and they should be offered at something below such appraised value to the proprietor of the other members of the family.

On the subject of the punishment of Slaves, I have already in some degree anticipated the object of the present dispatch, by directing that Legislative measures should be proposed for preventing the punishment of flogging in every case where the offender is a woman; I also pointed out the necessity of prohibiting the use of the whip in the field: I have now, in addition to those instructions, to direct that you will cause some effectual law to be submitted to the Legislature for preventing any domestic punishment whatever until the day following that on which the offence may have been committed, and even then, except in the presence of one free person, besides the person under whose authority the punishment may be inflicted. If the punishment should exceed three lashes, it should be provided that a regular entry should be made in a plantation book to be kept for that purpose. First, of the nature of the offence; secondly, of the time when, and of the place where it was committed; thirdly, of the names of the free persons present at the punishment; and, fourthly, of the number of lashes received. The accuracy of the entries in this book should be certified quarterly, by an oath to be taken by the owner, manager, or overseer, before a magistrate. As the offence of punishing a Slave in the absence of any free person would not be susceptible of direct proof if it should happen that the Slaves themselves were not among that class whose evidence it is proposed to admit, to ensure, as far as possible, the detection of any such counteraction of the law, it should be enacted, that if the person of a Slave should exhibit marks of recent flogging or mutilation, which

Punishments of Slaves, and propositions to defer them till the next day, and to execute them with certain formalities as to the presence of a witness, and the insertion of them in detail in the Journals of the Plantation.

According to the laws of the colony the punishment of Slaves by their masters has been limited, and Slaves are authorized to complain to the King's attorney, when excessive punishments have been dealt to them. The proposed changes are therefore superfluous: but it is not enough to say that they are superfluous, it ought to be added that they could not be executed in many cases; such, for instance, as keeping a register on the part of masters, who neither know to read nor to write, and who possess not the means to pay a clerk, and in the case of the absence or hinderance of the witnesses, requisite by these rules to be present at the punishment. It ought also to be stated that such changes would give the death blow to the subordination of the Slaves, and would essentially compromise the safety of the masters. In short, the total subversion of the colony would be the inevitable result of such innovations.

he or any other Slave should state to be the traces of punishment not duly registered, such appearances should be considered sufficient to raise a presumption of the law having been broken, and the manager or overseer should be condemned to suffer a given penalty to be enacted unless he could repel that presumption by sufficient evidence.

The last subject to which I propose at present to advert, is the necessity of insuring to the Slave the enjoyment of whatever property he may be able to acquire. For this purpose *Savings Banks* should be established under legislative authority, upon the model of those in England, but with this alteration, viz. that the depositor should at the time of first becoming a subscriber, state to whom, in the event of his own death, the fund is to devolve. An entry of this declaration being duly registered at the Bank, should be declared equivalent to a will in the absence of any other.

In conclusion, I have most earnestly to impress upon you the necessity of proceeding to carry these improvements into effect, not only with all possible dispatch, but in the spirit of perfect and cordial co-operation with the efforts of His Majesty's Government. More particularly you will be attentive to have the necessary laws framed with such precaution and foresight, as, if possible, to provide an effectual security for the faithful observance of them. To this end, you will consult with the legal Advisers of the Crown on the frame of the necessary bills, and you will, from time to time, communicate with me upon the progress you make in this work, or upon the difficulties which may obstruct its completion, and if, (what I am unwilling to imagine) you should meet with any serious opposition, you will lose no time in transmitting to me the necessary communication, in order that I may take the earliest opportunity of laying the matter before Parliament, and submitting for their consideration such measures as it may be fit to adopt in consequence.

I have the honour to be
your obedient servant,
(Signed) BATHURST.

Institution of a Savings Bank, and Measures to ensure to the Slaves the Preservation and Disposition of their Money acquired by Industry.

The institution in question is impracticable, by reason of the dissipation, want of foresight, and mistrust of the Slaves; but it is only a piece of justice due to the inhabitants to say that they always respect the little properties of those of their Slaves, who have any such, during their lifetime, and that they transmit them with fidelity to the children, relatives, or wives of these persons when deceased.

Done at Castries, Saint Lucia,
1st December 1823.

(Signed) R. DROUILHET,
Attorney-General.

—
GAGE, Attorney of the King.

—
JOUFROIDE, Judge.

No 3.

SIR,

Downing-Street, London, 8th May 1824.

WITH reference to the dispatch which was addressed to me by Major-General Mainwaring, on the 10th January ultimo, inclosing the report of the law officers of St. Lucia, on the propositions contained in my circular letter of the 9th of July last, respecting the melioration of the condition of the Slaves, I have now the honour to transmit to you the accompanying copy of an Order in Council on the subject which has been issued in Trinidad. This Order was framed in conformity with a draught prepared by the Governor of Trinidad, applying to the circumstances of the Spanish laws, the spirit of the propositions contained in my circular letters of the 28th May and 9th July ultimo; and I have to direct you to frame, in like manner, a draft for an Order in Council applying the spirit of the accompanying Order to the circumstances of the French laws as administered in St. Lucia.

The Commissioners of Legal Enquiry who are about to proceed to St. Lucia, have been instructed to afford you every assistance which you may require, and you will therefore avail yourself of all the advantages which their professional knowledge and habits will enable them to supply. And I have farther to direct you to instruct the law officers of the colony under your Government, to co-operate with the Commissioners in giving effect to my instructions.

As you have copies of all the documents which have ever been transmitted from St. Lucia to this Department upon the subject, there is no necessity for my referring you to them specifically, but I have to desire that you will submit them all for the consideration of the Commissioners of Legal Enquiry.

I have the honour to be, Sir,

Your most obedient servant,

(Signed)

BATHURST.

Officer Administering the Government of St. Lucia.

No. 4.

Extract of a Dispatch from Colonel Blackwell, Administering the Government at Saint Lucia, addressed to Earl Bathurst, dated 15th May 1824.

THE last packet having placed me in possession of the regulations proposed by His Majesty's Government, with a view to the improvement of the religious and moral condition of the Slave population in the West Indies, I feel it to be my duty to give to your Lordship every information which may still be required, to assist your Lordship's judgment in adapting these regulations to the laws and localities of this Island.

Major-General Mainwaring's dispatch of 25th August last, (in every point of which I perfectly agree), has so fully entered into the measures suggested by your Lordship's dispatch of the 9th July, that little would have remained for me to do, further than to confirm the opinion expressed by the Major-General to your Lordship in that letter, if it had not been for the additional regulation now proposed by His Majesty's Government, and the peculiar situation of this colony. From these circumstances I have considered, notwithstanding the very short time I have administered the Govern-

ment, and the still shorter perhaps it may be His Majesty's pleasure I should retain it, that I should but ill discharge the important duties imposed upon me, as head of the Government for the time being, if I did not, to the best of my information and judgment, state to your Lordship my opinion as to the situation of this colony, with regard to the proposed measures.

In Trinidad every thing would seem to unite in facilitating their operation, notwithstanding the disinclination of the planter; an excellent administration of justice; a large white, and generally highly civilized population; a class of Slaves intelligent and instructed; an admirable militia, of every arm perfectly equipped, and long organized; good roads of communication; an excellent and extensive ecclesiastical establishment; and an Executive Government, universally respected. In such a position, and with such advantages, above all with laws and usages favouring the introduction of the regulations in question, there could be no fair ground to apprehend that the least ill consequences would result at Trinidad, from carrying them into the fullest effect. But in Saint Lucia the case is widely different, so very much more widely different than probably your Lordship may suppose, that I should be wanting in my duty if I were not distinctly to declare, that I am any thing but prepared to say, that the measure proposed for ameliorating the condition of the Slaves, could be made law in Saint Lucia, under existing circumstances, either with safety as concerns the free inhabitants of the out quarters, or with advantage as relates to the Slaves themselves. The contrast between Trinidad and this island, will be little flattering to the latter, but your Lordship must not forget that no colony has laboured under such disadvantages, or suffered so horribly from the devastation of internal disturbance, as this.

The existing law here on the two leading points of the regulations proposed, that with respect to the abolition of flogging females, and on the right on the part of the Slave to purchase himself, is directly adverse to them; the administration of justice, whether in the civil or criminal cases, is lamentably languid and inefficient. The white population in this very large island capable of bearing arms amounts, exclusive of Castries, only to two hundred and seventy-five men. The general state of society is any thing but highly civilized. There is not one school in the island; the Slaves have the intelligence of contentment and simplicity, but have no instruction whatever. The militia, as your Lordship is aware, is but recently organized, and cannot be called efficient as an armed force, even at Castries; and in the out quarters, where they have had no instruction, and have never been inspected, it may be supposed to be infinitely less so. The roads, from the small population, and other causes, are every where bad, in some places impracticable, excepting during the very few months of the dry season. There is no communication whatever across the island from east to west, the only road being that which makes the tour of the island by the Sea coast, making a circuit, as nearly as I can ascertain, of an hundred miles, and upwards. The quarters to windward, therefore, may be considered as cut off from the seat of Government, and left entirely to their own resources; these are half of Dauphin, Dennery, Praslin and Micoud, containing altogether but thirty-eight men, in a space of country, from north to south, of twenty-five miles, and upwards. Lastly, that moral influence of the Executive Authority which deters from the commission of irregularities, and even crimes, and which should pervade and be felt throughout the whole colony; that influence, which is the strong the best arm of a Government, constituted as this is, is no where to be found. The ecclesiastical establishment, both Protestant and Catholic, which would so powerfully operate to the maintenance of tranquillity, is, as your Lordship is aware, in a state of perfect infancy. In such a state of things, and your Lordship, from Major-General Mainwaring, will have had every facility of ascertaining that I have not over-rated the local difficulties, His Majesty's Ministers will no doubt see the propriety of deferring any amendment in the Slave Laws, until such time as the colony, in other respects, shall have been prepared to receive them. In explanation, I shall have the honour of sub-

mitting a few observations on the foregoing points. With regard to the opposition offered by the existing law, I shall only permit myself to observe upon the right to be given to Slaves to purchase themselves, or their relatives, within a certain degree: I should fear that these new rights to be given to the Slaves, if without limitation, would be too serious a change, in the existing order of things, to be carried into effect, without imminent danger to the public peace: I am persuaded also that they would impede, rather than advance, the cause of freedom, for it is evident that the owner, who now gives his Slave every opportunity of exerting his industry in his own behalf, and of disposing of the produce of it, will at once deprive him, as far as it may be in his power, both of one and the other of these indulgences; and I do not conceive it to be possible for any law to be framed, consistently with the acknowledged right of the owner, which could prevent this being the case.

Manumission goes on so rapidly here at present, that I cannot but fear that Legislative enactments will rather impede than promote it. The Master, grateful for faithful services, may be ready, of his own will, to make any sacrifice; but if the law compelled him to do so, his feelings would be changed.

Your Lordship, by the return of receipts and expenditure for 1823, has been made aware of the number of the Slaves freed last year; this year there will be as many,—surely the most sanguine well-wisher to the cause of emancipation can hardly hope that it could be still further accelerated.

I conceive it nevertheless to be perfectly just, that a regulation should be made by which the Slave, who has amassed a sufficient sum to compensate his Master or the estate for the loss of his services, or those of any near relative, should not be deprived of the means of purchasing himself or them, with a view to his or their freedom, either by the ill-will of the owner, or the position of the estate from mortgage, entail or otherwise: at the same time I cannot but view it as indispensable in the colonies to make the Slave look up to his owner alone for his freedom, as the reward of faithful services; and should most strongly urge (your Lordship will excuse me if I intrude) that the Slave should not be entitled to claim *his freedom as a right*, unless he could pay more than his appraised value, and produce testimonials of his conduct. My object is solely to preserve to the Master the affection of the Slave, which he would unquestionably lose if the Slave considered every moment he worked for his Master as a robbery upon that time he ought to employ to obtain his own freedom, or that of his wife or children. I have felt it to be my duty to make these observations, but I beg your Lordship to believe, that I enter as warmly as any man into the views of Government for the amelioration in the condition of the Slaves; at the same time I cannot, consistently with my duty, refrain from assuring your Lordship, that I conceive it to be impossible to grant, without limitation, this right to the Slave, without destroying that relation between the Master and himself, upon which the happiness of both so entirely depends.

The administration of justice here, your Lordship is already aware of the defects of; the fact is, and I am bound to state it to your Lordship, that the conduct of the tribunals tends to drive the Government into the exercise of arbitrary authority; and I am forced to admit, that nothing but the exercise of that authority, under the present judicial establishment, can restore to the Government that respect which alone can ensure obedience to its orders, and tranquillity to the colony.

The white population, as I have before explained, is exceedingly small, composed partly of English, partly of island Creoles, or settlers before the definitive cession, and partly of foreigners; of the latter there may be a fifth. To give your Lordship an idea of the population generally, and the way in which it is spread over the island, I have the honour to enclose a return, by quarters, of every class.

With respect to the Slaves, the state of ignorance and simplicity in which Major-General Mainwaring has declared them to be, may be supposed to

have rendered them last year less apt to receive an ill impression from the resolutions of the House of Commons than those of any other colony. Having, however, notwithstanding this ignorance received an impression, vaguely perhaps, in the distant quarters, but positively that their freedom had been sent out to them, and were detained from them by the local Government, or their Masters; it will strike your Lordship at once that this impression is infinitely more dangerous in the uncultivated minds of the Slave class of this colony, than it would be in the minds of the more civilized Slave of Barbadoes, Antigua, or indeed of any other; for Saint Lucia in this respect is unquestionably the last.

The Royal Proclamation has been published, with translated copies, in every quarter of this island, with all the requisite ceremony to give it effect, but I augur little from its effects here; there exists in the best disposed a restless anxiety to know what measures Parliament will adopt for their relief. And a natural tendency in all to believe that His Majesty's intentions for ameliorating their condition are not carried into full effect.

The militia I have not as yet been able to inspect, excepting the quarters of Castries and Soufrière; I have found in them certainly a great deal of zeal, but any thing but an efficient force. If I am to judge of the militia of the out quarters, by the difference between Castries and Soufrière, which latter quarter has been partially instructed, I can view it only as an enrolled body, partly armed and equipped, but no more.

With regard to the roads of communication, I need add nothing more than that the garrison and town of Castries are cut off completely from nine tenths of the island; the only way of moving troops to the out quarters is by the Sea, and nothing but a singular emergency, with the present weak state of the garrison, could warrant such a measure.

On the subject of the ecclesiastical establishment, it behoves me to enter very much at large, as with reference to the proposed measures I must view it as the most powerful engine in the hands of Government, for the maintenance of that proper feeling among the Slave class, which alone can ensure to them the full benefit of His Majesty's intentions, by dispelling the apprehension of the planter, and inducing him therefore to enter with security, cordiality, and respect for His Majesty's Government, into the measures proposed by them for the amelioration of the Slaves.

Your Lordship has been already made aware of the state of this island in this respect. The subject, however, is one of such paramount interest at the present moment, that I shall not hesitate to bring it again before your Lordship, with such remarks as my observation since my arrival here has enabled me to make.

Your Lordship has already been made acquainted with the steps I have taken with respect to the Protestant Church establishment at Castries; which, with the prospect of having the means of erecting a Protestant Church, I consider as placed on a most satisfactory footing. At the same time, however great a consolation it may be for His Majesty's Protestant subjects to have the comforts of religious worship within their reach, the Protestant Church establishment can not be viewed, as relates to the amelioration of the religious condition of the Slaves, but as a very minor object of anxiety at the present moment in this island.

The Catholic Religion almost universally prevails amongst the Slaves, and I confess that after what I have seen, I can not wish that it should be superceded. The simplicity of the Protestant Religion, however beautiful in itself, is deficient in the pomp and ceremony, which go further to impress upon an uncultivated mind the presence of an All Seeing, Over-Ruling Power, than any precepts however zealously and carefully inculcated. I deem it therefore to be indispensable to place the establishment of the Catholic Church on such a footing as may afford to every Slave within this Island the means of

attending Divine Worship, and of receiving instruction in the duties of his religion, at least every other Sunday.

To gain this end it will be necessary to have six established Curès at least; viz. one for Castries, who ought to have a Curate or Assistant, as I should propose to annex to his Curè the parishes of Gross Islet, and Dauphin: one for Anse la Raye, the quarter laying between Castries and Soufrière, where there is already all the mason work of an excellent church, and where I was gratified, on visiting the quarter a few days ago, in finding a small chapel erected by the inhabitants of the village in which the Commandant of the quarter is accustomed to read prayers every Sunday, and which has been consecrated by the Curè of Castries: one for Soufrière: one for the quarters of Choiseul and Laborie: one for the quarters of Vieux Fort and Micoud; and one for the quarter of Praslin and Dennery.

If I succeed in making a road from Castries to Dennery, and another could be opened from Soufrière to Micoud, it might be possible to reduce the establishment to four Curès and two Curates. One Curè and one Curate for Castries, Gros Islet, Dauphin, and Dennery: one Curè for Anse la Raye: one Curè and one Curate for Soufrière, Praslin, and Micoud; and one Curè for Choiseul, Laborie, and Vieux Fort. Each quarter should have a place of worship; and this I view under every point of view as indispensable in the furtherance of your Lordship's measures for the moral and religious improvement of the Slaves.

Placed as we are now, how this is to be obtained, it is out of my power to say—the first step must be to have proper Ministers of Religion and places of public worship; and to the assistance of His Majesty's Government must we look both for one and the other. There are only two Curès at present, one at Castries and the second at Soufrière.

With regard to places of worship a considerable sum would be required for their erection, which the means of the colony is wholly inadequate to provide.

There exists in all classes in this Island, and by no means in the least degree amongst the Slaves, a strong religious feeling, which speaks in favour of the proprietors who have been instrumental in promoting it; and affords an additional hope that the most beneficial effects will be derived from the extended influence of a religious establishment.

In stating what I have done to your Lordship, I beg to be understood in no way seeking to set up an argument why measures which may tend to ameliorate the condition of the Slaves at Saint Lucia should not be carried into effect; I am only anxious to point out to your Lordship, as I conceive the indispensable necessity of taking more than ordinary means of precaution, both in the framing and giving effect to the Order in Council in this Island.

RETURN OF POPULATION IN THE ISLAND OF SAINT LUCIA.

QUARTER.	WHITE.						COLOURED.						SLAVES.						Persons to be Manumitted.		
	Males under 16 years.	Males between 16 and 50 years.	Males above 50 years.	Females under 16 years.	Females above 16 years.	Total.	Males under 16 years.	Males between 16 and 50 years.	Males above 50 years.	Females under 16 years.	Females above 16 years.	Total.	Males under 10 years.	Males between 10 and 60 years.	Males above 60 years.	Females under 10 years.	Females between 10 and 60 years.	Females above 60 years.	Total.	Males.	Females.
Castries, { Town	37	91	11	33	81	253	190	292	16	264	498	1260	164	329	3	136	487	31	1150	12	8
Country	14	29	2	9	17	71	24	34	8	28	50	144	97	424	21	128	527	52	1249	4	18
Ance la Raye	7	24	4	5	9	49	26	43	3	30	65	165	66	258	16	75	266	24	705	2	2
Soufriere, { Town	27	35	8	16	47	133	50	104	12	73	162	401	60	125	4	67	174	8	438	8	8
Country	45	65	21	37	73	241	55	56	6	54	99	270	343	939	96	307	1018	112	2815	11	11
Choiseul	8	35	11	13	23	90	61	65	9	62	108	305	110	342	29	130	414	37	1062	18	30
Laborie	14	29	8	12	29	92	41	76	11	60	84	272	119	435	53	133	555	60	1355	6	7
Vieux Fort	12	21	5	13	34	85	32	40	5	31	65	173	112	390	24	104	457	53	1140	8	17
Micoud and Praslin	6	21	2	3	6	58	33	44	7	31	56	171	114	295	37	177	423	62	1108	2	3
Dennery	4	12	4	1	9	30	7	13	4	5	20	49	60	190	8	60	255	24	597	—	—
Dauphin	4	11	1	4	4	24	54	38	11	49	56	208	61	226	11	72	210	24	604	2	2
Gros Islet	16	26	6	19	21	88	39	57	10	42	93	241	129	417	25	138	546	52	1307	11	22
Total	194	399	83	165	353	1194	612	862	102	729	1354	3659	1435	4370	327	1527	5332	539	13530	84	128

(Signed)

NATH. BLACKWELL, Colonel, Administering the Government.

No. 5.

SIR,

Downing Street, 24th July 1824.

I HAVE received your letter, dated the 15th of May last, detailing the circumstances which in your opinion would militate against the expediency of introducing at the present period, those practical regulations for the improvement of the condition of the Slaves in St. Lucia, which His Majesty's Government have recommended for adoption to the West India Colonies generally, and which have been already carried into effect in Trinidad.

You will have learnt by my dispatch of the 8th May last, that it is intended to issue an Order in Council in St. Lucia, analogous to that which has been recently promulgated in Trinidad, and that the Commissioners of Legal Enquiry, who are about to proceed to St. Lucia, have been instructed to co-operate with the Law Officers of the Colony, in affording you every assistance which you may require in preparing the Draft which you are to transmit to this Country.

You will therefore not fail to submit for the consideration of the Commissioners, a copy of the despatch which you addressed to me on the 15th May, and as they will assist you in adapting to the local circumstances of St. Lucia, the spirit of the regulations which have been enacted in Trinidad, it is not necessary that I should now advert in detail to all the considerations which you have brought under my notice.

I cannot however too strongly impress upon you, the paramount importance of incorporating in the Draft, which you will prepare, the entire spirit of the order transmitted to you, which has received the concurrence and approbation of the majority of the individuals in England most deeply interested in the prosperity of the West Indies, and is equally sanctioned by Parliament and public opinion in this Country.

I have, &c.

(Signed)

BATHURST.

The Officer Administering the Government of St. Lucia.

No. 6.

Extract of a Dispatch from Colonel Nathaniel Blackwell, Administering the Government, addressed to the Right Honourable the Earl Bathurst, K. G. dated Pavilion, St. Lucia, 6th August 1824.

IN my dispatch of the 15th May, I mentioned having commenced a Tour of Inspection round this Island, and having since completed it, I have now the honour to acquaint your Lordship with the result, and by placing your Lordship in possession of all particulars arising from personal observation, I trust it will be considered more satisfactory than from report.

The object which I had in view in visiting and making myself personally acquainted with the Proprietors, and their estates, (and there is no one of consequence throughout the Island that I have omitted), together with the Militia of the different quarters, has fully answered its ends, and has been attended with the most beneficial effects. I have thereby ascertained, and it is with pleasure I can assure your Lordship of the same, that with very few exceptions, the best feeling and disposition exist towards His Majesty's Government, with all persons of Property and respectability in the Colony; that the Slaves are generally tractable, well-conducted, and obedient, and that from every observation, and the most minute enquiry I could make, it was evident to me, that they in most instances were well and regularly clothed, fed, and attended to in every respect. And I particularly remarked, that a

great degree of leniency and humanity, has been observed towards them. The Class of Negroes in general appear happy and contented, and their owners seem to use their endeavours to make them so. I must here observe, that upon most of the plantations, prayers are regularly read to the Negroes assembled for that purpose both morning and evening.

I have found in the quarters of Chaseul, Labourie, and Vieuxfort, Catholic Churches in excellent order, and which are at all times kept open for private devotion, tho' they have no Curé's to officiate in them—the want of Catholic Clergymen is much felt throughout the Island, and the Inhabitants during my late Tour, have strongly expressed to me the disadvantages under which themselves and their Negroes labour from this want.

No. 7.

MY LORD,

Pavilion, St. Lucia, 6th August 1824.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 8th May last, directing me "to frame a draft for an order applying the spirit of the Order in Council for the island of Trinidad to the circumstances of the French law, as administered in St. Lucia, and further instructing me to avail myself of the professional knowledge of the Commissioners of Legal Inquiry, and to call upon the law officers of the colony to co-operate with these gentlemen in giving effect to your Lordship's instructions.

The Commissioners having arrived in this island on the 9th ultimo, I lost no time in complying with His Majesty's commands, the subject, however, is of such magnitude, and embraces the consideration of such conflicting interests, that it has been impossible for me to have the draft prepared to forward to your Lordship by the present opportunity.

The Commissioners and myself have agreed pretty nearly upon most of the clauses, so far indeed that these gentlemen will commence the draft for the Order in Council immediately after the sailing of the next packet, and shall therefore hope to forward it by the following mail.

I have the honour to be, &c. &c. &c.

(Signed) NATHANIEL BLACKWELL, Colonel,
Administering the Government.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

No. 8.

Extract of a Dispatch from Colonel Nathaniel Blackwell, Administering the Government, addressed to the Right Honourable the Earl Bathurst, K. G. dated Pavilion, St. Lucia, Sept. 3d 1824.

I HAVE the honour to acquaint your Lordship, with reference to my letter of the 6th August, that it will not be in my power to forward the draft of the Slave order by this packet, and it is with very sincere regret that I have to give as a reason for this unexpected delay, the much to be lamented death of one of the Commissioners of Legal enquiry, Mr. Maddock, who fell a victim to the fever of the island, on Monday last, the 29th of August.

It will, however, afford your Lordship the greatest satisfaction to know that the Commissioners and myself throughout took, as nearly as may be possible, the same view of this important question, and that I have reason to hope your Lordship will find that it embodies the whole spirit of the Trinidad order.

I have only to add that I shall avail myself of an opportunity offering in eight or ten days to transmit to your Lordship the draft of the Slave Order.

No. 9.

MY LORD,

Pavilion, St. Lucia, 5th September 1824.

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch of the 24th July last, which I have communicated to Mr. Henry and Mr. Coney.

I shall not fail to furnish His Majesty's Commissioners with a copy of my letter of the 15th May, in compliance with your Lordship's commands; it was, however, produced for their perusal immediately upon their arrival in this island. I have only to regret that the last letter received from your Lordship, of the 24th July, did not reach me before the draft of the St. Lucia order was completed, and that immediately previous to the decease of the late Mr. Maddock. I am willing to believe if these gentlemen had felt themselves authorized by your Lordship to weigh the considerations which I had the honour to bring before His Majesty's Government, in that letter that their opinion and mine would have coincided on every point.

As I shall have the honour to lay before your Lordship, a detailed statement of my proceedings in drawing up the Slave-order, I shall for the present confine myself to assure your Lordship, that I have to the best of my judgment conformed to your Lordship's instructions of the 8th May. With respect to the expediency of delaying for a time the enforcement of the practical regulations contained in the Slave-order, the sole object of my letter of the 15th May, the distressed state of Mr. Henry and Mr. Coney, from the melancholy event, which had taken place a few days after the receipt of your Lordship's dispatch of the 24th July, precluded the possibility of my consulting with them on that point, but the report of the Commission will have, no doubt, enabled your Lordship's own judgment to decide whether, every other consideration apart, these regulations are likely to be effectually or cordially acted upon under the present judicial establishment. The Commissioners had full opportunity of convincing themselves, not only of the defective administration of justice in civil cases in St. Lucia, but of the wholly insufficient support afforded to the executive, by the tribunals, in the maintenance of the public peace; and will, no doubt, have felt it to be their duty, in justice to the local government, to have submitted to your Lordship their observations.

I have the honour to be, &c. &c. &c.

(Signed)

NATHANIEL BLACKWELL, Colonel,
Administering the Government.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

No. 10.

MY LORD,

Pavilion, Saint Lucia, 9th September 1824.

I HAVE the honour, in compliance with the instructions conveyed to me in your Lordship's communication of the 8th May last, and with reference to my dispatches of the 6th August and 3d September last, to forward to your Lordship a draft of an Order in Council for the amelioration of the condition of the Slave class in this island, in which, in conformity with your Lordship's injunctions, I have sought to embody the whole spirit of the regulations contained in the Order of His Majesty in Council of the 10th March, for the Island of Trinidad; adopting them with the utmost caution to the localities and to the circumstances of the existing laws of this colony. I have briefly noticed the alterations I have found it expedient to make, in preparing the inclosed draft, in the margin thereof opposite to the altered clauses respectively; in order, however, that your Lordship may at once be

aware of every point in which I have in any way deviated from, or added to, the provisions of the Trinidad Order, as well as of my reasons for so doing, I shall have the honour, as succinctly as may be possible, to lay before your Lordship both the one and the other.

CLAUSE 3.—ALTERATION.

The disability under this clause has been extended to the possession and hire of all Slaves, excepting domestics, in protector's own family; and provision has been made in the case of his becoming possessed of, or entitled to, any prohibited interest, by free gift, devise, bequest, &c. to enable him to free himself from any such disability.

REASON.

The protector, by his office, having to hear, and, in a great measure, to decide upon complaints of Slaves, it appears to me equally impolitic to allow him to be the proprietor or employer of any Slaves, except of those under his immediate eye, in his own family, for whom a protector, by the enclosed draft, is specially provided (clause 7); for if, on the one hand, the protector should be a person acquainted with the colonial system, and the habits and character of the Slaves, on the other, it would be impossible for that Officer, competently, to discharge the difficult and important trust committed to him by the proposed Order, if he were not placed above the suspicion of any partiality or prejudice, in every case of complaint which it may be his duty to hear and investigate.

The proviso was suggested by the Commissioners, as expedient both in justice to the Protector and to prevent any unnecessary change in this office.

CLAUSE 6.—ALTERATION.

Instead of declaring the Protector a Magistrate, with powers and authorities assimilated to Commandants of Quarters, he has been specially invested with power to summon parties and witnesses, and to secure their attendance; as also to take examinations, in writing, on oath, and to institute proceedings before the Court.

REASON.

There being no Magistrates, properly so called, in Saint Lucia, but those attached to the tribunals (the two Crown Officers and the Judge), and the powers and authorities of Commandants of Quarters, here called Commissaries Commandants, being undefined, it became necessary, by a special provision, to give to the Protector all the powers necessary to the performance of his office, without causing any conflict of jurisdiction with the established Authorities.

CLAUSE 7.—ALTERATION.

In addition to declaring Commissaries Commandants, Assistant-Protectors (providing, however, that the Protector be not in the quarter at the time), they, and in their absence or incapacity, their Lieutenant-Commissaries, are specially authorised to take examinations in writing, and on oath, and to summon and secure attendance of parties and witnesses.

It is provided, that the Governor shall be empowered to make further orders in this respect from time to time, and to enforce the service of summons and execution of warrants, and to allot fees, if necessary, for this duty.

It is provided further, in case of unfounded complaints, that the Protector, or Assistant-Protectors, shall give certificate of the same, in writing, at the request of the aggrieved party, with a view to enable such party, through the Procureur du Roi, to obtain the punishment of the Slave, whom it is forbid, in such cases, to punish in any other way.

It is provided lastly, that the Procureur du Roi shall be the Protector of Protectors' Slaves.

REASON.

The addition to this clause was found necessary, not only for the reasons given for the alteration made in the preceding clause, but because it appeared to me that the whole object of the Order would be frustrated, if ample means were not provided, both for the serving of summonses and execution of warrants; the difficulties of which in Saint Lucia, the correspondence with this Government has already made your Lordship aware of.

It appeared to me also, as a measure of justice and prudence, to be indispensable to provide for the punishment of the Slave making unfounded complaints, so that the Master might be protected from improper complaints on the one hand, and the Slave from undue punishment on the other.

The character of the Slave, which the first trial at Trinidad under the new Order has most fully developed, induced me to consider this provision indispensable.

CLAUSE 8.—ALTERATION.

In addition to the notices to be given to Protector by the Trinidad Order, this clause provides, that notice shall be given to him in all cases where the Slave is charged with an offence liable to a year of the chain; and Protector, when he appears on behalf of a Slave, is authorised to act as the party would do were he or she of free condition. It is provided, moreover, that Protector's presence shall not prejudice the right of owner to appear on Slave's behalf.

REASON.

Transportation being little known, or resorted to, in Saint Lucia, the punishment for offences, not liable to death, is usually the chain for a limited period, or for life; I, therefore, in furtherance of the views of His Majesty's Government, judged this addition necessary. Should your Lordship think that I have imposed too great a task upon the protector, by extending the cases where his presence is necessary, I beg to propose the insertion of "two years hard labour in the chain-gang," instead of one; and, perhaps, under every consideration, as an experiment, such an alteration may be advisable. As I am persuaded that, in order to give the fullest effect to His Majesty's intentions, it will be the better accomplished by obtaining the cordial co-operation of the Slave proprietors, I have, therefore, judged it politic to allow them to assist, in conjunction with the Protector, as a matter indifferent in itself, but tending to conciliation, and, above all, to impress the Slave with the conviction, that His Majesty's Government, in giving him a Protector, has not sought to deprive him of the existing most natural protection of his owner.

CLAUSE 9th.—ALTERATION.

This clause is framed after the Trinidad Ordinance of 16th November 1823, with the addition only, that the hour for market is extended to eleven, and the Slaves coming to Thursday's markets are to be bearers of written passes from owners.

REASON.

There being no regulation for markets in this island, I conceived that I could not better commence than by adopting that which had already received the approval of His Majesty's Government, extending the hour from ten to eleven, in consideration of the distance the Slaves have to come. I assure your Lordship that it would be conferring a real benefit upon the Slave to extend this hour to twelve, at which time the market now is obliged to break up by order of Police.

With respect to the Sunday markets it is my duty to state, and I trust your Lordship will not consider me presuming in offering my opinion, that the abolition for the present might be attended with many serious consequences; they tend to encourage habits of industry in the Slave, and afford

an opportunity of attending Divine worship (which your Lordship is aware has been hitherto only performed at Castries and Soufriere, where the markets are assembled), and of entering into innocent amusements, which I should be unwilling, under existing circumstances, to remove. The written permission, the Slave is to be the bearer of, who comes to the Thursday market, is nothing more than the partial enforcement of an existing law, which forbids any Slave to come to market without this permission; a wish not to discourage the Slaves in their attendance upon the Sunday markets, or to deprive them of their great source of profit and amusement, has been the cause of this law falling into disuse.

CLAUSE 10th.—ALTERATION.

The prohibition to employ a Slave on Sunday, or between the prescribed hours, is confined to employment against Slaves consent.

The proviso under which Slaves may be compelled within such hours to labour, is extended in all cases of imperative necessity, where the labour of Slaves may be required, either for the preservation of life or property, or for purposes which by their nature cannot be dispensed with.

REASON.

This clause, as it stands in the Trinidad Order, appearing to me to tend to the discouragement of industry in the Slave, I conceived it to be consistent with the spirit of His Majesty's intentions, to confine its provisions to cases of compulsory labour, doubts having arisen as to the right of employing a Slave, within the prohibited hours, in case of emergency; I judged it prudent to set this matter at rest by extending the proviso in such a manner, as that no question could exist on the subject, either in the mind of the master or the Slave.

CLAUSE 12th.—ALTERATION.

Instead of laceration from any former whipping, the wording adopted is "unhealed wound or laceration."

The prohibition to inflict any punishment by flogging, under twenty-four hours, or otherwise than in presence of a free person, is confined to punishments required to be recorded.

REASON.

The word laceration appeared not sufficiently defined, to convey the meaning contemplated by this order.

Understanding it to be the intention of His Majesty's Government to allow the moderate chastisement of male Slaves by flogging, as heretofore, immediately on the commission of the offence, and that with a view to prevent the necessity of the greater punishment allowed by this order, I was led to imagine, that the unlimited prohibition of this clause had escaped observation, and altered it accordingly.

It would be inconsistent to drive the Planter into the necessity of inflicting the greater punishment, by depriving him of the right of such small summary chastisement as would, in most cases, be sufficient for the purposes of subordination.—(Vide Clause 14.)

CLAUSE 13.—ALTERATION.

It is provided, that the punishment of flogging female Slaves, inflicted under authority of a sentence of the Tribunal shall be permitted, provided that the punishment be inflicted with a cat or rod, in a private manner. Also that female, as well as male children, shall be chastised as children of that age in England are allowed to be.

REASON.

It appeared to me unjust, that female Slaves should, in the eye of the law, be more favourably viewed than Free Women, and that without apprehension of this punishment in any case, and for any crime, it would be quite impossible to keep that restraint upon them which the state of society in this country demands. I am happy to say on this point, the Commissioners were unanimously of the same opinion as myself.

CLAUSE 14.—ALTERATION.

The plantations or estates, comprehended by this clause, are declared to be those containing two quarries, or about six and a half to seven acres of cultivation, whether sugar, cocoa, coffee, or cotton. The punishments by flogging to be recorded, are made to be there exceeding six stripes at any one time, or ten in any one day, inflicted upon any male Slave above twelve years of age.

It is provided also, that in unrecorded punishments of flogging, the cart-whip shall not be made use of.

And further, that printed record books shall be provided the planter at the expense of the colony.

REASON.

It appeared necessary to define what was to be considered a plantation or estate, on which record books should be kept, and to relieve the proprietor (probably an ignorant free person of colour) possessing two or three Slaves, from the penalties of this order. In doing so, I have removed what might have become a point of dispute, without in the least interfering with the view of His Majesty's Government, which that class of inhabitants would not presume to oppose.

By the Trinidad Order, it appeared to me that the owner or manager, &c. was at liberty to give three stripes as often in one day as he pleased, provided he did not exceed twenty-five in the whole, or inflict the punishment when there was an open laceration; this latter restriction should be sufficient to secure the Slave from improper flogging, but still it seemed to me referring to the alteration in the 12th clause, to be necessary to define exactly the extent of summary punishment to be left at the discretion of the owner or manager; and I have therefore limited it to six stripes of a cat or rod (not cart whip) at one time, or ten in one day, under the same restriction, in the case of unhealed punishment as before.

I should hope this provision, founded upon the reason given under the 12th clause, would meet your Lordship's approbation.

Under twelve years of age, male Slaves are to be treated with children's chastisement; and in providing this, I have been guided by feelings of humanity and kindness to the Slaves themselves; conceiving it would have been inconsistent with the spirit of the Order to render them liable to a heavy cart whip punishment, at the same time that it would be unwise to free them from that necessary chastisement, without which children cannot be kept within the bounds of proper restraint.

CLAUSE 16.—ALTERATION.

Instead of directing owner, &c. to give in a transcript of every entry in his record book, it is ordered that he shall deposit his original record book.

The oath has been altered to prevent unnecessary perjury, the words "to the best of my knowledge and belief" have been inserted.

The wording of the proviso and oath, to be taken, in case no punishment has been inflicted, has been adapted to preceding alterations.

The Lieutenant-Commissary Commandant is authorized to receive the Returns, in absence or incapability of the Commissary-Commandant; in

case of death or removal of owner, proprietor or manager, between the periods for depositing the record books; it is provided, that the new owner, proprietor, or manager shall, within a week, make a note of such death or removal in record book, and take it to the Commissary-Commandant, for his signature, in order that at the period for giving in record books, such new owner, proprietor or manager, should not be answerable for any, but the time during which such responsibility should properly attach to him.

REASON.

His Majesty's Commissioners conceiving that the transcript would not be an authentic record, I deemed it expedient to provide, that the original record books should be deposited with the Protector; I have to observe, however, that the Protector or Commandant should be authorized and obliged to compare and certify any copy of record book presented to them for that purpose; the planter may feel an unwillingness and mistrust at giving up his original record of punishments without a copy.

The case of death or removal of owner, &c. &c. between the periods for making their returns, appearing not to have been provided for; I have deemed it necessary to insert a special provision on the subject: which will, I trust, meet with your Lordship's approval; it appeared the more necessary, as without it the new owner, &c. might become liable to penalties he may not have legally incurred.

His Majesty's Commissioners proposed leaving the record book of former owner or proprietor, &c. with Commissary-Commandant; but that appeared to me to be multiplying the record books to no purpose. I have therefore provided, that the Commissary-Commandant shall subscribe the book so presented to him by new owner, &c. &c. and return it. It is my bounden duty here to observe to your Lordship, that it would be attended with the best effect possible if the periods for depositing record books were made half-yearly instead of quarterly; the good-will of the planters being indispensable to give a full effect to His Majesty's intentions. I am fearful, lest in seeking to exact too much from them, we may not deprive ourselves of their useful co-operation and defeat thereby the main purpose of the Order.

CLAUSE 17.—ALTERATION.

In case of the sickness of any person whose duty it is to furnish record books, the Lieutenant-Commissary-Commandant, as well as Commissary-Commandant, is authorized to attend such persons to receive their returns.

The certificate of sickness is not required to be a medical certificate.

REASON.

In order to make the duty as light as possible, in this instance only the Lieutenant-Commissary-Commandant is allowed to assist the Commissary-Commandant. Out of the eleven quarters eight are without medical practitioners.

CLAUSE 20.—ALTERATION.

The protector is ordered to form into books, by quarters with indexes, the original record books and affidavits deposited with him.

REASON.

This clause has been recast in consequence of the original books being deposited with Protector instead of transcripts, but in strict conformity with the clause of the Trinidad Order.

CLAUSE 21.—ALTERATION.

The Slave having to complain of illegal flogging, and presenting himself

with traces of the same before the Protector or assistant Protector; it is provided that such Protector or assistant Protector shall make note of his examination, and forward it to the Procureur du Roi, for the purpose of his proceeding thereon according to law.

It is provided also, that the owner, &c. accused, may disprove the accusation in the case of impossibility of procuring evidence by his oath, leaving to the court, however, to decide upon the general merits.

The Procureur du Roi to conduct the prosecution and not the Protector.

REASON.

In this island, the object of the order might be defeated by obliging the Slave to produce in open court the traces of recent flogging, as it might not be possible for him, after a severe flogging, to go so far as to Castries, where the court is held, with a view therefore to give the fullest effect to His Majesty's intentions in this respect, I have provided that the Protector and Commissary-Commandant shall be authorized to take note of the state of laceration in which the Slave may present himself in these cases.

The impossibility, in some cases, of proving a negative, induced me, under the advice of His Majesty's Commissioners, to provide that the oath of the accused person should have its due weight.

To prevent any conflict of jurisdiction, it appeared expedient that the Procureur du Roi should conduct prosecutions under this order. I have the honour, whilst on this subject, to observe to your Lordship, that in criminal proceedings in this Island, there are two degrees of jurisdiction and considering the heavy penalties attached to the illegal punishment by this Order, it would not seem advisable to deprive the accuser, in this case, of the fullest benefit of an appeal, at the same time the length of time to which criminal proceedings are spun out, under the existing law, would cause prosecutions of this kind to be attended with the worst possible effects,—that of keeping alive in a small community, the feelings of bitterness and animosity, likely to arise out of the prosecution of this novel nature. It would be expedient either to provide for a summary process, in these cases; and for an extraordinary court of appeal to render final judgment, (in criminal cases by the law the public minister is bound to make an appeal in all cases), or to authorise an appeal to the Governor and two of his Privy Council.

CLAUSE 22.—OBSERVATION.

The law admitting to the fullest extent, marriage among Slaves, with owner's consent, it has been judged unnecessary to provide for any, but those cases, where this consent is withheld; I must here remark, that an objection of the most serious nature, may exist, to the marriage of Slaves belonging to different estates, distant one from the other; which by this clause, as at present worded, the Protector would not be authorized to listen to.

CLAUSE 23.—ALTERATION.

It is declared lawful to seize, but not to sell, Slaves, having relatives within the prescribed degree, belonging to the same owner.

It is provided, however, that it may be lawful to sell such Slaves, provided the parties interested express no wish to the contrary, on being required to do so.

It is ordered that the seizure of a Slave having such relatives, shall be deemed in law a seizure of the whole; and that the Provost Marshal, or Deputy, seizing a Slave, shall be required to call upon such Slave to declare, whether or not, he or she, has such relatives.

REASON.

It appeared to me that the mode of proceeding under this clause, was not sufficiently defined, understanding the sole object of His Majesty's solicitude to be,

to forbid the forcible separation of husband and wife, parent and child, I could see no objection to admit of the seizure of any Slave, provided that he, or she, in no case, were sold in opposition to these views.

To give effect to this proviso, it seemed indispensable to declare the seizure of any member of the family, a seizure of the whole; otherwise the creditor, who might have seized one, two, or three Slaves, for a small debt, might be frustrated of his due. His Majesty's Commissioners, in drawing up this clause, have perfectly agreed with me in opinion; I still think, however, that it may be necessary to add, when the owner withheld such relatives, and prevented their appearance at the sale, that he should be deemed to have forfeited all his right in such Slaves. I think however that it should be left at the option of the owner, to give up another Slave, without relatives, to be sold, or to demand a reasonable time to raise the money.

On this subject I have the honour to observe to your Lordship, further, that the forcible separation of these relatives, by voluntary sale, is not provided against, excepting in so far as it may be already by existing law, which forbids the separation of husband and wife, and child, and of mother and child under fourteen; so much so that if the mother be sold without, she can claim the child, who becomes the property of the purchaser of the mother, without any further payment, as a matter of right;—the same with husband and wife and legitimate child.

CLAUSE 24.—ALTERATION.

Slaves are declared to be competent to acquire, possess, alienate and dispose of, any description of personal property, but not lands.

It is provided that Protector shall appear, and represent the Slave, in any suit, or action, without prejudice, as before, to right of owner so to do.

It is provided also, that no Slave shall be allowed, in such suit or action, to leave the estate to which he belongs, for the purpose of attending the court, without the owner's leave in writing; provided, however, that should the Slave's presence be indispensable, the Judge at the request of Protector, shall order his attendance.

It is provided further, that the person of the Slave shall not be liable for the result of any such suit or action, although maintained and prosecuted by him with all the formality of a free person.

It is provided lastly, that the Slave shall be liable to damages and costs.

REASONS.

Your Lordship's instructions of 8th May last, directing me to adapt the regulations embodied in the Trinidad Order, to the circumstances of the French Law, in St. Lucia. Mr. Canning's speech of last session, published by authority, declaring the intention of His Majesty's Ministers to be, "to cause the property of the Slave, which is now respected by custom, to be henceforth respected by law"—as well as the preamble of the Trinidad Order, having satisfied me that the object of His Majesty's Government was to secure to the Slaves, by a positive law, the property, which they had heretofore been allowed to possess by usage, I had this clause drawn up accordingly, and I trust in such manner as will meet with your Lordship's approval; usage, and the kindness of the owner, have allowed Slaves to enjoy the quiet possession of any money, or moveable property they might have acquired by their industry, in the hours granted to them by indulgence, as a reward of, or inducement to good conduct. But Slaves have never, as in Trinidad, been reputed competent in the Law, to acquire or hold, even that description of property, therefore the provision in this clause, in the enclosed draft, introduces an amendment in the Law, even more favourable to the Slaves in St. Lucia, than the same clause, in the Trinidad Order, was to the Slave of that Island.

It appeared indispensable to do away with the supposition, that, this clause went to authorise the Slave, on the plea of prosecuting a suit, before the

Court, to absent himself, without leave from the estate, as often as he pleased ; It is ordered, therefore, that he shall not do so without his or her Owner's leave ; in order, however, that the Slave should not be injured by this enactment, it is provided that, the Protector shall represent him, and the Judge be authorized, if necessary, to require his attendance.

The Slave, being placed on the footing of a free person, in the prosecution of suits, it seemed necessary to provide that his person and services, should not be answerable for the result : at the same time it appeared just that his property should be made liable for costs and damages.

CLAUSE 25.—ALTERATION.

In cases of intestate Slaves ; reputed relatives, within a certain degree, are declared entitled as legitimate relatives would have been.

It is provided, that reputed husbands and wives, and children, for the purposes of this order, shall be reputed husbands and wives, those actually and notoriously co-habiting together at the time, in reference to which it is necessary to determine the question ; reputed children, the issue of parents so living and co-habiting together, at the time in reference to which it is necessary to determine as above.

REASONS.

It appeared to me consistent with the general spirit of this Order, to place reputed husbands, wives, and children on the same footing as legitimate, in the absence of the latter, and it appeared for the purposes of this Order, generally, indispensably necessary to define what was to be understood by reputed ; which admits without this proviso, of a latitude of construction, directly opposed to the real intentions of His Majesty's Government.

CLAUSE 27.—ALTERATION.

No deposit in the Savings' Bank above twenty dollars, to be made in one month, instead of week.

REASON.

It appears to me that no Slave, without owner's consent, should be allowed to make a larger deposit than twenty dollars in one month, as a check upon dishonesty.

CLAUSE 29.—ALTERATION.

Free persons are declared competent to purchase their relatives, being Slaves.

REASON.

His Majesty's Commissioners requested the introduction of this proviso, but I confess I cannot understand in what case it could be necessary ; for if any Slave is authorized to buy him or herself, or his or her relatives, it appears to me that no objection could possibly be made to a free person acting for them.

CLAUSE 30.—ALTERATION.

The expenses of valuation and enrolment are to be included by the appraisers in their valuation.

It is provided, moreover, that no Slave shall be entitled to the benefit of this and the preceding clause who cannot produce testimonials of fidelity to owner, and of general good conduct.

It is provided also, that in every case of compulsory sale under these clauses the owner shall have a right of appeal to the Governor.

REASON.

It appeared just to His Majesty's Commissioners and myself, that there should be no deduction made from the appraised value of the Slave, for the

valuation and other incidental expenses, I should trust, that it would appear so to your Lordship.

Your Lordship is already in possession of my sentiments, on the subject of the unlimited right to be given to the Slave to purchase himself, as detailed in my letter of 15th May last; I submitted then, as I do most respectfully now, that the admission of that right to the full extent of the Trinidad Order, will be a dangerous innovation on the existing order of things in St. Lucia, where no such law, or usage, or any thing at all assimilated to it, has ever existed.

Having, however, expressed these sentiments, I feel that I should over-step the limits of my duty if I went further.

In preparing the draft of this clause, as it was impossible to adapt it, in any way, to the circumstances of the existing law, I have made no alteration in it whatever, further than that above mentioned, and the introduction of two provisos, with a view to sever less harshly the bonds which now unite the Owner and the Slave.

I cannot, however, forbear from observing to your Lordship, that even with these provisos, this clause holds out irresistible inducements to dishonesty on the part of the Slave, as it very seriously compromises the guarantee under which money has been advanced and obligations entered into in St. Lucia.

CLAUSE 33.—OBSERVATION.

There is no alteration in this clause; I have, however, the honour to observe to your Lordship, that the signature of the Governor has ever been deemed an essential requisite to every manumission, no matter how obtained, and that if it is by this Order declared unnecessary, it will tend to bring the Government into disrespect, at a moment when it ought to be invested with more than ordinary authority; I should even go further, and strongly recommend the seal of Government to be affixed without expense, to all manumissions. The Slaves now look up to the Governor with gratitude for their manumission, and, as His Majesty's Representative, having experienced the benefit of this feeling, I should be sorry to see so strong an arm on the part of Government taken away.

One witness does not appear to me to be sufficient—existing regulations require three.

CLAUSE 34.—NEW CLAUSE.

This is a new clause, providing that all persons intermeddling with the will or assets of a testator, granting liberty, or other benefit to Slaves, shall be bound to give notice of such liberty, or benefit, to Protector.

By the existing law, all Notaries and Greffires are ordered to give notice to the Procureur du Roi, of all testamentary dispositions in favour of Slaves.

CLAUSE 36.—ALTERATION.

Instead of rejecting absolutely the evidence of Slaves against white persons, tried for capital crimes, it is provided, that no white person, convicted on Slave evidence alone, shall be punished with death.

It is provided also, that Slaves giving evidence, which may capitally convict their owner, shall be sold with their families.

REASON.

The existing law, admitting of the evidence of Slaves, in all cases where necessary, it appeared inconsistent to refuse altogether to receive their evidence in any case, at the same time conforming to the spirit of the clause, His Majesty's Commissioners, and myself, deemed it advisable to provide that sentence of death against white persons should not be carried into execution, when they were convicted upon Slave evidence alone.

CLAUSE 42, a. —ALTERATION.

Instead of "cruel" or "unlawful punishment," "cruel and unlawful punishment," has been adopted.

The forfeiture has been limited to the right, title, and interest only, of the person so convicted.

REASON.

It appears to me, that a person might be twice convicted under this Order, without the smallest shadow of cruelty attaching to him, or even perhaps of blame, and under these circumstances, the penalty of forfeiture seemed too severe for a trifling deviation from the law, where the Judge has no discretion. I am aware of the highly penal nature of forfeitures, therefore have not presumed to alter this clause, otherwise than may be necessary to secure the rights of creditors. I have the honour to submit, however, for your Lordship's consideration whether it may not be just to provide a maintenance for the children.

CLAUSE 42.—NEW CLAUSE.

This clause has been added as a measure of justice to limit to twelve months the period within which a prosecution under this Order must be commenced.

CLAUSE 43.—OBSERVATIONS.

The length of time required to translate and print Ordinances in this Island (without which they cannot be published), would render it difficult, not to say impossible, to proclaim the Order within one month after its arrival.

At the request of His Majesty's Commissioners I forward, by this opportunity, addressed to Mr. Wilmot Horton, the Trinidad Order of the 10th March last, as corrected for this Island by the Commission, in conformity with the resolutions entered into by those Gentlemen and myself at our several meetings. The channel selected by the Commission now at Barbadoes, for the transmission of their labours on this important matter, is extremely flattering to me, as I trust, it will be gratifying to your Lordship, as an unequivocal proof of the perfect understanding which has existed between that body and myself throughout the arduous investigation of a subject at once so delicate and difficult. The hurried departure of Mr. Henry and Mr. Coneys, prevented me from comparing my draft with their corrections of the Order, as accurately as I could have wished; I believe, however, I may assure your Lordship, that, with the exception of the 24th and 30th clauses, there exists nothing in the draft which is not in substance in their corrected Order.

With respect to those clauses, the difference in which I have been officially requested by those Gentlemen to notice, in order that your Lordship might not draw any inference which might prejudice the draft enclosed, the Commissioners did not feel themselves authorized to deviate from the strict letter of the Trinidad Order (your Lordship's letter of 24th July did not reach me until after our labours were completed), at the same time, I believe I may assure your Lordship, that they admitted to its full extent the justice and propriety of the views taken by me on both of the subjects provided for by those clauses.

The difference between us, as very aptly defined by Mr. Henry in his correspondence with me, "has been no other with respect to the framing the "new draft, than such as must necessarily result from the different positions "in which we are placed."

I should now hope to have placed your Lordship in possession of every point connected with the proceedings of the Commissioners and myself in drawing up the Order for St. Lucia. I should hope, moreover, to be found to have anticipated the commands, conveyed to me in your Lordship's dispatch of 24th July last, and to have incorporated in the enclosed draft the entire spirit of the Order transmitted to me, with your Lordship's Instructions of 8th May. It remains for me, therefore, only to assure your Lordship, that I have brought to the consideration of this question the most dispassionate

feeling, and the most sincere wish to conciliate the public opinion of the mother country. If I have urged any point with more than usual earnestness, I beg your Lordship to attribute it to no desire on my part to stand in the way of His Majesty's views for the amelioration of the Slaves in this Island, but to a sense of duty paramount to every other consideration, which will ever make me as ready and zealous in giving effect to His Majesty's command, as candid and undisguised in affording information.

In regard to the salary of the Protector, and other charges against the public, created by this Order, I beg respectfully in behalf of this colony, to submit to His Majesty's consideration, whether it may not be possible, for a few years, to relieve the Colonial Treasury from this additional burthen. There exist already very heavy complaints against the amount of the Civil Establishment, to which subject I propose to draw your Lordship's particular attention by an early opportunity; and if this newly-created office, little popular in itself, imposes a large additional expense upon the colony, it will tend much to impede the operation of the Order.

I have, &c.

(Signed) NATH. BLACKWELL,
Colonel administering the Government.

Draft of Proposed Order.

1. WHEREAS it is necessary that provision should be made for the religious instruction of the Slaves in His Majesty's island of St. Lucia, and for the improvement of their condition; and whereas for these purposes it is expedient that an office of protector and guardian of Slaves should be established in the said island, and the duties thereof clearly defined, and provision made for the support of such office.

His Majesty is therefore pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that there shall be established in the said island an office of protector and guardian of Slaves, and that such Officer shall be appointed by His Majesty; and that as such protector of and guardian of Slaves he shall receive and be paid, at the time and in the manner hereinafter mentioned, such salary as His Majesty shall be pleased to appoint; and that such salary shall commence from and after the day of and that on or before that day, if possible, or if not then, so soon afterwards as conveniently may be, the said protector and guardian of Slaves shall appear before the Governor, or Acting-Governor for the time being of the said island, and in his presence shall take and subscribe an oath in the following words, that is to say:—

“I, *A. B.* do swear, that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of protector and guardian of Slaves in the island of St. Lucia, without fear, favour, or partiality.— So help me God.”

2. And it is hereby further ordered, that the said protector and guardian of Slaves shall establish and keep an office in the town of Castries, in the said island, and shall regularly attend at such office on such days, and during such hours of the day, as the Governor or Acting-Governor of the said colony, by any general or special orders to be by him from time to time issued, may appoint; and shall at such office, and not elsewhere, keep, deposit, and preserve the several records, books, papers, and writings hereinafter directed to be kept by him.

3. And it is further ordered, that the said protector and guardian of Slaves shall not at the time of the appointment, himself, or his wife, his child or children, directly or indirectly be the owner or proprietor of any plantation situate

Note. It has been judged expedient to extend this prohibition to wife and children, and to the possession

within the said island, or elsewhere, or be the owner, proprietor or employer of any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture, for any other purpose whatever save and except domestic purposes about his own person or family: and such protector and guardian of Slaves shall not himself, or wife, or child, or children have any share or interest in, or any mortgage or security upon, any such plantation, Slaves or Slave, and such protector shall and is hereby declared to be incompetent to act as, or be the manager, overseer, agent, or attorney of, for, or upon any plantation or estate within the said island, or elsewhere, or to act as the guardian, trustee, or executor of any person or persons, having, or being entitled to, any such plantation, or any Slave or Slaves.

and hire of all Slaves, excepting domestics, in the protector's family, and to enable the protector, becoming entitled to such prohibited property, by free gift, &c. to make arrangements to dispossess himself of the same.

And it is hereby further ordered, that in case any such protector and guardian of Slaves within the said island, or his wife, child or children shall after and during his said appointment, possess or become entitled to any such interest aforesaid by free gift, devise, bequest or descent, for his or their benefit, or in trust for him or them, he shall in all such cases give notice in writing thereof within the space of one calendar month, after he shall become acquainted with the same, to the Governor or Acting Governor for the time being, who is hereby authorised to appoint a deputy, or to make such other order provisionally for the execution of the said office, as he may think proper, until His Majesty's pleasure shall be known thereon.

And it is hereby further ordered, that if such protector and guardian of Slaves shall after and during such his appointment act as such manager, overseer, agent, attorney, guardian, trustee, or executor as aforesaid, or shall acquire otherwise than as is hereinbefore mentioned, any plantation, or Slave or Slaves in the said island, or elsewhere, or any interest therein, save for domestic purposes as aforesaid, or omit to give the notice hereinbefore required, then and in every such case he shall thenceforth, *de facto*, cease to be such protector and guardian of Slaves as aforesaid, and forfeit such his salary; and some other fit and proper person shall forthwith be appointed to succeed to the said office. Provided, nevertheless, that all acts which may be done by, or by the order of, any such protector and guardian of Slaves, after any such avoidance as aforesaid of such his office, and before the same shall, by public notice in the Gazette of the said island, be declared void, shall be as valid and effectual in the law as if no such avoidance of office had occurred.

4. And it is further ordered, that the said protector and guardian of Slaves shall be resident within the island, and shall not quit the same without a special license to be granted for that purpose by His Majesty, through one of His principal Secretaries of State, or by the Governor or Acting Governor for the time being of the said island; and no such license shall, in any case, be granted for any time exceeding three months, nor shall any such license be granted by any such Governor or Acting Governor as aforesaid, unless it shall be made to appear to him, on the oath of some medical practitioner, that such absence is necessary for the recovery of the health of the said protector and guardian of Slaves.

Quere.—Would not four months leave be necessary?

5. And it is further ordered, that upon the death or resignation of the said protector and guardian of Slaves, or in the event of his sickness,

Quere.—Would it not be necessary to render the prohibition less rigid

or other bodily or mental incapacity, or during his temporary absence from the said island, it shall be lawful for the Governor or Acting Governor to nominate and appoint some other fit and proper person to act as the deputy of the said protector and guardian of Slaves, until His Majesty's pleasure shall be known; and the said deputy shall receive such allowance, to be deducted from and out of the salary of the said protector and guardian of Slaves, as the Governor or Acting Governor for the time being, of the said island shall be pleased to appoint.

Provided always, that no persons shall be appointed, or be competent to act as such deputy aforesaid, who, according to the provisions of this order, would be incompetent to act as the protector and guardian of Slaves.

And it is further ordered, that every deputy so to be appointed shall before he enters upon the execution of the said office, appear before the Governor or Acting Governor of the said island, and in his presence shall take and subscribe the oath hereinbefore appointed to be taken and subscribed by the protector and guardian of Slaves of the said island.

Provided also, that the protector and guardian of Slaves in the said island shall at all times perform his duty in person, and not by deputy, except only in cases in which the Governor or Acting Governor of the said island is hereinbefore authorized to appoint a deputy for that purpose.

6. And it is hereby further ordered and declared, that upon any accusation or complaint made by any Slave to the said protector and guardian of Slaves, and in all cases wherein he deems it necessary, it shall be lawful for such protector and guardian of Slaves to summons the parties and their respective witnesses, and to secure their person when necessary, on authority to be previously obtained from the Governor or Acting Governor for that purpose, and to take their examinations in writing, and, if necessary, to administer an oath, and shall if he deems it proper after such examination, institute a criminal or civil proceeding against the party accused, or complained against in the ordinary course of law as the case may require.

7. And it is hereby further ordered, that the Commissaries Commandants of the several quarters within the said island and in their absence, or incapacity from sickness, or otherwise, the Lieutenant Commissaries Commandants shall be, and they are hereby declared to be, assistant-protectors and guardians of Slaves, in their several and respective quarters, the said protector and guardian, or his lawful deputy not being in such quarter at the time; and for such purpose they are hereby authorised and required to take preliminary examinations in writing, and to administer an oath in such cases as they shall deem necessary, and to secure the persons and attendance of witnesses and parties when necessary, and in all other matters to aid and assist the protector and guardian of Slaves in the execution of the powers hereby committed to him, and for that purpose to obey and carry into execution such lawful instructions as they may from time

in the case of the deputy?

Note. The Commandant's authority being undefined this clause has been altered and adopted to localities, giving to the protector those powers which appear necessary and sufficient for the performance of his duty.

Note. It has been judged expedient for the foregoing reason to recast this clause, giving Commandants a certain extent of authority, and authorizing the Governor to make any further order and provision found necessary in this respect. It has been thought just, and therefore indispensable, to provide for the punishment of unfounded complaints made to the protector, and to forbid the punishment by owner of any Slave for such offence, also to pro-

to time receive from the said protector and guardian of Slaves about or in relation to the matters herein mentioned, or any of them; and in all such cases when required by the said protector of Slaves, to transmit to him the original proceedings, and their report thereon, without delay; and it is hereby further ordered, that the Governor or Acting Governor, for the time being of the said island, shall be, and he is hereby authorised and empowered to make such orders and provisions from time to time as he shall deem necessary to carry this Order into effect; and also to enforce the due service and execution of all lawful orders, warrants, and summonses to be issued by the said protector and guardian of Slaves, and the several Commissaries Commandants, or Lieutenant Commissaries Commandants of quarters as the case may be, and it necessary to allot such fees as he may think just and proper, the same to be set forth and specified in a docket or tariff of fees to be by him framed and established for that purpose.

vide a protector for protector's Slaves.

And in case of any false, unfounded, frivolous, or vexatious accusation or complaint by any Slave to such Protector, or to the Commissary Commandant, or Lieutenant Commissary Commandant of any quarter, as the case may be, and of his dismissal of the same as false, unfounded, frivolous, or vexatious; the said Protector of Slaves, or Commissary Commandant, or Lieutenant Commissary Commandant, as the case may be, is hereby directed, ordered and required to certify in writing, on the application of the party accused or complained against, that such accusation or complaint was false, unfounded, frivolous or vexatious; and the Procureur du Roi, shall in respect of such false, unfounded, frivolous or vexatious accusation or complaint, and at the request of the party obtaining such certificate, and upon such certificate, but not otherwise, proceed against such Slave before the proper tribunal, according to the ordinary course of law, and for such purpose the said Procureur du Roi is hereby authorised to demand from the said Protector of Slaves, or Commissary Commandant, or Lieutenant Commissary Commandant, as the case may be, the original examinations in writing, taken by him in such matter: provided always, and it is hereby declared, that such certificate so to be granted as aforesaid, shall not be deemed or held or taken as conclusive evidence of the fact on the trial of such Slave, that such accusation or complaint was false, unfounded, frivolous or vexatious.

And it is hereby further ordered, that no punishment shall be inflicted by any owner or other person upon any Slave in respect of any accusation or complaint made by him or her before the said Protector of Slaves, or Commissary Commandants, or Lieutenant Commissary Commandants, as the case may be, except under and by virtue of such prosecution as aforesaid.

Provided always that in every case relating to the domestic Slaves of the said protector, the Procureur du Roi shall have, and is hereby invested with, the same power and authority as the protector of Slaves has by virtue of this Order in regard to the Slaves of other persons.

8. And it is hereby further ordered, that in all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any Tribunal or Court of Justice within the said island, wherein any Slave may be charged with any offence of such a nature that it may be punished by death or transportation, or by hard labour in the chain-gang for any period exceeding twelve months, or wherein any question may arise as to the right of any alleged Slave to freedom, or wherein any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, or wherein any question may arise respecting the

Note. The punishment for crimes liable to transportation being in St. Lucia, generally hard labour in the chain; it has been thought proper to insert "hard labour in the chain-gang for any period above 12 months." It is to be observed that the presence of the protector in criminal prosecutions in court, is totally

right of any Slave to any such property as he or she is hereinafter declared competent to acquire; then and in every such case, such notice shall be given to the protector and guardian of Slaves of every such action, suit, or prosecution, as according to the law of the said island would be given to the said Slave, if he or she were of free condition.

And the protector and guardian of Slaves shall, and is hereby required to, attend the trial or hearing, and all other the proceedings in every such action, suit, or prosecution, as the protector of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of such Slave, and in the same manner as the party himself or herself might do, without prejudice however to the right of the owner, or representative of the owner of the said Slave, to appear and assist in such case.

9. Whereas His Majesty has been graciously pleased to intimate His intention to make effectual provision for the religious instruction of the Slaves in the said island of Saint Lucia; and it will be proper and necessary to make such rules and regulations as may ensure a more strict observance of the Lord's-day.

Note. This clause has been founded entirely upon the Trinidad Order of 16th November 1823, extending the hour, however, to eleven o'clock, in consideration of the distance the Slaves have to come to market, and the badness of the roads.

It is therefore hereby ordered, that from and after the day of the market holden in the town of Castries, for the sale of meat, vegetables and other provisions, on Sundays, and all other markets to be holden on the Sabbath day throughout the island, shall be limited to the hour of eleven o'clock in the forenoon; and due warning shall be given by the ringing of a bell at half-past ten o'clock to all persons to prepare to depart; and from and after the hour of eleven in the forenoon, no person or persons whatsoever shall publicly shew forth, or expose for sale, therein any meat, poultry, vegetables, provisions, fruits, herbs, wares, merchandise, goods, or effects, on the Lord's day; upon pain that every person guilty of a disobedience, or violation of this order, shall forfeit the goods and effects so exposed for sale, or on refusing to quit the place with the said provisions, goods, or effects, &c., forfeit the sum of ten shillings current money of the said island.

And it is further ordered, that if any person or persons shall offend in the premises, it shall be lawful for any officer of the police, and they are hereby respectively required to seize the goods exposed for sale, and cause them to be taken before the Procureur du Roi, if at Castries, and the Commissary Commandant, or his Lieutenant, if in any other quarter; who, upon view of such goods so exposed, and the declaration of the officer of police, shall order the same to be sold, and the proceeds thereof to be applied and disposed of as follows: that is to say, one third to the informer, and the remainder to such pious or charitable purposes, and in such manner as the Magistrate, or Commissary Commandant ordering the sale shall determine.

And it is further ordered, that in like manner, any person selling or exposing to sale goods, &c. as aforesaid; any such person refusing to quit the market-place after the hour before-mentioned, may be apprehended by the authorities afore-mentioned, who are authorized and required to demand the penalty hereinbefore provided; and, in default of payment, to commit the offender for any time not exceeding twenty-four hours.

And it is further ordered, that nothing herein contained shall extend or be construed to extend to the prohibition of dressing or selling meats in

taverns or victualling-houses, nor to the sale of fish at the fish-market, provided the same do not take place during the hours appointed and set apart for divine service. And whereas the limitation hereinbefore declared, respecting the markets to be holden on Sundays, may not afford sufficient time for the sale of the articles and provisions necessary for the consumption of the inhabitants ;

It is therefore hereby further ordered, that Thursday shall be also a market day, on which free persons are invited to attend, so as to lessen the number of persons resorting to the market on Sundays, which is especially retained for the due and reasonable encouragement of the Slave population in habits of industry ; and as it may not occasionally be inconvenient for proprietors to permit their Slaves to bring the produce of their labour to market on another day than Sunday, the day of Thursday in each week is hereby declared to be a market day in future ; provided always, that the Slave coming to the market on a Thursday must be the bearer of a permit from his or her owner or manager.

10. And it is hereby further ordered, that if any person or persons within the said island shall work or employ any Slave, against his or her consent, at any time between sun-set on any Saturday, and sun-rise on any Monday, or shall, during that period, compel any Slave to perform or engage in any labour, for the profit or advantage of his or her owner, manager, or employer, the person or persons so offending shall incur and become liable to a fine not exceeding fifty, nor less than five dollars ; provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any work or labour which any Slave may be required to perform during such period, in the necessary attendance upon the person, or in the family of his or her owner, proprietor, attorney, manager, or other representative of the owner or employer, or in the preservation of the cattle or live stock upon any plantation or estate, or in any work or labour unavoidably necessary for the preservation of the plantation or estate, or the crop or works thereon, or in any other case of imperative necessity.

Note. Conceiving it to be the intent of the Order to forbid only the employment of a Slave against his consent, this clause has been altered in a trifling degree.

The right to employ the Slave in the case of imperative necessity, has also been provided for.

11. And it is further ordered and declared, that it is, and shall henceforth be, illegal for any person or persons within the said island of Saint Lucia, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of any Slave or Slaves in or upon the fields or cane pieces, upon any plantation within the said island, or to use any such whip, cat, or other instrument for the purpose of impelling or coercing any Slave or Slaves to perform any labour of any kind or nature whatever, or to carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument of the like nature, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same, over any Slave or Slaves ; and in case any person or persons shall carry any whip, cat, or other instrument of the like nature while superintending the labour of any Slave or Slaves in or upon any plantation or cane-piece within the said island, or shall use any such whip, cat, or other instrument as aforesaid, for the purpose of impelling or coercing any Slave or Slaves to perform any labour of any kind or nature whatsoever, or shall carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument as aforesaid, as a mark or emblem of their, his, or her authority over any Slave or Slaves, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal driving, or use, or exhibition of any such whip, cat, or other instrument aforesaid, shall

be, and be deemed, adjudged and taken to be guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided.

12. And it is further ordered and declared, that it is, and shall henceforth be, illegal for any persons or person to inflict in any one day upon any male slave for any crime or offence, or for any reason whatsoever, any number of stripes or lashes exceeding twenty-five in the whole, or to inflict upon any such male Slave any punishment or correction by the whipping, scourging, or beating of his person, unless the person of such slave shall, at the time of such punishment or correction, be free from any unhealed wound or laceration, occasioned by any former whipping, scourging or beating, or to inflict upon any such male Slave any punishment or correction by the whipping, scourging, or beating of his person, which is required to be recorded by this Order, until twenty-four hours at the least shall have elapsed, from the time of the commission of the offence for, or in respect of, which any such punishment or correction may be so inflicted; or to inflict upon any such male Slave any such punishment or correction as aforesaid, unless one person of free condition shall be present at, and witness the infliction of such punishment, other than and besides the person by, or the person by the authority of whom the same may be so inflicted; and in case any person or persons shall inflict, in any one day upon any male slave, any number of stripes or lashes exceeding twenty-five in the whole, or shall whip, scourge, or beat any such male Slave at any time when there may be upon his person any unhealed wound or laceration occasioned by any former whipping, scourging or beating, or shall inflict upon any such male Slave any such punishment or correction required to be recorded under this Order as aforesaid, within twenty-four hours next after the commission of the offence, for or in respect of which the same may be so inflicted, or without the presence and attendance during the whole of such punishment of some person of free condition, other than and besides the person by, or the person by the authority of whom the same may be so inflicted, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or being a person of free condition, be aiding, assisting, or abetting, in any such illegal punishment of any male Slave, shall be, and be deemed to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided.

Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishment which may be inflicted upon any male Slave, under, or by virtue of, any sentence or judgment of any Court of competent jurisdiction within the said island.

13. And it is hereby further ordered, that henceforth it shall not be lawful to correct or punish by flogging, or whipping, any female Slave within the said island of St. Lucia, for any offence committed, or alleged to be committed, by any such Slave; and if any person or persons within the said island shall flog, whip, or correct any female Slave, with any whip, cat, stick, or other such like instrument, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or being a person of free condition be aiding, assisting, or abetting in any such correction or punishment as aforesaid, of any such female Slave, shall be, and be deemed adjudged, and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereafter provided.

Note. It has been considered just, to provide that female Slaves should not be viewed in law more favourably than free females; but that they should be liable, as heretofore, to any award of a Court of Justice; also to provide that children under twelve years, of both sexes, should not be included in the order, but be liable to proper school chastisement.

And whereas it is necessary that effectual means should be adopted for

punishing such offences as may hereafter be committed by female Slaves, within the said island: it is therefore hereby ordered, that any female Slave who shall or may commit any offence within the said island, which by the laws in force there, was heretofore punishable by flogging, shall for such her offence, be subject and liable to imprisonment, or to be confined in the stocks, or to such other punishment or correction, as may be necessary for the effectual suppression of such offences, and as may be specially sanctioned by any Proclamation to be hereafter issued by the authority, and in the name of His Majesty, in the said island.

And the Governor or Acting Governor of the said island, shall, and is hereby authorised to make and ordain such rules and regulations as may be necessary in this respect, as well as for preventing any excess in such punishments, or any abuse in the mode of inflicting the same.

Provided that such rules and regulations be not in any wise repugnant to this present Order: and provided also that the same be forthwith transmitted by such Governor or Acting Governor as aforesaid, for His Majesty's approbation; and that all such rules and regulations shall cease to be binding or in force within the said island, unless His Majesty's allowance thereof shall be signified to such Governor or Acting Governor within two years next after the date of such rules and regulations.

Provided always however and it is hereby declared, that nothing in this Order contained, shall extend or be construed to extend to any punishment which may be inflicted upon any female Slave, under or by virtue of any sentence or judgment of any Court of competent jurisdiction within the said island, or to prohibit or render unlawful the infliction of such reasonable and moderate chastisement as parents, guardians, preceptors and masters may by the law of England inflict upon their children, wards, pupils, and servants, male and female respectively under the age of twelve years.

And provided also, that in all cases in which any female Slave shall be condemned by the sentence of any Court of competent jurisdiction, to be whipped, such punishment shall be inflicted privately, and with a cat or rod.

14. And it is hereby further ordered, that there shall be kept upon every plantation and estate throughout the said island, containing any quantity of land, exceeding two quarées employed in the cultivation of coffee, sugar, cotton or cocoa, a book to be called The Plantation Record Book, and that it shall be the duty of the owner, proprietor, manager, or other person, having the direction of, or the chief authority in, the said plantation, as the case may be, ordering the infliction of any punishment, to enter and record in the said book, or cause to be entered and recorded, at or immediately after the time of infliction of any punishment whatsoever, on any female Slave, above the age of twelve years hereby authorized, or hereafter to be authorized, or on any male Slave above that age, who may be punished with any number of stripes exceeding six at any one time, or ten in any one day, a statement of the nature and particulars of the offence for, or in respect of which such punishment may be inflicted; and of the time at which and the place when such offence was committed, and of the time at which, and the place where such punishment was inflicted; and of the nature, extent, and particulars of the punishment, and in cases of male Slaves, above the age of twelve years, of the number of stripes actually inflicted upon the offender, together with the names of the person by whom, and by the authority of whom, the punishment was inflicted; and the person or persons

Note. It has appeared necessary with a view to define what was to be considered plantation, or estate, for the purposes of this Order, to declare such, any cultivation of produce to the extent of two quarées, also to order any punishment above ten stripes in one day, to be recorded, extending the numbers to be given, at one time, from three to six.

Further to forbid the use of the cart-whip, in all cases of unrecorded punishment by flogging.

of free condition present, and attending at the infliction of every such punishment.

And it is hereby further ordered, that such Plantation Record Book, shall be printed with proper and convenient columns for the several entries required by this Order, and also with the forms of the affidavits hereafter required and be furnished by the protector of Slaves at the expence of the colony, to the several plantations and estates therein.

And that no matter or thing shall be inserted in the said book, except the matters and things hereby required to be therein entered, or relating thereto.

Provided also and it is hereby declared, that it shall not be lawful to use the cart-whip in the infliction of any punishment, not hereby required to be recorded.

16. And it is hereby further ordered, that if any person being the owner, proprietor, or manager, of any plantation or estate, as aforesaid, within the said island, or having the direction thereof, or the chief authority therein, shall neglect or omit to make or cause to be made in the said Plantation Record Book, any entry which, according to the provisions of this present Order ought to be made therein, or shall not make or cause to be made such entry, within two days next after the infliction of each and every punishment to which the same may refer, the person so offending shall incur and become subject and liable to a penalty not exceeding one hundred pounds, nor less than five pounds sterling, British money; to be proceeded for either against the owner, proprietor, or manager, whose duty it was to make such entry, as the case may be, and applied in a manner hereinafter mentioned.

And if any person or persons shall wilfully or fraudulently make, or cause or procure to be made, any false entry or fraudulent erasure in any such Plantation Record Book, or shall wilfully, or fraudulently burn, destroy, cancel, or obliterate the same or any parts or part thereof, or cause or procure the same to be done, the person or persons so offending, shall be, and be deemed and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided.

16. And it is hereby further ordered, that the owner, proprietor, or manager, or other person, having the chief authority within each and every plantation or estate within the said island, shall, on the first Monday which shall happen next after the fifth day of the twenty-fourth day of the twenty-ninth day of and the twenty-fifth day of in each year, repair to the Commissary Commandant, or in his absence or incapacity from sickness, to the Lieutenant Commissary Commandant for the time being of the quarter in which such plantation or estate may be situated, and then and there produce to, and deposit with him the said original Plantation Record Book, and shall also take and subscribe an oath, in the following words that is to say),

Note. With a view to the preservation of a more authentic record of punishment, it has been judged expedient to order the original to be deposited with the Commandant.

The words "to the best of my knowledge and belief" have been inserted in the oath.

It has been found necessary also to provide for the removal, or death of owner, or manager, between the periods of making the returns.

" I, A. B. the owner, proprietor or manager (as the case may be), of the plantation called in the quarter of in the island of St. Lucia, do make oath, and say, that the Plantation Record Book by me now produced and deposited, hath been punctually and accurately kept since the day of and to the best of my knowledge and belief in the manner by law required; and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent. So help me God."

And in case any such owner, proprietor or manager, as aforesaid, shall not, since the time of making his last preceding return to the Commissary Commandant or Lieutenant Commissary Commandant of the quarter, as the case may be, have inflicted, or caused to be inflicted, any punishment upon any female Slave above the age of twelve years, as before provided, on his plantation or estate, or any punishment on any male Slave above the said age, required to be recorded as aforesaid, then, and in every such case, in lieu of the oath aforesaid, such owner or manager shall, at the several times aforesaid, take and subscribe before the Commissary Commandant, or Lieutenant Commissary Commandant of the quarter in which such plantation may be situate, an oath, in the following words, (that is to say),

“ I, A. B. do swear, that since the _____ day of _____
 “ now last past, no punishment hath been inflicted by me, or by my order,
 “ or with my knowledge, upon any female Slave above the age of twelve
 “ years, belonging, or attached to, the plantation called _____
 “ situate in the quarter of _____ whereof I am the owner,
 “ proprietor or manager (as the case may be); and that no punishment hath
 “ since the said _____ day of _____ been inflicted upon
 “ any male Slave above the age of twelve years, belonging or attached to the
 “ said plantation, required by law to be recorded. So help me God.”

And it is hereby further provided, that if any owner, proprietor, or manager whose duty it may be to make such entries as aforesaid, shall die in the interval between the times when such Plantation Record Book is directed to be sworn to, or such owner or proprietor shall cease to be such, or such manager shall be discharged or quit in such interval, then, and in such case, a note in writing shall be made of the same in the Plantation Record Book, by the new owner or proprietor, or the new manager, as the case may be, and the said Plantation Record Book shall, within the space of one week, be delivered to the Commissary Commandant, or Lieutenant Commissary Commandant, to be by him subscribed and returned, and such new owner or proprietor, or new manager, shall at the next period for delivering Plantation Record Books, be required only to certify upon oath to the correctness of so much of the return required of them as may include the time they so became such new owner, proprietor, or new manager as aforesaid.

17. Provided always, and be it further ordered, that the Commissary Commandant of each, and every quarter, within the said island, or the Lieutenant Commissary Commandant in case of the sickness or absence of such Commissary Commandant, shall, fourteen days at least, before the time of making the returns, give public notice of the time and place, at which he will attend for the purpose of receiving the returns, and administering the oath aforesaid, and the said Commissary Commandant or Lieutenant Commissary Commandant shall, and is hereby required to attend, from day to day, for three successive days, and no more, between the hours of nine in the forenoon, and three in the afternoon, for the purposes aforesaid; and in case it shall be made to appear to such Commissary Commandant or Lieutenant Commissary Commandant, by the certificate of any medical practitioner, or otherwise, that any person or persons bound to make such return, is or are, by reason of sickness, incapable of attending for that purpose, at the time and place so to be appointed, as aforesaid, then and in every such case, the said Commissary Commandant or Lieutenant Commissary Commandant shall, and is hereby required to attend the person or persons so incapacitated, at his, her, or their place or places of abode, for the purpose of receiving the said returns, and taking such affidavits as aforesaid.

Note. The alterations in this clause are merely such as have been judged necessary from local circumstances.

The difficulty of obtaining medical certificate, has made it necessary to admit of these.

18. And it is hereby ordered, that if any person or persons hereby required so to do, shall refuse or neglect to make any return, or to take and subscribe the oaths required by this present Order, the person or persons so offending, shall incur, and become liable to the payment of a fine not exceeding one hundred pounds nor less than ten pounds sterling British money; to be recovered and applied in a manner after mentioned.

19. And it is hereby further ordered, that the Commissary Commandant or Lieutenant Commissary Commandant of each and every quarter in the said island, shall and is hereby required to transmit to the protector and guardian of Slaves within the said island at his office in the town of Castries, the whole of the returns so to be made to him as aforesaid, together with the original affidavits thereunto annexed, within fourteen days next after such quarterly returns shall be complete. And in case any such Commissary Commandant or Lieutenant Commissary Commandant shall himself be the owner, proprietor or manager of any plantation or estate, he shall together with the said returns deliver to the said protector and guardian of Slaves his own original Plantation Record Book for the last preceding quarter of the year, together with an affidavit to be by him sworn before the Seneschal or an Adjoining Commissary Commandant of the said island, in the manner and form hereinbefore described, under such and the like penalty as is hereinbefore mentioned, in the case of other persons refusing or neglecting to make their returns, or to take the before-mentioned oaths.

20. And it is hereby further ordered, that the said protector of Slaves shall form into books, in alphabetical order, and by quarters, according to the name by which each estate is described, the whole of the returns so to be made to him, together with the said original affidavits; and, for the better and more convenient keeping of the said records, it is further ordered, that the said protector and guardian of Slaves shall keep the books so formed distinct for each quarter of the said island, and shall also make and keep full and exact indexes of such books.

Note. This clause has been drawn up in strict conformity with the Trinidad Order, adopting it only to the proposed alteration of giving into protector the original record book.

21. And it is hereby ordered, that upon any charge made against any person, being the owner, proprietor, attorney or manager of any plantation, for inflicting, or causing or procuring to be inflicted, on any Slave or Slaves, any punishment hereby declared illegal; if the Slave, so alleged to be illegally punished, shall present himself before the protector and guardian of Slaves, or the Commissary Commandant or Lieutenant Commissary Commandant of the Quarter, and the marks and traces of recent flogging or laceration shall appear on the person of such Slave, the protector of Slaves, or the Commissary Commandant or Lieutenant Commissary Commandant, shall, in such case, make a note or entry thereof, and transmit a certified copy of the same to the Procureur du Roi, for the purpose of his proceeding thereon, according to law; and if, upon the trial of such charge, the said Slave shall, in open Court, declare such traces to be the consequences of any such unlawful punishment or correction, and, being duly sworn and examined by the said Court, shall make a particular, consistent and probable statement of all the circumstances attendant on such unlawful

Note. It has been found advisable to alter this clause to give effect to the full spirit of the order, by authorising protector and assistant protectors to give certificates of the state of laceration in which the Slave presented himself.

Also to relieve, in some measure, the accused person from the extreme difficulty of proving a negative, by giving to his oath its due weight with the Court, in the case of utter impossibility on his part to procure evidence.

punishment, then, and in every such case, although such Slave should not otherwise be a competent witness within the provisions of this present Order, the owner, proprietor, attorney, manager, or other person having the charge of such Slave, shall be bound to make oath or prove, either that the punishment, of which the marks and traces may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment within the meaning of this Order, and was inflicted in the presence of one such witness, of free condition, as is required by this present Order; and in default of such oath, or other proof, such owner, proprietor, attorney, manager or other person, as aforesaid, shall be convicted and adjudged to be guilty of the offence charged upon him.

Provided, nevertheless, that notwithstanding such oath of the said owner, proprietor, attorney or manager, or other person as aforesaid, or other evidence, or both, it shall be lawful for the Court to determine upon the whole matter before it, on the guilt or innocence of the party accused: and it is further ordered, that it shall not be lawful for the Procureur du Roi to discontinue any prosecution, so to be instituted as aforesaid, at the instance of the protector and guardian of Slaves, except by virtue of an order, in writing, to be for that purpose issued, under his hand and seal, by the Governor or Acting Governor, for the time being, of the said island.

22. And it is further ordered, that any persons, being in a state of slavery, who may be desirous to intermarry, shall produce the consent of their owner or owners, attorney or attorneys, manager or managers, to the celebration thereof: but in case the owner or owners, attorney or attorneys, manager or managers, or either of them, shall refuse to consent to any such marriage, or to give such written permission for the celebration thereof as aforesaid, then and in every such case the said Slaves shall be at liberty to apply to the protector, or one of the assistant protectors, for a licence, who shall thereupon issue a summons, under his hand and seal, requiring the owner or manager of such Slaves, or the persons or person under whose direction such Slaves may be, to appear before him, by themselves or their agents, at some convenient time and place, to be for that purpose appointed, such time being not more than fourteen days distant from the time when such application as aforesaid shall be received by such protector and guardian of Slaves, or the assistant protector as aforesaid. And if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said protector of Slaves, or the assistant protector, or appearing, shall fail to lay before him good and sufficient proof that such proposed marriage would be injurious to the well-being of the said Slaves, then and in every such case the said protector and guardian of slaves, or assistant protector, shall, without fee or reward, issue a licence, under his hand and seal, thereby authorising any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any public teacher of religion within the said island, carrying on there no other profession, business, or occupation of profit, except that of a schoolmaster, to solemnize the marriage of the said Slaves. And it shall and may be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such licence, to solemnize any such marriage as aforesaid, and the same, when so solemnized, shall to all intents and purposes be binding, valid, and effectual in the law; and any person by whom any such marriage may be so solemnized, by virtue of any such licence, shall, within fourteen days next after the solemnization thereof, under a penalty of not more than twenty pounds, and not less than five pounds sterling, transmit to the said protector of Slaves a certificate of the solemnization of such marriage; and the said protector

Note. The law allowing of marriages with owner's consent it has been considered unnecessary to provide for, but those cases when this consent is withheld.

and guardian of Slaves shall register in a book, to be by him kept for that purpose, every marriage which may be so solemnized, with the date thereof, and the names, descriptions, and places of abode of the parties contracting, and of the person solemnizing every such marriage: Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to render any marriage between persons in a state of slavery valid or effectual, which would be illegal or void, if such persons were of free condition.

23. And it is further ordered, that it shall not be lawful in the execution of any judgment, sentence, decree, or order of any tribunal of any Court of Justice within the said island, to sell, in satisfaction thereof, any Slave having a husband or wife, or a child under the age of sixteen years, or a reputed husband or wife, or child under the age aforesaid, who may be the property of the same persons or person as the Slave seized under such execution, unless such husband and wife and child, or reputed husband, wife, or child, shall be sold together, and in one and the same lot, and to the same person or persons, provided that the parties interested agree to the same

And for the purpose of giving better effect to the said provision it is hereby ordered, that in every case in which any Slave, having such relative or relatives as aforesaid, shall be seized under or by virtue of any such execution as aforesaid, such seizure shall be, and be deemed a seizure in law of the husband, wife, or of the child under the age of sixteen years, or of the reputed husband, wife, or child of the age aforesaid, of such Slave so seized as aforesaid.

And for the said purpose it is also further ordered, that every Slave so seized, and his or her owner or manager shall be required by the Provost Marshal or his officer to declare whether such Slave has any such relatives as aforesaid, and to point out, name, and produce the same, in order that they may be inserted in the return of the said officer, and be taken possession of and sold, together and in one lot.

24. And whereas by the usage of the said island of St. Lucia persons in a state of slavery have hitherto been permitted to acquire, hold, and enjoy personal property free from the control or influence of their owners: and it is expedient that the said laudable custom should be recognised and established by law, and that further provision should be made for enabling such Slaves to invest such their property on good security, it is therefore hereby ordered and declared, that no person in the island of St. Lucia being in a state of slavery shall be, or be deemed, or taken to be, by reason or on account of such his condition, incompetent to purchase, acquire, possess, hold or enjoy, alienate or dispose of personal property; but every such Slave shall and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of money, cattle, implements, or utensils of husbandry, or household furniture, or

Note. This clause has been altered, it appearing that the mode of proceeding under it was not sufficiently defined; and that the creditor in the seizure of a single Slave, or two or three Slaves, would be frustrated of his due, the seizure being declared illegal, and no means of compelling the surrender of the relatives being placed at his disposal.

It appearing also that the clause should be imperative when the parties interested were not consenting.

Note. This clause has been altered so far as to adopt it to the circumstances of the local laws, with three additional provisos, that protector may represent the Slave in any suit or action, and that no Slave shall be allowed to leave the estate to which he belongs under any supposed authority of this clause; at the same time the judge may require his presence, if necessary, that the person of Slave shall not be liable for the result of any

other effects, or personal property of such or the like nature of what value or amount soever, and to bring, maintain, prosecute, and defend any suit or action in any Court of Justice, for or in respect of any such property as fully and amply to all intents and purposes as if he or she were of free condition.

action of his own, and that the Slave shall be liable to damages and costs excepting so far as relates to his person.

Provided always that in cases of any suit or action to be brought or defended by any Slave in respect to such property, the protector of Slaves shall be entitled to appear for and represent the said Slave in such suit or action, which he is hereby required and authorised to do, on being satisfied of the validity of the title or interest of the said Slave, without prejudice however to the right of the owner to appear for and on behalf of his Slave; and that in no such suits or actions shall any Slave be permitted to leave the estate to which he belongs, for the purpose of attending the proceedings or trial at Castries, without the consent in writing of his owner, employer, or manager; provided nevertheless that in case such owner, employer, or manager shall refuse to grant the same, the Judge shall be authorised at the request of the protector to order the said Slave to appear before him in person, if he shall deem it necessary, provided however that nothing herein contained shall be construed to render the person or the service of the Slave liable for the result of any such suit or action.

And it is further ordered, that in all cases of suits or actions instituted or defended by, or on the part of any Slave, he or she shall be held as liable for the payment of damages and costs, as he or she would be were they of free condition, save and except in so far as regards the person of such Slave.

25. And it is hereby further ordered, that Savings Banks shall be established within the said island, for the better preserving the property of any such Slaves, and that interest, at and after the rate of five pounds per centum per annum, shall be allowed upon the amount of every sum of money which may be deposited in any such Savings Banks, which interest shall be a charge upon the general revenues of the said island. And any Slave making any deposit of money in any such Savings Banks, shall be at liberty to make a declaration of the manner in which, and the names of the person or persons to whom, in the event of his or her death, the amount of his contributions to the said Savings Banks shall be paid, applied and disposed of: and such declaration shall be recorded in a book to be kept for that purpose at the Savings Banks, where such deposit may be made, and upon the death of the Slave making such declaration, the same shall be deemed, and taken to be, the last will and testament of such Slave, in the absence of any other last will; and in case any such Slave shall marry after having made any such declaration, such marriage shall be, and be deemed, and taken to be, a revocation in the law of such declaration; and it is further ordered, that in case any Slaves or Slave in the said island shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of such Slave shall go, and be disposed of, to and in favour of such persons or person, as by virtue of the several Acts of Parliament for the distribution of intestates estates, would according to the law of England, be entitled to any such property.

Note. This clause has received no alteration, but two provisos have been added as necessary to give full effect to it, and to define what are to be considered as reputed relatives for the purposes of this order.

Note It might be well to particularise this distribution.

Provided always, however, and it is hereby declared, that in every such

case, if such intestate Slave shall not have any lawful wife or husband, or legitimate child, his or her reputed wife or husband, and reputed child or children (if any) shall become entitled to and take the property of such intestate Slave, in such manner as his or her lawful wife or husband, and legitimate child or children would have done, if he had had any such.

Provided also, and it is hereby ordered and declared, that by the terms reputed husband and reputed wife shall be understood, for the purpose of this order such male and female Slaves as shall be notoriously living and cohabiting together at the time, in reference to which it is necessary to determine who shall be considered the reputed husband or reputed wife, and that the issue of such Slave so living and cohabiting together shall alone be deemed and considered his and her reputed children.

26. And it is hereby further ordered, that the Savings Banks throughout the said island shall be under and subject to the controul and inspection of the protector of Slaves; and that the Governor, or Acting Governor for the time being, for the said island shall, and is hereby authorised to appoint such proper and necessary officers, and to make such rules and regulations as may be best adapted for managing the business of the said Banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies therein to be deposited; provided that such rules and regulations be not repugnant to this present Order, and that the same be forthwith transmitted for His Majesty's approbation through one of His Majesty's Principal Secretaries of State.

27. And it is hereby further ordered, that no deposit of money shall at any one time, or within any one month, be received at any of the said Savings Banks, from any Slave exceeding the sum of twenty dollars in the whole, unless such Slave, at the time of tendering any such deposit, shall produce the consent, in writing, of his owner, or the attorney or manager, to such deposit being made; and in case any Slave shall be desirous, at any one time, or in any one month, to make any such deposit of money exceeding the sum of twenty dollars, and the owner, his attorney or the manager of such Slave, shall refuse his consent to such deposit being made, then and in every such case, the protector and guardian of Slaves, upon application to him for that purpose made, shall issue a summons under his hand and seal, requiring the owner, or the attorney or manager of such Slave, or the person under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed, and if such owner, or the attorney or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said protector of Slaves, or appearing, shall fail to lay before him good and sufficient cause why such deposit ought not to be made, then, and in every such case, the said protector and guardian of Slaves shall issue an order under his hand and seal, requiring the manager of the Savings Banks to receive the amount of such deposit, and the same shall be received by him accordingly.

Note. It has been judged expedient to extend this period to one month.

28. And it is hereby further ordered, that no duty, tax or impost of any nature or kind whatsoever, and that no fee of office shall be hereafter paid or payable within the said island, upon, for or on account, or in respect of the manumission of any Slave, or the enrolment or registration of any deed of manumission; saving and excepting a fee, not exceeding twenty shillings sterling British money, which shall, by the said protector and guardian of Slaves, be paid to the registrar of deeds of the said island, for enrolling and registering every such deed of manumission; and which fee shall be repaid to such protector or guardian of Slaves out of the public revenue of the said colony.

And if any person within the said island shall hereafter take, demand or receive any such tax, duty, impost or fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine, not exceeding fifty pounds, and not less than ten pounds sterling British money.

29. And it is hereby further ordered, that in case any Slave within the said island shall be desirous to purchase the freedom of himself, or of his or her father or mother, wife or husband or child, or brother or sister, or reputed father or mother, wife or husband or child, or brother or sister, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself, or of any such other person as aforesaid; and if the owner or proprietor of any such Slave shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage, settlement or lease, or other charge upon or interest in such Slave, being vested in any other person or persons, be unable to execute a valid and effectual manumission of any such Slave; or if the owner or proprietor, or any other person having an interest in any such Slave, shall be a minor or a married woman, or idiot or lunatic; or if the real and true owner of any such Slave shall be absent from the said island, or shall not be known or have no attorney or representative in the said island; or if any suit or action shall be depending in any court of justice in the said island, wherein the title to the said Slave, or the right to his services shall or may be in controversy; or if the owner of any such Slave, or his attorney, shall demand as the price of his or her freedom, a greater sum of money than may be the fair and just value thereof, then and in each and every of the cases aforesaid, the Seneschal of the said island, on application to him for that purpose made by the protector and guardian of Slaves, shall issue a summons, under his hand and seal, requiring the owner or manager of such Slaves, or the person or persons under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and notice shall also be published by the said protector and guardian of Slaves, in the public Gazette of the said island, on three several days, of the time and place appointed for the purpose aforesaid; and in such notice all persons having or claiming to have any title or interest in or to the Slave proposed to be manumitted, either in their own right, or as the guardians, attorneys, trustees or executors of any other person, shall be required to attend and prefer such claims.

And it is further ordered, that if any person of free condition shall be desirous to purchase the freedom of his or her father or mother, wife or husband or child, or brother or sister, or reputed father or mother, wife or husband or child, or brother or sister, it shall and may be lawful to and for every such free person so to do in like manner, and subject to the same provisions and regulations as are herein provided in respect of the purchase of the freedom of such persons by any Slave.

30. And it is hereby further ordered, that at the time appointed for any such meeting as aforesaid, the Seneschal of the said island, in the presence of the protector and guardian of Slaves, and also in the presence of the owner or manager of the Slaves or Slave proposed to be manumitted, or other person interested therein as before mentioned, or (upon proof being made to him upon oath of the due service and publication of such notice as aforesaid, then, if necessary) in the absence of such owner or manager, or other person as aforesaid, shall proceed to hear in a summary way what may be alleged by the said protector and guardian of Slaves, and by the owner or manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in

Note. It has been deemed just to direct, that the expences of valuation and enrolment shall be included by appraise in the valuation, as also to provide for the encouragement of faithful services in the Slave, and for the admission of appeal to the Governor in certain cases.

case the parties, or any of them, shall refuse to effect any such manumission, or if it shall appear to the said Seneschal, that a valid and effectual manumission of any such Slave cannot legally be effected by private contract; or if it shall be made to appear to the said Seneschal, that the owner or proprietor of any such Slave, or that any person having any charge upon or interest in him or her, is a minor, or a married woman, or idiot or lunatic; or that the real and true owner of any such Slave, or that any person having any charge upon or interest in him or her, is absent from the said island, or is unknown or cannot be found, or has no attorney or representative in the said island; or that any suit or action is depending in any court of justice in the said island, wherein the title to the said Slave, or the right to his services is in controversy; or if it shall appear to the said Seneschal, that any difference of opinion exists between the protector and guardian of Slaves of the said island and the owner or proprietor, or other person claiming an interest in the said Slave, respecting his or her price or value, then and in every such case, the said Seneschal shall require the protector of Slaves, and the owner, manager or person having the direction of any such Slave or interest therein, each to nominate an appraiser of his or her value; and the said Seneschal shall himself nominate an umpire between such appraisers.

And the said appraisers, being first duly sworn before the said Seneschal to make a fair and impartial appraisement, shall, within seven days next after such their appointment, make a joint valuation of the Slave proposed to be manumitted, including in such valuation the expences of appraisement and enrolment, and shall certify such their valuation to the Seneschal, under their hands and seals. And in case such joint certificate shall not be delivered to the said Seneschal within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall, within the next seven days, certify his valuation, under his hand and seal, to the said Seneschal; and the valuation to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, excepting in the case hereinafter provided, and shall be entered and enrolled in the Office of Registry in the said island.

Provided, however, that no Slave shall be entitled to be manumitted, or to any other benefit under this, and the preceding clauses, who shall not have obtained his or her owner's consent to his or her manumission, or produce testimonials from his or her owner, or from the Commissary Commandant of the Quarter, and other respectable inhabitants, of his or her honesty and general good conduct and fidelity to his or her owner.

Provided, also, that, in every case in which a compulsory order shall be made on any owner for the sale of any of his Slaves under this clause, it shall be lawful for such owner to appeal against such order to the Governor or Acting Governor, for the time being, of the said island, whose order on such appeal shall be final in the matter.

31. And it is hereby further ordered, that upon payment to the Treasurer of the said island of the appraised value of any such Slave as aforesaid, after deducting therefrom the expence of the said appraisement and enrolment to be allowed by the said Seneschal, the said Treasurer shall grant to the protector of Slaves a receipt for the money so to be received by him; and such receipt shall be duly enrolled in the Office of Registry in the said island, together with a declaration, under the hand and seal of the said Seneschal, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly had before him, and thereupon such Slave shall be, and be deemed, taken, and reputed to be, free to all intents and purposes whatsoever.

32. And it is further ordered, that the money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall

and may be laid out and invested under the authority of the Seneschal, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves: or if no such application shall be made, then such money shall remain in the hands of the public treasurer of the said island, at interest at and after the rate of five pounds per centum per annum, such interest to be borne by, and defrayed out of the revenues of the said colony; and the Slave or Slaves so to be purchased with the said money as aforesaid, or in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing due thereupon, shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims and demands of what nature or kind soever, as such Slave or Slaves was or were held upon, under or subject unto, at such the time of his, or her, or their manumission, and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the Seneschal of the said colony may upon a summary application of any person interested therein, see fit to make, and such principal money and interest shall by said treasurer be paid, applied, and disposed of in pursuance of and obedience to any such Order.

33. And it is hereby further ordered, that, before the manumission of any Slave by virtue of any private contract for that purpose, between such Slave, or any other person on his behalf, and the owner of the said Slave, notice of such intended manumission, shall by the owner of such Slave be given in writing to the protector and guardian of Slaves, who on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian of Slaves, shall also, without fee or reward, prepare the proper deed of manumission, and the same shall in all cases be executed in the presence of the said protector and guardian of Slaves, or of some proper witness, to be by him appointed for that purpose, and being so executed, shall by such protector and guardian of Slaves be enrolled in the office of registry in the said island within one calendar month, next after the date and execution thereof.

Note. The protector should also it would seem be bound to ascertain in every case that the Slave is not freed without bond if labouring under infirmities.

And in case any such deed shall not be left for enrolment at the said office of registry, within the said period of one calendar month, the said protector of Slaves shall incur and be liable to the payment of a fine not exceeding fifty pounds, nor less than ten pounds sterling English money.

34, a. And it is hereby ordered, that in case any such deed of manumission as aforesaid, shall be executed voluntarily and without any valuable consideration passing to the owner or other person effecting such manumission, the Slave or Slaves so to be manumitted shall, before the actual execution of any such deed, appear before the said protector and guardian of Slaves, or before the Commissary Commandant or Lieutenant Commissary Commandant of the quarter in which such Slave may happen to be resident: and if it shall appear to the said protector and guardian of Slaves, or to such Commissary Commandant or Lieutenant Commissary Commandant as the case may be, that the Slave about to be so gratuitously manumitted is under the age of six years, or above the age of fifty years, or is labouring under any habitual disease or infirmity of mind or body, the owner or other person about to effect such manumission shall, at the time of the execution of the deed of manumission, execute and deliver under his hand and seal, a bond to His Majesty, in the penal sum of two hundred pounds, with a condition thereunder written, for the defeasance thereof, if the said Slave

Note. The seal gives no validity to an act in Saint Lucia.

shall be properly fed, clothed and maintained, until the age of fourteen years in the case of infants, or during the term of his or her natural life, in the case of adults of the age of fifty years, or labouring under any such sickness, disease, or infirmity as aforesaid, and no such manumission shall be valid and effectual in the law or shall be received for enrolment, at the office of registry, until such bond as aforesaid be duly executed and registered and deposited in the said office.

34. *b.* And it is hereby further ordered, that if any person or persons shall hereafter act in the said island as executor, or as the attorney or representative of any executor, to any last will or other testamentary instrument already made and executed, or hereafter to be made and executed, whereby manumission or any other benefit shall be granted to any Slave or Slaves in the island, knowing of such will or other testamentary instrument, or shall in any manner administer or intermeddle with the assets of any such testator in the said island, and omit for the space of one calendar month after such acting or intermeddling as aforesaid, to furnish to the protector and guardian of Slaves for the said island, or his deputy, a notarial or other authenticated copy of so much of the said will, or other testamentary instrument as shall confer or give such manumission or other benefit, every person so acting or intermeddling shall forfeit and pay to His Majesty, His heirs and successors for every Slave who shall be so directed to be manumitted, or, to derive any other benefit under such will or other testamentary writing, the sum of one hundred pounds sterling.

Note. The existing law obliges all notaries to notify to the Procureur du Roi all testamentary dispositions in favour of a Slave, this additional clause has however been considered necessary.

35. And it is hereby further ordered, that every clergyman of the Established Church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion in the said island, and every other person being a public teacher of religion within the said island, shall, and is hereby authorised to, transmit or deliver under his hand, to the Commissary Commandant, or Lieutenant Commissary Commandant, of the quarter in which he may be resident, certificates setting forth the names or name, and place or places of abode, of any Slaves or Slave, who in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath.

Note. It would seem necessary to provide for the appropriation of the moneys.

And the Commissaries Commandants and Lieutenant Commissaries Commandants of the several quarters in the said island, shall, and are hereby required to, transmit such certificate as aforesaid, to the protector and guardian of Slaves, who shall, and is hereby required to, register the same in a book to be kept by him for that purpose, with proper indexes therein, stating the date of every such certificate, and the name and place of abode of the person by whom the same may be granted, and of every Slave mentioned and included therein.

And it is further ordered, that the said protector of Slaves shall, on the application of the Slave so certified as aforesaid, deliver to him or her an authenticated copy of such certificate without fee or reward; provided, nevertheless, that no priest, minister or public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, shall be competent to grant any such certificate as aforesaid; unless His Majesty's principal Secretary of State having the department of the Colonies, or the Governor, or Acting Governor for the time being, of the said island of St. Lucia, shall have granted to such priest, minister, or public teacher, a licence in writing to grant such certificates; and unless such licence shall

be in force, and have been first registered at the office of the said protector of Slaves.

36. And it is further ordered, that no person shall be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal justice in the said island, by reason of his or her being in a state of slavery, if the person or persons producing or tendering him or her as a witness, shall produce and exhibit to the court a certificate under the hand of the said protector and guardian of Slaves, that such proposed witness is registered in the before mentioned book; and the said protector of Slaves shall, and he is hereby required to, grant without fee or reward, to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book.

Note. It has been judged expedient not to absolutely reject the testimony of Slaves against white persons under trial for capital crimes, but to provide in that case for a commutation of punishment. Also to provide that the Slaves of persons found guilty upon their evidence should be sold with their relatives within the prescribed degree.

Provided, nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned.

And it is hereby further ordered, that if any white person shall be convicted upon the evidence of one or more Slaves only, or uncoupled with, or in the absence of presumptive evidence, of any offence, punishable with death, such punishment shall in every such case be commuted for transportation, or fine and imprisonment.

Provided, also, that in all criminal prosecutions against any white person convicted or found guilty upon the evidence of one or more Slaves of the person so found guilty, such Slave or Slaves shall be sold, together with their husbands, wives, or reputed husbands or wives, and their children or reputed children; and the produce of such sale shall be paid to the owner if solely entitled thereto; or if only partially interested therein, such purchase money to be applied as hereinbefore mentioned under clause 32.

Provided also that nothing herein contained shall extend to take away or diminish any power and authority which any court of criminal jurisdiction in the said colony now hath, to admit in any other case the evidence of persons being in a state of slavery.

Provided also that nothing herein contained shall extend, or be construed to extend, to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence if he or she were of free condition.

37. And it is hereby further ordered, that the salary of the protector and guardian of Slaves shall by him be taken and received in lieu and in full satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever, and that if the said protector and guardian of Slaves shall take or receive, directly or indirectly, any fee, perquisite of office, advantage or emolument, other than and besides his said salary, for or in respect of any act, matter, or thing done or performed by him in the execution of such his office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his office.

38. And it is hereby further ordered, that the said protector and guardian of Slaves shall on the first Monday next after the 25th day of December, and on the first Monday next after the twenty-fourth day of June in each year,

deliver to the Governor or Acting Governor for the time being of the said island, a report in writing, exhibiting an account of the manner in which the duties of such his office have been performed during the half year next preceding the date of such his report, and especially stating the number of the actions, suits and prosecutions in which he may have acted as the protector of any Slave or Slaves, with the dates and effect of all the proceedings therein, and the particulars of all the returns which by virtue of this Order, may have been made to him by the Commissaries Commandants, or Lieutenant Commissaries Commandants of the several quarters within the said island, and the names of the persons, if any, against whom he may have instituted any criminal prosecutions under and by virtue of this Order, together with a statement of the names of all Slaves who may have been certified to him as being competent to give evidence in any court of justice, together with the number of licences which may have been granted for the marriage of any Slave, either by him, or by the owner, proprietor, attorney or manager of such Slaves, with the number of marriages appearing to have been solemnized in pursuance thereof, together with the amount of the sums of money deposited in the Savings Banks in the said island, together with a statement of the names of all the Slaves manumitted under the authority of this present Order; and the Governor or Acting Governor of the said island for the time being, shall thereupon administer to the said protector of Slaves an oath that such report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as the said protector of Slaves shall have made such his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before, the said Governor or Acting Governor shall issue to the said protector and guardian of Slaves, a warrant upon the Treasurer of the said island, for the amount of his salary for the half year next preceding the date of such report; and the said Governor shall, and he is hereby required, by the first convenient opportunity to transmit such report as aforesaid to His Majesty's principal Secretary of State having the department of the Colonies.

39. And it is further ordered, that if the protector and guardian of Slaves, or any Commissary Commandant or Lieutenant Commissary Commandant of any quarter of the said island, or any other person, shall wilfully or fraudulently make, or cause, or procure to be made, any erasure or interlineation in any of the books, records, or returns hereinbefore required to be made, or shall wilfully falsify any such books, records or returns, or shall wilfully make, or cause, or procure to be made, any false entry in any such book, record, or return; or shall wilfully and fraudulently burn, cancel or obliterate the same, or either of them, or any part thereof, the person or persons so offending shall be and be deemed, adjudged, and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter directed, and also forfeit *de facto* their office, and be rendered incapable of holding the same in future.

40. And it is further ordered, that any of the people called Quakers, who may be resident in the said island, being required to take any of the oaths prescribed by this present Order, may, and they are hereby authorised to make their, his, or her solemn affirmation in lieu of such oaths; and that any person taking an oath, or being a Quaker, making his solemn affirmation, under or in pursuance of this Order, who shall be convicted of swearing or affirming falsely, shall incur and suffer such punishment as by the law of the said island may be inflicted on any persons guilty of wilful and corrupt perjury.

41. And it is hereby further ordered, that any person who may be convicted of any act hereby declared to be a misdemeanor, shall, if of free condition, be, and become liable to a fine not exceeding five hundred pounds, and not less than fifty pounds sterling English money, or to imprisonment for any time not exceeding six months, nor less than one month, or both to fine and imprisonment at the discretion of the Court by which any such person may be convicted; and in case any person shall be so convicted of any cruelty to

any Slave, the said Court shall, and is hereby authorized at their discretion, to declare the right and interest of the person so convicted in and to any such Slave, to be absolutely forfeited to His Majesty, and all such offences as aforesaid shall be heard, tried, and enquired of, by and before the court for criminal prosecutions in the said island, and all such pecuniary fines as aforesaid, and all other pecuniary fines imposed by this order, shall be recovered in the said court, and shall be paid, and payable, in equal moieties, one half to His Majesty, and the remaining half to any person or persons who may commence any suit or prosecution for the same.

42, *a.* And it is further ordered, that if any person shall be twice convicted before any tribunal in the said island, of inflicting upon any Slave any cruel and unlawful punishment, the person so convicted shall, in addition to the penalties hereinbefore mentioned, be declared by the court, before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendant of any Slaves or Slave within the said island, and all and every the Slaves or Slave, of which, at the time of such second conviction, any such person may be the owner or proprietor, or all his right, title and interest therein, as the case may be, shall thenceforth become, and be absolutely forfeited to, and vested in His Majesty, His heirs and successors.

42, *b.* Provided always, that no prosecution or other criminal proceeding shall be commenced for any offence declared to be such by this Order, unless such prosecution or other criminal proceeding shall be commenced within twelve calendar months, after such offence shall have been committed.

Note. This clause has been added as a matter of justice.

43. And it is further ordered, that the Governor or Acting Governor of the said island, shall, within one month next after this present Order shall be received by him, make known the same by Proclamation throughout the said island, and that the said Order shall be in force in one calendar month next after the date of such Proclamation, and not before.

Note. One month might not be sufficient.

NATHANIEL BLACKWELL, Colonel,
Administering the Government.

No. 11.

SIR,

Pavilion, St. Lucia, September 17, 1824.

AT the request of His Majesty's Commissioners of legal enquiry, communicated to me by letter, from Barbadoes, of the 13th September, I have the honour to transmit their draft of the Slave Order, as framed in conjunction with me, and, as I forward my own draft, drawn up in conformity with the instructions of the 8th May, to Lord Bathurst, by this same opportunity, containing in detail an explanation of the alterations made by me in the Trinidad Order adapting it to the circumstances of this island; I have the honour to refer you to these documents for further particulars.

I have the honour to be, Sir,

your most obedient humble servant,

(Signed) NATHANIAL BLACKWELL.

Wilmot Horton, Esq. M. P.

&c. &c. &c.

Draft of an Order in Council.*

1. *WHEREAS it is necessary that provision should be made for the religious instruction of the Slaves in His Majesty's island of Saint Lucia, and*

* *Note.*—Italic type is employed to distinguish those parts of the Draft which are new or remodelled; those in which the Roman type is retained correspond exactly with the Trinidad Order.

for the improvement of their condition: and whereas for these purposes, it is expedient that an office of protector and guardian of Slaves should be established in the said island, and the duties thereof clearly defined, and provision made for the support of such office; His Majesty is therefore pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that there shall be established in the said island an office of protector and guardian of Slaves, and that such officer shall be appointed by His Majesty. And that as such protector and guardian of Slaves he shall receive and be paid, at the time and in the manner hereinafter mentioned, such salary as His Majesty shall be pleased to appoint, and that such salary shall commence from and after the day of , and that on or before that day, if possible, or if not then so soon afterwards as conveniently may be, the said protector and guardian of Slaves shall appear before the Governor, or Acting Governor for the time being, of the said island, and in his presence shall take and subscribe an oath in the following words, that is to say:—

“ I, A. B. do swear, that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of protector and guardian of Slaves in the island of *Saint Lucia*, without fear, favour, or partiality.—So help me God.”

2. And it is hereby further ordered, that the said protector and guardian of Slaves shall establish and keep an office in the town of *Castries*, in the said island, and shall regularly attend at such office on such days, and during such hours of the day, as the Governor or Acting Governor of the said colony, by any general or special orders to be by him from time to time issued, may appoint; and shall at such office, and not elsewhere, keep, deposit, and preserve the several records, books, papers, and writings hereinafter directed to be kept by him.

3. And it is further ordered, that the said protector and guardian of Slaves shall not at the time of his appointment, himself, or his wife, his child or children, directly or indirectly be the owner or proprietor of any plantation situate within the said island, or elsewhere, or of any Slaves or Slave employed or worked upon any plantation or in any kind of agriculture, nor for any other purpose whatever, save and except domestic purposes, in respect to which it shall be lawful for every such protector and guardian of Slaves to have, hold, hire, and employ Slaves, not exceeding five in number. And such protector and guardian of Slaves shall not himself, or wife, or child, or children, have any share or interest in, or any mortgage or security upon any such plantation, Slaves or Slave, and such protector shall, and is hereby declared to be incompetent to act as, or be the manager, overseer, agent, or attorney of, for or upon any plantation or estate within the said island, or elsewhere, or to act as the guardian, trustee, or executor, of any person or persons having or being entitled to any such plantation, or any Slaves or Slave: and it is hereby further ordered, that in case any such protector and guardian of Slaves within the said island, or his wife, child, or children, shall after and during his said appointment possess or become entitled to any such interest aforesaid, by free gift, devise, bequest or descent, for his or their benefit, or in trust for him or them, he shall, in all such cases, give notice in writing thereof, within the space of one calendar month after he shall become acquainted with the same, to the Governor or Acting Governor for the time being, who is hereby authorized to appoint a deputy or to make such other order provisionally for the execution of the said office as he may think proper, until His Majesty's pleasure shall be known thereon: and it is hereby further ordered, that if such protector and guardian of Slaves shall, after and during such his appointment, act as such manager, overseer, agent, attorney, guardian, trustee, or executor as aforesaid, or shall acquire, otherwise than as is hereinbefore mentioned, any plantation or Slaves or Slave in the said island, or elsewhere, or any interest therein, save for domestic purposes as aforesaid, or omit to give the notice hereinbefore required, then and in every such case he shall thenceforth de facto cease to be such protector and guardian of Slaves as aforesaid, and forfeit such his salary, and some other fit and proper

person shall forthwith be appointed to succeed to the said office ; provided, nevertheless, that all acts which may be done by or by the order of any such protector and guardian of Slaves after any such avoidance as aforesaid of such his office, and before the same shall by public notice in the Gazette of the said island be declared void, shall be as valid and effectual in the law as if no such avoidance of office had occurred.

4. And it is further ordered, that the said protector and guardian of Slaves shall be resident within the island, and shall not quit the same without a special licence to be granted for that purpose by His Majesty, through one of his principal Secretaries of State, or by the Governor or Acting Governor for the time being of the said island ; and no such licence shall, in any case, be granted for any time exceeding three months, nor shall any such licence be granted by any such Governor or Acting Governor as aforesaid, unless it shall be made to appear to him, on the oath of some medical practitioner, that such absence is necessary for the recovery of the health of the said protector and guardian of Slaves.

5. And it is further ordered, that upon the death or resignation of the said protector and guardian of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the said island, it shall be lawful for the Governor or Acting Governor to nominate and appoint some other fit and proper person to act as the deputy for the said protector and guardian of Slaves, until His Majesty's pleasure shall be known ; and the said deputy shall receive such allowance, to be deducted from and out of the salary of the said protector and guardian of Slaves, as the Governor or Acting Governor for the time being of the said island shall be pleased to appoint : provided always, that no persons shall be appointed, or be competent to act as such deputy as aforesaid, who, according to the provisions of this Order, would be incompetent to act as the protector and guardian of Slaves : *and it is hereby further ordered, that every deputy so to be appointed shall before he enter upon the execution of the said office, appear before the Governor or Acting Governor of the said island, and in his presence shall take and subscribe the oath hereinbefore appointed to be taken and subscribed by the protector and guardian of Slaves.* Provided also, that the protector and guardian of Slaves in the said island shall at all times perform his duty in person, and not by deputy, except only in cases in which the Governor or Acting Governor of the said island is hereinbefore authorized to appoint a deputy for that purpose.

6. *And it is hereby further ordered and declared, that upon any accusation or complaint made by any Slave to the said protector and guardian of Slaves, and in all cases wherein he deems it necessary, it shall be lawful for such protector and guardian of Slaves to summon the parties and their respective witnesses, and to secure their persons when necessary on authority to be previously obtained from the Governor or Acting Governor for that purpose ; and to take their examinations in writing, and if necessary to administer an oath ; and shall if he deems it proper after such examination, institute a criminal or civil proceeding against the party accused or complained against in the ordinary course of law, as the case may require.*

7. *And it is hereby further ordered, that the Commandant of the several quarters within the said island, and in case of their absence or incapacity from sickness, or otherwise the Lieutenant Commandants, shall be, and they are hereby declared to be, assistant protectors and guardians of Slaves in their several and respective quarters, the said protector and guardian, or his lawful deputy not being in such quarter at the time. And for such purpose they are hereby authorized and required to take preliminary examinations, and to administer an oath in such cases as they shall deem necessary, and to secure the persons and attendance of parties and witnesses when necessary, and in all other matters to aid and assist the protector and guardian of Slaves in the execution of the powers hereby committed to him ; and for that purpose*

to obey and carry into execution such lawful instructions as they may from time to time receive from the said protector and guardian of Slaves about or in relation to the matters herein mentioned, or any of them; and in all such cases when required by the said protector and guardian of Slaves to transmit to him the original proceedings and their report thereon without delay: and it is hereby further ordered, that the Governor or Acting Governor for the time being of the said island shall be, and he is hereby authorized and empowered to make such orders and provisions from time to time as he shall deem necessary to carry this Order into effect; and also to enforce the due service and execution of all lawful orders, warrants, or summonses to be issued by the said protector and guardian of Slaves, and the several Commandants or Lieutenant Commandants of quarters as the case may be: and if necessary to allot such fees as he may think just and proper; the same to be set forth and specified in a docket or tariff of fees to be by him framed and established for that purpose. And in case of any false, unfounded, frivolous, or vexatious accusation, or complaint by any Slave to such protector, or to the Commandant, or Lieutenant Commandant of any quarter, as the case may be, and of his dismissal of the same as false, unfounded, frivolous, or vexatious, the said protector of Slaves, or Commandant, or Lieutenant Commandant as the case may be, is hereby directed, ordered and required to certify in writing, on the application of the party accused or complained against, that such accusation or complaint was false, unfounded, frivolous, or vexatious; and the Procureur du Roi shall in respect of such false, unfounded, frivolous, or vexatious complaint, or accusation, and at the request of the party obtaining such certificate, and upon such certificate, but not otherwise, proceed against such Slave before the proper tribunal according to the ordinary course of law, and for such purpose the said Procureur du Roi is hereby authorized to demand from the said protector of Slaves, or Commandant, or Lieutenant Commandant as the case may be, the original examinations in writing taken by him in such matter. Provided always, and it is hereby declared, that such certificate so to be granted as aforesaid, shall not be deemed, or held, or taken as conclusive evidence of the fact, on the trial of such Slave, that such accusation or complaint was false, unfounded, frivolous, or vexatious: and it is hereby further ordered, that no punishment shall be inflicted by any owner or other person upon any Slave, in respect of any accusation or complaint made by him or her before the said protector of Slaves, or Commandant, or Lieutenant Commandant as the case may be, except under and by virtue of such prosecution as aforesaid. Provided always, that in every case relating to the domestic Slaves of the said protector, the Procureur du Roi shall have, and is hereby invested with the same power and authority as the protector of Slaves has by virtue of this Order, in regard to the Slaves of other persons.

8. And it is hereby further ordered, that in all prosecutions, actions and suits which may at any time hereafter be brought, or commenced, in any tribunal or Court of Justice within the said island, wherein any Slave may be charged with any offence of such a nature that it may be punished by death, or transportation, or by hard labour in the chain-gang, or imprisonment exceeding months, or by whipping exceeding lashes; or wherein any question may arise as to the right of any alleged Slave to freedom; or wherein any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, or wherein any question may arise respecting the right of any Slave to any such property as he or she is hereinafter declared competent to acquire, then and in every such case, such notice shall be given to the protector and guardian of Slaves of every such prosecution, action or suit as according to the law of the said island would be given to the said Slave, if he or she were of free condition. And the protector and guardian of Slaves shall, and he is hereby required to attend the trial or hearing, and all other the proceedings in every such prosecution, action or suit, as the protector of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of such Slave, and in the same manner as the party himself or

herself might do, without prejudice, however, to the right of the owner or representative of the owner, or of the manager of the said Slave, to appear and assist in such case.

9. And whereas His Majesty hath been graciously pleased to intimate His intention to make effectual provision for the religious instruction of the Slaves in the said island of *Saint Lucia*; and it will be proper and necessary, so soon as such His Majesty's intentions can be carried into effect, that Sunday markets should be utterly abolished throughout the said island: it is therefore hereby further ordered, that it shall and may be lawful for the Governor, or Acting Governor for the time being, of the said island, and he is hereby required, in obedience to any instruction which may for that purpose be issued by His Majesty, through one of His principal Secretaries of State, to issue a Proclamation, in His Majesty's name, for the discontinuance of all markets throughout the said island on the Sunday; and so soon as such Proclamation shall have been issued, all Sunday markets shall forthwith cease, and be absolutely unlawful. And in any such Proclamation the said Governor or Acting Governor shall and may, and is hereby authorized to make, all such rules and regulations as may be necessary for the effectual suppression of such markets, and to impose such penalties as may be requisite for giving effect to any such rules and regulations. *And whereas it is expedient, that the existing laws and regulations, in respect of markets to be holden in the said island on Sundays, should continue and be in force throughout the said island in the mean time, and until such Proclamation as aforesaid shall be issued for the abolition of Sunday markets; it is therefore hereby ordered, that all laws and regulations now in force in the said island, relating to the said markets, shall continue in force within the said island, until a Proclamation shall be issued in manner aforesaid for the abolition of Sunday markets therein.*

10. *And it is hereby further ordered, that if any person or persons within the said island, shall work or employ any Slave against his or her consent, at any time between sun-set on any Saturday and sun-rise on any Monday, or shall, during that period, compel any Slave to perform or engage in any labour for the profit or advantage of his or her owner, manager, or employer, the person or persons so offending shall incur and become liable to a fine, not exceeding fifty, nor less than five dollars. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to any work or labour which any Slave may be required to perform during such period, in the necessary attendance upon the person or persons in the family of his or her owner, proprietor, attorney, manager, or other representative of the owner or employer, or in the preservation of the cattle or live stock upon any plantation or estate; or in any work or labour unavoidably necessary for the preservation of the plantation or estate, or the crop or works thereon; or in any other case of imperative necessity.*

11. And it is further ordered and declared, that it is, and shall henceforth be, illegal for any person or persons within the said island of *St. Lucia*, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of any Slaves or Slave in or upon the fields or cane pieces upon any plantation within the said island, or to use any such whip, cat, or other instrument for the purpose of impelling or coercing any Slaves or Slave to perform any labour of any kind or nature whatever, or to carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument of the like nature, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same over any Slaves or Slave; and in case any person or persons shall carry any whip, cat, or other instrument of the like nature while superintending the labour of any Slave or Slaves in or upon any plantation or cane-piece within the said island, or shall use any such whip, cat, or other instrument as aforesaid, for the purpose of impelling or coercing any Slave or Slaves to perform any labour of any kind or nature whatsoever, or shall carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument as aforesaid, as a

mark or emblem of their, his, or her authority over any Slave or Slaves, the person or persons so offending, and each and every person who shall or may direct, authorise, instigate, procure, or be aiding, assisting, or abetting, in any such illegal driving, or use, or exhibition of any such whip, cat, or other instrument as aforesaid, shall be, and be deemed adjudged and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided.

12. And it is further ordered and declared, that it is, and shall henceforth be, illegal for any persons or person to inflict in any one day upon any male Slave, for any crime or offence, or for any reason whatsoever, any number of stripes or lashes exceeding twenty-five in the whole, or to inflict upon any such male Slave any punishment or correction by the whipping, scourging, or beating of his person, unless the person of such Slave shall, at the time of such punishment or correction, be free from any *unhealed wound or laceration* occasioned by any former whipping, scourging, or beating, or to inflict upon any such male Slave any punishment or correction by the whipping, scourging, or beating of his person, *which is required to be recorded by this Order*, until twenty-four hours at the least shall have elapsed from the time of the commission of the offence for, or in respect of, which any such punishment or correction may be so inflicted; or to inflict upon any such male Slave any such punishment or correction as aforesaid, unless one person of free condition shall be present at, and witness the infliction of, such punishment, other than and besides the person by, or *the person* by the authority of whom the same may be so inflicted; and in case any person or persons shall inflict, in any one day upon any male Slave, any number of stripes or lashes exceeding twenty-five in the whole, or shall whip, scourge, or beat any such male Slave at any time when there may be upon his person any *unhealed wound or laceration* occasioned by any former whipping, scourging, or beating, or shall inflict upon any such male Slave any such punishment or correction *required to be recorded under this Order* as aforesaid, within twenty-four hours next after the commission of the offence, for and in respect of which the same may be so inflicted, or without the presence and attendance during the whole of such punishment of some person of free condition other than and besides the person by, or *the person* by the authority of whom the same may be so inflicted, the person or persons so offending, and each and every person who shall or may direct, authorise, instigate, procure, or, *being a person of free condition*, be aiding, assisting, or abetting, in any such illegal punishment of any male Slave, shall be, and be deemed to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereafter provided: provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishments which may be inflicted upon any male Slave, under, or by virtue of, any sentence or judgment of any court of competent jurisdiction within the said island.

13. And it is hereby further ordered, that henceforth it shall not be lawful to correct or punish by flogging, or whipping, any female Slave within the island of *St. Lucia*, for any offence committed, or alleged to be committed, by any such Slave; and if any person or persons within the said island shall flog, whip, or correct any female Slave, with any whip, cat, stick, or other such like instrument, the person or persons so offending, and each and every person who shall or may direct, authorise, instigate, procure, or be aiding, assisting, or abetting in any such correction or punishment as aforesaid, of any such female Slave, shall be, and be deemed, adjudged, and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided. And whereas it is necessary that effectual means should be adopted for punishing such offences as may hereafter be committed by female Slaves within the said island; it is therefore hereby ordered, that any female Slave who shall or may commit any offence

within the said island, which by the laws in force there, was heretofore punishable by flogging, shall for such her offence, be subject and liable to imprisonment, or to be confined in the stocks, or to such other punishment or correction as may be necessary for the effectual suppression of such offences, and as may be specially sanctioned in, and by any Proclamation to be hereafter issued by the authority, and in the name of His Majesty, in the said island. And the Governor or Acting Governor of the said island, shall and is hereby authorised to make and ordain such rules and regulations as may be necessary for preventing any excess in such punishments, or any abuse in the mode of inflicting the same: provided that such rules and regulations be not in any wise repugnant to this present Order: and provided also that the same be forthwith transmitted by such Governor or Acting Governor as aforesaid, for His Majesty's approbation; and that all such rules or regulations shall cease to be binding or in force within the said island, unless His Majesty's allowance thereof shall be signified to such Governor or Acting Governor, within two years next, after the date of such rules and regulations. *Provided always, however, and it is hereby declared, that nothing herein contained shall extend, or be construed to extend, to any punishment which may be inflicted upon any female Slave, under or by virtue of any sentence or judgment of any Court of competent jurisdiction within the said island, or to prohibit or render unlawful the infliction of such reasonable and moderate chastisement as parents, guardians, preceptors, and masters may by the law of England, inflict upon their children, wards, pupils and servants, male or female respectively under the age of twelve years. And provided also that in all cases in which any female Slave shall be condemned by the sentence of any Court of competent jurisdiction, to be whipped, such punishment shall be inflicted privately and with a cat or rod.*

14. *And it is hereby further ordered, that there shall be kept upon every plantation and estate throughout the said island, containing any quantity of land exceeding two quarées,* employed in the cultivation of coffee, sugar, cotton, or cocoa, a book to be called the plantation record book, and that it shall be the duty of the owner, proprietor, manager, or other person having the direction of, or the chief authority in, the said plantation, as the case may be, ordering the infliction of any punishment, to enter and record, or cause to be entered and recorded, in the said book, at or immediately after the time of the infliction of any punishment whatsoever, on any female Slave above the age of twelve years, hereby authorised, or hereafter to be authorised, or on any male Slave above that age, who may be punished with any number of stripes exceeding in any one day, a statement of the nature and particulars of the offence for or in respect of which such punishment may be inflicted; and of the time at which, and the place where such offence was committed: and of the time at which, and the place where such punishment was inflicted; and of the nature, extent, and particulars of the punishment; and in cases of male Slaves above the age of twelve years, of the number of stripes actually inflicted upon the offender, together with the names of the person by whom, and by the authority of whom the punishment was inflicted; and of the persons or person of free condition present and attending at the infliction of every such punishment. And it is hereby further ordered, that such plantation record book shall be printed, with proper and convenient columns for the several entries required by this Order, and also with the forms of the affidavits hereinafter required; and be furnished by the protector of Slaves, at the expence of the colony to the several plantations and estates therein: and that no matter or thing shall be inserted in the said book except the matters and things hereby required to be therein entered or relating thereto.*

* 1 Quarée is equal to three and one-fifth English acres.

Provided also, and it is hereby declared, that it shall not be lawful to use the cart whip in the infliction of any punishment not hereby required to be recorded.

15. *And it is hereby further ordered, that if any person being the owner proprietor, or manager of any plantation or estate within the said island, or having the direction thereof, or the chief authority therein, shall neglect or omit to make or cause to be made in the said plantation record book, any entry which, according to the provision of this present order, ought to be made therein, or shall not make or cause to be made such entry, within two days next after the infliction of each and every punishment to which the same may refer, the person so offending shall incur and become subject and liable to a penalty not exceeding one hundred pounds, nor less than five pounds sterling British money; to be proceeded for either against the owner, proprietor, or manager, whose duty it was to make such entry, as the case may be, and applied in manner hereinafter mentioned. And if any person or persons shall wilfully or fraudulently make, or cause or procure to be made, any false entry or fraudulent erasure in any such plantation record book, or shall wilfully or fraudulently burn, destroy, cancel, or obliterate the same or any part or parts thereof, or cause or procure the same to be done, the person or persons so offending shall be, and be deemed and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided.*

16. *And it is hereby further ordered, that the owner, proprietor, or manager, or other person having the chief authority within each and every plantation or estate, within the said Island, shall on the first Monday which shall happen next after the fifth day of the twenty-ninth day of the twenty-fourth day of and the twenty-fifth day of in each year repair to the Commandant or Lieutenant Commandant for the time being of the quarter in which such plantation or estate may be situated, and then and there produce to and deposit with him the said original plantation record book, and shall also take and subscribe an oath in the following words, (that is to say),*

*“ I, A. B. the owner, proprietor, or manager (as the case may be), of the plantation called in the quarter of in the Island of St. Lucia, do make oath and say, that the plantation record book by me now produced and deposited, hath been punctually and accurately kept, since the day of in the manner by law required, and that no fraudulent erasure or false entry hath been made therein, by me or by any person by my procurement, or with my knowledge or consent.
“ So help me God.”*

And in case any such owner, proprietor, or manager as aforesaid shall not, since the time of making his last preceding return to the Commandant or Lieutenant Commandant of the quarter, as the case may be, have inflicted or caused to be inflicted any punishment upon any female Slave, above the age of twelve years, as before provided, on his plantation or estate, or any punishment on any male Slave above the said age, exceeding stripes or lashes, then, and in every such case, in lieu of the oath aforesaid, such owner, proprietor, or manager shall at the several times aforesaid, take and subscribe, before the Commandant or Lieutenant Commandant of the quarter in which such plantation may be situate, an oath in the following words, (that is to say),

“ I, A. B. do swear, that since the day of now last past, no punishment hath been inflicted by me, or by my order, or with my knowledge, upon any female Slave, above the age of twelve years, belonging or attached to the plantation called situate in the quarter of whereof I am the owner, proprietor, or manager (as the case may be;)

“ and that no punishment hath since the said day of been
 “ inflicted upon any male Slave above the age of twelve years, belonging or
 “ attached to the said plantation, exceeding stripes or lashes. And I
 “ further swear, that no entry of any such punishment hath since the said
 “ day of been made in the plantation record book of the said plantation.
 “ So help me God.”

And it is hereby further provided, that if any owner, proprietor, or manager, whose duty it may be to make such entries as aforesaid, shall die in the interval, between the times when such plantation record book is directed to be sworn to, or such owner or proprietor shall cease to be such, or such manager shall be discharged or quit in such interval, then and in such case a note in writing shall be made of the same, in the plantation record book, by the new owner or proprietor, or the new manager, as the case may be; and the said plantation record book shall within the space of one week be delivered to the Commandant or Lieutenant Commandant; and such new owner, proprietor or manager shall thereupon receive from the said Commandant or Lieutenant Commandant, a new plantation record book, and the said new owner or proprietor, or new manager, shall at the next quarterly return of the said plantation record book, be required only to make a return from the time they so became such new owner, proprietor, or manager as aforesaid.

17. *Provided always and it is further ordered, that the Commandant of each and every quarter within the said island, or the Lieutenant Commandant in case of the sickness or absence of such Commandant shall, fourteen days at least before the time of making the returns, give public notice of the time and place at which he will attend for the purpose of receiving the returns, and administering the oaths aforesaid, and the said Commandant or Lieutenant Commandant shall, and is hereby required to attend from day to day for three successive days, and no more, between the hours of and , for the purposes aforesaid; and in case it shall be made to appear to such Commandant or Lieutenant Commandant by the certificate of any medical practitioner or otherwise, that any person or persons bound to make such return is, or are by reason of sickness incapable of attending for that purpose, at the time and place so to be appointed as aforesaid, then and in every such case the said Commandant or Lieutenant Commandant shall, and he is hereby required to attend the person or persons so incapacitated, at his, her, or their place or places of abode, for the purpose of receiving the said returns, and taking such affidavits as aforesaid.*

18. *And it is hereby ordered, that if any person or persons hereby required so to do, shall refuse or neglect to make any return, or to take and subscribe the oaths required by this present Order, the person or persons so offending, shall incur and become liable to the payment of a fine, not exceeding one hundred pounds nor less than ten pounds sterling, British money; to be recovered and applied in manner aftermentioned.*

19. *And it is hereby further ordered, that the Commandant or Lieutenant Commandant of each and every quarter in the said island shall, and he is hereby required to, transmit to the protector and guardian of Slaves of the said island, at his office in the town of Castries, the whole of the returns so to be made to him as aforesaid, together with the original affidavits thereunto annexed, within fourteen days next after such quarterly returns shall be complete. And in case any such Commandant or Lieutenant Commandant shall himself be the owner, proprietor, or manager of any plantation or estate, he shall, together with the said returns, deliver to the said protector and guardian of Slaves, his own original plantation record book for the last preceding quarter*

of a year, together with an affidavit to be by him sworn before the *Senechal*, or an adjoining *Commandant* or *Lieutenant Commandant* of the said island, in the manner and form hereinbefore described, under such and the like penalty as is hereinbefore mentioned in the case of other persons refusing or neglecting to make their returns, or to take the before-mentionend oaths.

20. *And it is hereby further ordered, that the said protector and guardian of Slaves shall keep together all the returns for each quarter separate and distinct from the returns of other quarters, and that the same be bound up in books or otherwise carefully kept and preserved as may be most convenient for reference, and that exact indexes be also made of the names of the persons and estates comprized in such returns, so that a reference, when required, may be easily made thereto.*

21. *And it is hereby ordered, that upon any charge made against any person being the owner, proprietor, attorney, or manager of any plantation for inflicting, or causing or procuring to be inflicted, on any Slave or Slaves any punishment hereby declared illegal, if the Slave so alleged to be illegally punished shall present himself before the protector and guardian of Slaves, or the Commandant or Lieutenant Commandant of the quarter, and the marks or traces of recent flogging or laceration shall appear on the person of such Slave, the protector of Slaves, or the Commandant or Lieutenant Commandant shall, in such case, make a note or entry thereof, and transmit a certified copy of the same to the Procureur du Roi for the purpose of his proceeding thereon according to law; and if, upon the trial of such charge, the said Slave shall in open Court declare such traces to be the consequences of any such unlawful punishment or correction, and being duly sworn and examined by the said Court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then and in every such case, although such Slave should not otherwise be a competent witness within the provisions of this present Order, the owner, proprietor, attorney, or manager, or other person having the charge of such Slave, shall be bound to make oath, or prove either that the punishment of which the marks and traces may be so apparent was not inflicted by him or by his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment within the meaning of this Order, and was inflicted in the presence of one such witness of free condition, as is required by this present Order, and in default of such oath or other proof, such owner, proprietor, attorney, or manager, or other person as aforesaid, shall be convicted and adjudged to be guilty of the offence charged upon him. Provided nevertheless, that notwithstanding such oath of the said owner, proprietor, attorney, or manager, or other person as aforesaid, or other evidence or both, it shall be lawful for the Court to determine upon the whole matter before it, on the guilt or innocence of the party accused. And it is further ordered, that it shall not be lawful for the Procureur du Roi to discontinue any prosecution so to be instituted as aforesaid, at the instance of the protector and guardian of Slaves, except by virtue of an order in writing, to be for that purpose issued under his hand and seal, by the Governor, or Acting Governor for the time being of the said Island.*

22. *And it is further ordered, that any persons being in a state of slavery, who may be desirous to intermarry, shall produce the consent in writing of their owner or owners, attorney or attornies, manager or managers, to the celebration thereof: but in case the owner or owners, attorney or attornies, manager or managers, or either of them, shall refuse to consent to any such marriage, or to give such written permission for the celebration thereof as aforesaid, then and in every such case the said Slaves shall be at liberty to apply to the protector, or one of the assistant protectors, for a licence who shall thereupon issue a summons under his hand and seal requiring the owner*

or manager of such Slaves, or the persons or person under whose direction such Slaves may be, to appear before him, by themselves or their agents, at some convenient time and place, to be for that purpose appointed, such time being not more than fourteen days distant from the time when such application as aforesaid, shall be received by such protector and guardian of Slaves, or Commandant as aforesaid. And if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said protector of Slaves, or Commandant, or appearing, shall fail to lay before him, good and sufficient proof that such proposed marriage would be injurious to the well-being of the said Slaves, then and in every such case, the said protector and guardian of Slaves, or Commandant, shall, without fee or reward, issue a licence under his hand and seal, thereby authorising any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic Religion, or any public teacher of religion within the said island, carrying on there no other profession, business, or occupation of profit except that of a schoolmaster, to solemnize the marriage of the said Slaves. And it shall and may be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such licence, to solemnize any such marriage as aforesaid, and the same, when so solemnized, shall to all intents and purposes, be binding, valid, and effectual in the law; and any person by whom any such marriage may be so solemnized, by virtue of any such licence, *or with the owner's consent*, shall within fourteen days next after the solemnization thereof, under a penalty of not more than twenty pounds, and not less than five pounds sterling, transmit to the said protector of Slaves, a certificate of the solemnization of such marriage; and the said protector and guardian of Slaves shall register in a book, to be by him kept for that purpose, every marriage which may be so solemnized, with the date thereof, and the names, descriptions and places of abode of the parties contracting, and of the person solemnizing every such marriage: provided, nevertheless, that nothing herein contained, shall extend, or be construed to extend, to render any marriage between persons in a state of slavery, valid or effectual, which would be illegal or void, if such persons were of free condition.

23. *And it is further ordered, that it shall not be lawful in the execution of any judgment, sentence, decree or order of any Tribunal, or of any Court of Justice within the said island, to seize and sell in satisfaction thereof any Slave having a husband, or wife, or a child under the age of sixteen years, or a reputed husband, or wife, or child under the age aforesaid, who may be the property of the same persons or person, unless such husband, and wife, and child, or reputed husband, wife or child shall be sold together, and in one and the same lot, and to the same person or persons. And for the purpose of giving better effect to the said provision, it is hereby ordered, that in every case in which any Slave having such relative or relatives as aforesaid shall be seized under or by virtue of any such execution as aforesaid, such seizure shall be and be deemed a seizure in law of the husband, wife or of the child under the age of sixteen years, or of the reputed husband, wife or child of the age aforesaid, of such Slave so seized and sold as aforesaid.*

And for the said purpose it is also further ordered, that every Slave so seized, and his or her owner or manager shall be required by the Provost Marshal or his officer to declare whether such Slave has any such relatives as aforesaid, and to point out, name, and produce the same, in order that they may be inserted in the return of the said officer and be taken possession of and sold together, and in one lot.

24. *And whereas by the usage of the said island of Saint Lucia, persons in a state of slavery have hitherto been permitted to acquire, hold and enjoy personal property free from the controul, or influence of their owners: and it*

is expedient that the said laudable custom should be recognized and established by law ; and that provision should be made for enabling such slaves to invest such their property on good security ; it is therefore hereby ordered and declared, that no person in the island of St. Lucia, being in a state of slavery, shall be, or be deemed or taken to be, by reason or on account of such his condition, incompetent to purchase, acquire, possess, hold or enjoy, alienate or dispose of property, but every such slave shall, and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate and dispose of lands, situate in the said island, or money, cattle, implements or utensils of husbandry or household furniture, or other effects of such or the like nature, of what value or amount soever, and to bring, maintain, prosecute and defend any criminal process, or civil suit or action in any Court of Justice, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition.

Provided always, that in cases of any criminal process, or civil suit, or action to be brought or defended by any slave in respect to such property, the protector of slaves shall appear for and represent the said slave in such criminal process or civil suit or action, which he is hereby required and authorized to do on being satisfied of the validity of the title or interest of the said slave, or of the justice of the complaint : and that in no such criminal process, or civil suit, or action shall any slave be permitted to leave the estate to which he belongs for the purpose of attending the proceedings or trial at Custries, without the consent in writing of his owner, or the attorney, or manager ; provided, nevertheless, that in case such owner, attorney, or manager shall refuse to grant the same, the licence of the protector of slaves for such purpose shall be held sufficient if he shall deem the same necessary.

And it is further ordered, that in all cases of criminal proceedings, or civil suits, or actions, instituted or defended by or on the part of any Slave, he, or she shall be held liable for the payment of damages and costs, as if he or she were of free condition, save and except in so far as regards the person of such slave.

25. And it is hereby further ordered, that Savings Banks shall be established within the said island, for the better preserving the property of any such Slaves, and that interest, at and after the rate of five pounds per centum per annum, shall be allowed upon the amount of every sum of money which may be deposited in any such Savings Banks, which interest shall be a charge upon the general revenues of the said island. And any Slave making any deposit of money in any such Savings Banks, shall be at liberty to make a declaration of the manner in which, and the names of the person or persons to whom, in the event of his or her death, the amount of his contributions to the said Savings Banks shall be paid, applied, and disposed of ; and such declaration shall be recorded in a book to be kept for that purpose at the Savings Banks where such deposit may be made, and upon the death of the Slave making such declaration, the same shall be deemed, and taken to be the last will and testament of such Slave, in the absence of any other last will ; and in case any such Slave shall marry after having made any such declaration, such marriage shall be, and be deemed, and taken to be, a revocation in the law of such declaration ; and it is further ordered, that in case any Slaves or Slave in the said island shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of such Slave shall go, and be disposed of, to and in favour of such persons or person, as by virtue of the several acts of Parliament for the distribution of intestates' estates, would, according to the law of England, be entitled to any such property.

Provided always, however, and it is hereby declared, that in every such case, if such intestate slave shall not have any lawful wife or hus-

band or legitimate child, his or her reputed wife or husband and reputed child or children, (if any) shall become entitled to and take the property of such intestate slave in such manner as his or her lawful wife, or husband and legitimate child or children could have done if he had had any such.

Provided also, and it is hereby ordered and declared, that by the terms, reputed husband and reputed wife shall be understood for all the purposes of this Order, such male and female slaves as shall be notoriously living and cohabiting together at the time in reference to which it is necessary to determine who shall be considered the reputed husband or the reputed wife; and that the issue of such slaves so living and cohabiting together, shall alone be deemed and considered as his or her reputed children.

26. And it is hereby further ordered, that the Savings Banks throughout the said island shall be under and subject to the controul and inspection of the protector of Slaves; and that the Governor or Acting Governor for the time being, for the said island, shall, and is hereby authorised to appoint such proper and necessary officers, and to make such rules and regulations as may be best adapted for managing the business of the said Banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies therein to be deposited:—provided that such rules and regulations be not repugnant to this present order, and that the same be forthwith transmitted for His Majesty's approbation, through one of His Majesty's Principal Secretaries of State.

27. And it is hereby further ordered, that no deposit of money shall at any one time, or within any one week, be received at any of the said Savings Banks, from any Slave, exceeding the sum of twenty dollars in the whole, unless such Slave, at the time of tendering any such deposit, shall produce the consent in writing of his owner, *or the attorney*, or manager, to such deposit being made; and in case any Slave shall be desirous at any one time, or in any one week, to make any such deposit of money, exceeding the sum of twenty dollars, and the owner, *or his attorney*, *or the manager* of such Slave shall refuse his consent to such deposit being made, then, and in every such case, the protector and guardian of Slaves, upon application to him for that purpose made, shall issue a summons under his hand and seal, requiring the owner, *or the attorney*, *or manager* of such Slave, or the persons under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner, *or the attorney*, *or manager*, or other person as aforesaid, being duly cited, shall fail to appear before the said protector of Slaves or appearing, shall fail to lay before him good and sufficient cause why such deposit ought not to be made, then, and in every such case, the said protector and guardian of Slaves shall issue an order, under his hand and seal, requiring the manager of the Savings Bank to receive the amount of such deposit, and the same shall be received by him accordingly.

28. And it is hereby further ordered, that no duty, tax, or impost of any nature or kind whatsoever, and that no fee of office shall be hereafter paid or payable within the said island, upon, for, or on account, or in respect of the manumission of any Slave, or the enrolment or registration of any deed of manumission, saving and excepting a fee not exceeding twenty shillings sterling British money, which shall, by the said protector and guardian of Slaves, be paid to the registrar of deeds of the said island, for enrolling and registering every such deed of manumission, and which fee shall be repaid to such protector and guardian of Slaves out of the public revenue of the said colony. And if any person within the said island shall hereafter take, demand, or receive any such tax, duty, impost, or fee of office, save as aforesaid, the person

so offending shall incur and become liable to the payment of a fine not exceeding fifty pounds, and not less than ten pounds sterling British money.

29. And it is hereby further ordered, that in case any Slave within the said island shall be desirous to purchase the freedom of himself, or of his or *her father or mother*, wife, or husband, or child, or brother, or sister, or reputed *father or mother*, wife, or husband, or child, or brother or sister, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself, or of any such other person as aforesaid; and if the owner or proprietor of any such Slave shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage, settlement, or lease, or other charge upon or interest in such Slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of any such Slave; or if the owner or proprietor, or any other person having an interest in any such Slave, shall be a minor, or a married woman, or idiot, or lunatic, or if the real and true owner of any such Slave shall be absent from the said island, or shall not be known, *or have no attorney or representative in the said island*, or if any suit or action shall be depending in any court of justice in the said island, wherein the title to the said Slave, or the right to his services, shall or may be in controversy, or if the owner of any such Slave, *or his attorney*, shall demand as the price of his or her freedom a greater sum of money than may be the fair and just value thereof, then, and in each and every of the cases aforesaid, the *Senechal* of the said island, on application to him for that purpose made by the protector and guardian of Slaves, shall issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the persons or person under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and notice shall also be published by the said protector and guardian of Slaves, in the public Gazette of the said island, on three several days, of the time and place appointed for the purpose aforesaid; and in such notice all persons having or claiming to have any title or interest in or to the Slave proposed to be manumitted, either in their own right or as the guardians, attornies, trustees, or executors of any other person, shall be required to attend and prefer such claims.

And it is hereby further ordered, that if any person of free condition shall be desirous to purchase the freedom of his or her father or mother, wife, or husband, or child, or brother, or sister, or reputed father or mother, wife, or husband, or child, or brother, or sister, it shall and may be lawful to and for every such free person so to do in like manner, and subject to the same provisions and regulations as are herein provided, in respect of the purchase of the freedom of such persons by any slave.

30. And it is hereby further ordered, that at the time appointed for any such meeting as aforesaid, the *Senechal* of the said island, in the presence of the protector and guardian of Slaves, and also in the presence of the owner or manager of the Slaves or Slave proposed to be manumitted, *or other persons interested therein as before mentioned*, or (upon proof being made to him, upon oath, of the due service and publication of such notice as aforesaid, then, if necessary,) in the absence of such owner or manager, *or other person as aforesaid*, shall proceed to hear in a summary way, what may be alleged by the said protector and guardian of Slaves, and by the owner or manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case the parties, or any of them, shall refuse to effect any such manumission, or if it shall appear to the said *Senechal*, that a valid and effectual manumission of any such Slave cannot legally be effected by private contract, or if it shall be made to appear to the said

Senechal, that the owner or proprietor of any such Slave, or that any person having any charge upon, or interest in him or her, is a minor, or a married woman, or idiot, or lunatic, or that the real and true owner of any such Slave, or that any person having any charge upon, or interest in him or her, is absent from the said island, or is unknown, or cannot be found, or *has no attorney or representative in the said island*, or that any suit or action is depending in any court of justice in the said island, wherein the title to the said Slave, or the right to his services, is in controversy, or if it shall appear to the said *Senechal*, that any difference of opinion exists between the protector and guardian of Slaves of the said island, and the owner or proprietor, or other person claiming an interest in the said slave, respecting his or her price or value, then, and in every such case, the said *Senechal* shall require the protector of Slaves, and the owner, manager, or person having the direction of any such Slave, or interest therein, each to nominate an appraiser of his or her value: and the said *Senechal* shall himself nominate an umpire between such appraisers. And the said appraisers being first duly sworn before the said *Senechal*, to make a fair and impartial appraisement, shall, within seven days next after such their appointment, make a joint valuation of the Slave proposed to be manumitted; including in such valuation the expences of appraisement and enrolment; and shall certify such their valuation to the *Senechal* under their hands and seals. And in case such joint certificate shall not be delivered to the said *Senechal* within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall, within the next seven days, certify his valuation, under his hand and seal, to the said *Senechal*, and the valuation to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of registry in the said island, for which a fee not exceeding shall be paid.

31. And it is hereby further ordered, that upon payment to the treasurer of the said island of the appraised value of any such Slave as aforesaid, after deducting therefrom the expence of the said appraisement and enrolment to be allowed by the said *Senechal*, the said treasurer shall grant to the protector of Slaves a receipt for the money so to be received by him. And such receipt shall be duly enrolled in the office of registry in the said island, together with a declaration under the hand and seal of the said *Senechal*, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly had before him, and thereupon such Slave shall be, and be deemed, taken, and reputed to be, free, to all intents and purposes whatsoever.

32. And it is further ordered, that the money to arise from the manumission of any Slave by virtue of the proceedings before mentioned, shall and may be laid out and invested under the authority of the *Senechal* on the application of any person or persons interested therein in the purchase of any other Slave or Slaves; or if no such application shall be made, then such money shall remain in the hands of the public treasurer of the said island at interest, at and after the rate of five pounds per centum per annum, such interest to be borne by, and defrayed out of, the revenues of the said colony, and the Slave or Slaves so to be purchased with the said money as aforesaid; or, in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing due thereupon, shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands, of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission; and the said treasurer

shall hold the said money, and the interest accruing thereupon, subject to such order as the Senechal of the said colony may, upon a summary application of any person interested therein, see fit to make, and such principal money and interest shall by the said treasurer be paid, applied, and disposed of in pursuance of and obedience to any such order.

33. And it is hereby further ordered, that before the manumission of any Slave, by virtue of any private contract for that purpose between such Slave, or *any other person on his behalf*, and *the owner of the said slave*, notice of such intended manumission shall by the owner of such Slave be given in writing to the protector and guardian of Slaves, who on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian of Slaves shall also, without fee or reward, prepare the proper deed of manumission, and the same shall in all cases be executed in the presence of the said protector and guardian of Slaves, or of some proper witness, to be by him appointed for that purpose; and being so executed, shall by such protector and guardian of slaves be enrolled in the office of registry in the said island within one calendar month, next after the date and execution thereof. And in case any such deed shall not be left for enrolment at the said office of registry within the said period of one calendar month, the said protector of Slaves shall incur and be liable to the payment of a fine not exceeding fifty pounds, nor less than ten pounds sterling English money.

34, a. And it is hereby ordered, that in case any such deed of manumission as aforesaid shall be executed voluntarily, and without any valuable consideration passing to the owner or other person effecting such manumission, the Slave or Slaves so to be manumitted shall, before the actual execution of any such deed, appear before the said protector and guardian of Slaves, or before the Commandant or *Lieutenant Commandant* of the quarter in which such Slave may happen to be resident; and if it shall appear to the said protector and guardian of Slaves, or to such Commandant or *Lieutenant Commandant* as the case may be, that the Slave about to be so gratuitously manumitted, is under the age of six years, or above the age of fifty years, or is labouring under any habitual disease or infirmity of mind or body, the owner or other person about to effect such manumission, shall, at the time of the execution of the deed of manumission, execute and deliver under his hand and seal a bond to His Majesty, in the penal sum of two hundred pounds, with a condition thereunder written, for the defeasance thereof, if the said Slave shall be properly fed, clothed, and maintained, until the age of fourteen years, in the case of infants, or during the term of his or her natural life, in the case of adults of the age of fifty years, or labouring under any such sickness, disease, or infirmity as aforesaid; and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of registry, until such bond as aforesaid be duly executed and registered and deposited in the said office.

34, b. *And it is hereby further ordered, that if any person or persons shall hereafter act in the said Island as executor, or as the attorney or representative of any executor, to any last will or other testamentary instrument already made and executed, or hereafter to be made and executed, whereby manumission or any other benefit shall be granted to any slave or slaves in the said island, knowing of such will or other testamentary instrument, or shall in any manner administer or intermeddle with the assets of any such testator in the island aforesaid, and omit for the space of one calendar month after such acting or intermeddling as aforesaid, to furnish to the protector and guardian of slaves for the said island, or his deputy, a notarial or other authenticated copy of*

so much of the said will or other testamentary instrument as shall confer or give such manumission or other benefit, every person so acting or intermeddling, shall forfeit and pay to His Majesty his heirs and successors, for every slave who shall be so directed to be manumitted, or to derive any other benefit under such will or other testamentary writing, the sum of one hundred pounds sterling.

35. And it is hereby further ordered, That every clergyman of the established Church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion in the said island, and every other person being a public teacher of religion within the said island, shall, and is hereby authorized to transmit or deliver under his hand to the Commandant or *Lieutenant Commandant* of the quarter in which he may be resident, certificates setting forth the names or name and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion, to understand the nature and obligation of an oath. And the Commandants and *Lieutenant Commandants* of the several quarters in the said island shall, and are hereby required to, transmit such certificates as aforesaid, to the protector and guardian of Slaves, who shall, and is hereby required to, register the same in a book to be kept by him for that purpose, *with proper indexes* therein stating the date of every such certificate, and the name and place of abode of the person by whom the same may be granted, and of every Slave mentioned and included therein. *And it is further ordered, that the said protector of slaves shall on the application of the slave, so certified as aforesaid, deliver to him or her an authenticated copy of such certificate, without fee or reward;* provided, nevertheless, that no priest, minister, or public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, shall be competent to grant any such certificate as aforesaid, unless His Majesty's principal Secretary of State, having the department of the colonies, or the Governor or Acting Governor for the time being of the said Island of *St Lucia*, shall have granted to such priest, minister, or public teacher, a license in writing to grant such certificates; and, unless such license shall be in force, and have been first registered at the office of the said protector of Slaves.

36. *And it is further ordered, that no person shall be rejected as a witness, or considered as incompetent to give evidence, in any Court of civil or criminal justice in the said island, by reason of his or her being in a state of slavery, if the person or persons producing or tendering him or her as a witness, shall produce and exhibit to the Court a certificate under the hand of the said protector and guardian of slaves, that such proposed witness is registered in the before-mentioned book; and the said protector of slaves shall and he is hereby required to grant without fee or reward to any person making application for the same, a certificate of the fact whether any such proposed witness is or is not registered in the said book. Provided, nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned.*

And it is hereby further ordered, that if any white person shall be convicted upon the evidence of one or more slaves only, or coupled with or in the absence of presumptive evidence, of any offence punishable with death, such punishment shall in every such case be commuted for transportation, or fine and imprisonment.

Provided also, that in all criminal prosecutions against any white person convicted or found guilty, upon the evidence of one or more slaves of the person so found guilty, such slave or slaves shall be sold together, with his, or her, wife or husband, or reputed wife or husband, and their children, or reputed children, and the produce of such sale shall be paid to the owner, if solely entitled thereto, or if only partially interested therein, such purchase-money to be applied as hereinbefore mentioned.

Provided always, that nothing herein contained shall extend to take away or diminish any power and authority, which any Court of criminal jurisdiction in the said colony now hath to admit in any other case, the evidence of persons being in a state of slavery.

Provided also, that nothing herein contained shall extend or be construed to extend, to render any slave a competent witness in any case in which such slave would be incompetent to give evidence, if he or she were of free condition.

37. And it is hereby further ordered, that the salary of the protector and guardian of Slaves, shall by him be taken and received in lieu and in full satisfaction of all fees, perquisites of office, advantages, and emoluments whatsoever; and that if the said protector and guardian of Slaves, shall take or receive directly or indirectly any fee, perquisite of office, advantage, or emolument, other than or besides his said salary, for or in respect of any act, matter, or thing, done or performed by him in the execution of such his office, he shall incur and become liable to the payment of a fine, equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his office.

38. And it is hereby further ordered, That the said protector and guardian of Slaves, shall on the first Monday next after the twenty-fifth day of December, and on the first Monday next after the twenty-fourth day of June in each year, deliver to the Governor or Acting Governor, for the time being of the said island, a report in writing, exhibiting an account of the manner in which the duties of such his office, have been performed during the half year next preceding the date of such his report, and especially stating the number of the actions, suits, and prosecutions in which he may have acted as the protector of any Slave or Slaves, with the dates and effect of all the proceedings therein, and the particulars of all the returns, which by virtue of this order may have been made to him, by the Commandants or *Lieutenant Commandants* of the several quarters within the said island; and the names of the persons, if any, against whom he may have instituted any criminal prosecutions, under and by virtue of this order, together with a statement of the names of all Slaves who may have been certified to him as being competent to give evidence in any Court of Justice, together with the number of licences which may by him have been granted for the marriage of any Slaves, *either by him or by the owner, proprietor, attorney, or manager of such slaves*, with the number of marriages appearing to have been solemnized in pursuance thereof, together with the amount of the sums of money deposited in the Savings Banks in the said island, together with a statement of the names of all the Slaves, manumitted under the authority of this present Order, and the Governor or Acting Governor for the time being of the said colony, shall thereupon administer to the said protector of Slaves an oath, that such report contains a true and accurate statement of the several matters and things, therein referred to; and when, and so soon as the said protector of Slaves, shall have made such his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before, the said Governor or Acting Governor shall issue to the said protector and guardian of Slaves, a warrant upon the

treasurer of the said island, for the amount of his salary for the half-year next preceding the date of such report; and the said Governor shall, and he is hereby required, by the first convenient opportunity, to transmit such report as aforesaid to His Majesty's principal Secretary of State having the department of the colonies.

39. And it is further ordered, that if the protector and guardian of Slaves, or any Commandant or *Lieutenant Commandant*, of any quarter in the said island, or any other person, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the books, records, or returns herein-before required to be made, or shall wilfully falsify any such books, records or returns, or shall wilfully make, or cause or procure to be made, any false entry in any such book, record, or return, or shall wilfully and fraudulently burn, cancel, or obliterate the same, or either of them, or any part thereof, the person or persons so offending shall be, and be deemed, adjudged, and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter directed, *and also forfeit, de facto, their office, and be rendered incapable of holding the same in future.*

40. And it is further ordered, that any of the people called Quakers, who may be resident in the said island, being required to take any of the oaths prescribed by this present order, may, and they are hereby authorized to make their, his, or her solemn affirmation in lieu of such oaths; and that any person taking any oath, or being a Quaker, making his solemn affirmation, under or in pursuance of this order, who shall be convicted of swearing or affirming falsely, shall incur and suffer such punishment, as by the law of the said island may be inflicted on any persons, guilty of wilful and corrupt perjury.

41. And it is hereby further ordered, That any person who may be convicted of any act hereby declared to be a misdemeanor, shall, *if necessary*, be and become liable to a fine not exceeding five hundred pounds, and not less than fifty pounds sterling English money, or to imprisonment for any time not exceeding six months, nor less than one month, or both to fine and imprisonment at the discretion of the Court, by which any such person may be convicted; and in case any person shall be so convicted of any cruelty to any Slave, the said Court shall, and is hereby authorized at their discretion to declare the right and interest of the person so convicted in and to any such Slave to be absolutely forfeited to His Majesty; and all such offences as aforesaid shall be heard, tried, and inquired of, by and before the Court for criminal prosecutions in the said island, and all such pecuniary fines as aforesaid, and all other pecuniary fines imposed by this order, shall be recovered in the said Court, and shall be paid, and payable, in equal moities, one half to His Majesty, and the remaining half to any person or persons who may commence any suit or prosecution for the same.

42, a. And it is further ordered, that if any person shall be twice convicted before any tribunal in the said island, of inflicting upon any Slave any cruel *and* unlawful punishment, the person so convicted shall, in addition to the penalties hereinbefore mentioned, be declared by the Court, before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendent of any Slaves or Slave within the said island; and all and every the Slaves or Slave, of which, at the time of such second conviction, any such person may be the owner or proprietor, *or all his right, title and interest therein as the case may be*, shall thenceforth become, and be absolutely forfeited to and vested in His Majesty, his heirs and successors.

42, b. *Provided always, that no prosecution or other criminal pro-*

ceeding shall be commenced for any offence declared to be such by this Order, unless such prosecution or other criminal proceeding shall be commenced within calendar months after such offence shall have been committed.

43. And it is further ordered, That the Governor or Acting Governor of the said island, shall, within one month next after this present order shall be received by him, make known the same by proclamation throughout the said island; and that the said order shall be in force in one calendar month next after the date of such proclamation, and not before.

Reasons of Alterations in the Trinidad Slave Order.

CLAUSE 3—PART 1.

“Himself or his wife, his child or his children.”

It was thought advisable to add these words “himself or his wife, his child or his children,” to prevent any evasion of the order by secret trusts or near interests.

SAME CLAUSE—PART 2.

It was thought advisable to subdivide this clause in order to meet the possible cases, and avoid the hardship of the protector being, *de facto*, deprived of his office by a contingency over which he could have no controul.

CLAUSES 6 and 7.

It has been found necessary to recast these two clauses in order to meet the difficulties arising from the very vague and undefined powers of the Commandants in this island, their powers being neither so clear nor extensive as those possessed by the Commandants at Trinidad. We have, therefore, proposed to give to them all such powers as seemed absolutely necessary for the purposes of this order, and so to define them, as to render the execution of them less onerous and ambiguous.

Besides, without the power to secure the persons of the parties and witnesses when necessary, all further proceedings on the part of the protector in some cases might be defeated, considering the remoteness of the several quarters, and the difficulties of access.

With a view also to check and punish unfounded complaints on the part of Slaves, and at the same time not to impose this apparently inconsistent duty on the protector, we have ventured to suggest the granting a certificate of the fact at the instance of the party aggrieved, to enable the Procureur du Roi to prosecute.

CLAUSE 8.

We have thought it right to add these punishments to the enumeration, as they are in use in the island, and may be severe; but have left blanks for the extent.

By the report of the Procureur-General, hereto annexed, (letter A.) it will be seen that the punishments contemplated by this clause can only be inflicted in the Grand Criminel, in which case the protector will, by this clause, be entitled to notice.

But as punishments in the police court do not extend beyond twenty-nine lashes, it is probable that the major part of the proceedings against the Slave for unfounded complaints will take place in that court, unless the charge be of a very grave nature; and as the police court is an open one, the protector even in this case may attend at the request of the Slave if he thinks proper.

The power given to the protector by the latter part of this clause, to appear together with the Slave in all prosecutions, actions, or suits, was stated to us,

in a conference with the law officers of this island in presence of the Governor and his secretary, to be a complete subversion of the French law prevailing in this colony, which in cases in the Grand Criminel requires the examination or interrogatories to be taken *au secret*, and does not permit the presence of any other person than the prisoner; but as we conceived the spirit and intention of this clause to be, that on account of the imbecility of the Slave, an official guardian should be as it were identified with him in all the proceedings, to protect him against his own weakness, and against leading questions, we have not recommended any alteration.

The presence, also, of the owner or manager in such cases, may be found highly useful and necessary to the Slave, for many reasons, particularly from his better understanding his character and language.

CLAUSE 9.

As the Governor is of opinion that it might be advisable to continue the Slave-market on Sundays in this island, provided the same closed at a proper hour, we have, accordingly, revised a special draft of the 9th clause, for this purpose; but conceiving that we were not authorized to give any opinion on this head, we have qualified the Trinidad Order in this respect so as to render it locally applicable to this island.

CLAUSE 10.

On account of the various objections to this clause as it originally stood, we have ventured to suggest, in concurrence with the Governor, such alterations as appear in our proposed draft.

We have also thought that by substituting the word "consent" for the prohibitory words, it would be one step towards free labour.

The words added at the end were necessary to give a fair discretion to the court in any case to be brought before it under this clause.

ADDITION TO CLAUSE 13.

In consequence of the difficulties respecting the punishment of children, it was thought advisable to suggest this as a general clause; and further to extend the proviso at the end of the 12th clause to female Slaves.

CLAUSE 14.

In consequence of representations made to the Governor by the law officers at the conference, the quantity of land to constitute a plantation under this order is here defined. For this suggested alteration there are several local reasons, as there are various very small portions of land, some of them not having more than two or three Slaves on them. This seems to bring them within the class of domestic Slaves.

A blank has also been left instead of the word "three," as it has been thought that if the number of stripes were extended to *six*, it may save the Slave, in many cases, from the more heavy and recorded punishment authorized by law, and yet answer all the purposes of due coercion; but to prevent the abuse of this extension of unrecorded punishments, the abolition of the use of the cart whip, in such cases, is here suggested.

CLAUSE 16.

The deposit of the originals instead of sworn copies in this clause, is suggested for many reasons, on the head of evidence; but as the planter will have two blank forms delivered to him without expence, he may preserve a copy for his own use, and have it certified if he thinks it necessary; the labour being precisely the same in each case.

CLAUSE 21.

It has been found necessary to suggest several alterations in this clause, to render it of more easy and certain execution in this island.

In the first place, as the court may not probably be sitting at the time of the complaint, or sufficiently soon afterwards, the view in court of the state of the Slave could not conveniently be had.

The protector has, therefore, been declared competent to take the view in this case, and his certificate of the fact, the evidence of which is thus secured declared sufficient to enable the proper officer (the Procureur du Roi) to proceed *ordinario modo*.

The remaining and more important alteration suggested, has been made with a view to remove the objections that have arisen on the part of the owner, as to the proof of a negative of the Slave's statement and declaration on oath, or otherwise considering it as conclusive.

CLAUSE 22.

The first part of this clause has been omitted, as it was thought desirable to leave to the owner or manager of the Slave, in the first instance, the power of consenting in order to render the interposition of the protector as little necessary as possible.

Whether the solemnities required by the present Law of the island for the marriage of Slaves (Appendix letter B) should be continued or revised, particularly that requiring the presence of *four* witnesses, is submitted for consideration.

It appears further, from the Law at present in force, (Appendix letter C) that the effect of the marriage of the Owner with his Slave, is to free her and the children.

CLAUSE 23.

As difficulties might arise under this clause, when the sum for which execution is levied is small, or not equal to the value of the whole family; and the Marshal might fear to take the whole in execution, it has been thought better, in order to relieve him from any responsibility in this respect, and the better to ensure effect to the clause, to declare the seizure of one such Slave to operate as a seizure of the whole;—the excess on the sale above the amount of the judgment, being to be paid to the owner.

But by the new process in the Saisie Réelle, the seizure of one Slave on an estate can hardly ever occur.

CLAUSE 42.

This clause has occasioned us considerable difficulty from the variety of objections made to its present state. The only ones that appeared to us to have any real weight in them, we have endeavoured to obviate; but we can hardly flatter ourselves that we have succeeded. So far as the Slave possesses property, we have rendered him liable for damages and costs, as some approximation of his case to that of a White person; and to prevent his too frequently leaving the estate under this clause, we have endeavoured to oppose some reasonable check.

The restriction proposed by the Governor of this island to confine the right of the Slave to personal property does not accord with our view of the intention of this clause, which seems rather designed to encourage the Slave to become in time a free tenant and cultivator of his own lands.

It may also be suggested for consideration under this clause, whether a Slave really possessed of considerable property, should not on the application of his owner be bound to purchase his freedom, but we have not ventured to go so far.

CLAUSE 25.

On account of the frequent co-habitation of Slaves in this island, without the previous sanction of marriage, it was thought necessary to be very particular in the definitions under this clause.

CLAUSE 34—b.

The frauds committed against Slaves when left their Freedom, by the improper concealment on the part of the heir or executor, as, unlike other legatees, they have no means of seeing the will, have suggested this additional clause. The instances of this nature were numerous at Demerara, according to Mr. Henry's testimony.

CLAUSE 36.

This clause has been very attentively considered

The chief alteration suggested, consists in the endeavour to provide for the punishment of White persons, when guilty of crimes which by their nature can seldom be proved but by Slaves, or domestic evidence.

A middle course has therefore been taken in this respect.

CLAUSE 42—a

By using the word "and" instead of "or" in the third line of this clause, the case of penalty and forfeiture would not so frequently occur. As it now stands, it has been thought very severe. The objection that the forfeiture would vest the right to the Slaves in His Majesty, without regard to the rights of Creditors, we did not think well founded, as no Lawyer we presume would so construe it, but to satisfy these apprehensions, we have added the words "or all his right, title and interest therein, as the case may be."

CLAUSE 42—b.

We have thought that there should be some limitation to the time of bringing actions under this Order. We have therefore framed an additional clause to that effect.

JABEZ HENRY.
THOMAS CONEYS.

MONSIEUR,

(A.)

Castries, 17 Août, 1824.

POUR répondre à la lettre què vous m'avez fait l'honneur de m'ècrire le 15 du courant, et me conformèr aux ordres de son Excellence, je vais vous transmettre çì apres un aperçu sur la matière dont il s'agit.

On distingue ainsi le Grand et le Petit Criminel en fait de procedure.

Le Grand Criminel se dit de procès sur lesquels il peut intervenir condamnation à une peine afflictive ou infamante, et qui sont instruits à l'extraordinaire, c'est à dire par recolement et confrontation.

Et par Petit Criminel; on entend la procedure qui se poursuit pour des delits legers, et sur la quelle il n'intervient qu'une condamnation avec reparations ou avec amende.

L'on ne doit point ordonner le réglemant à l'extraordinaire pour les delits; legers, et l'on doit les juger sans cette procedure; c'est à dire sur les informations, et les interrogatoires de l'accusé sans en venir au recolement et a la confrontation des temoins.

Mais dans les delits qui peuvent meriter peine afflictive ou infamante, le réglemant à l'extraordinaire est indispensable, les peines ne pouvant ètre prononcées sur les depositions des temoins, si elles n'ont été confirmées par le recolement et la confrontation.

L'on distingue ainsi les peines.

Les peines capitales sont celles de la mort naturelle, des Galères à perpétuité, et du Bannissement perpétuel hors du Royaume.

Les peines afflictives non capitales, sont toutes celles qui affligent le corps ou la liberté. Telles sont : Les Galères à tems :

La reclusion à tems pour les femmes ou les infirmes :

Le fouet :

Le Bannissement perpétuel hors d'une province.

Le Bannissement à tems :

Le Pilon et le Carcan :

L'on comprend aussi parmi les peines afflictives.

L'Amende honorable :

Les peines qui sont seulement infamantes sont.

Le Blame et l'amende—Toutes les peines tant capitales qu'afflictives, ou simplement infamantes sont accompagnées d'une amende.

La condamnation d'amende seule sur un proces instruit à l'extraordinaire, est peine infamante.

Les peines non infamantes sont l'admonition, la condamnation à une aumone, l'injonction portée par le jugement.

Les affaires portées au Tribunal de police sont celles qui ont lieu pour des Cas très légers qui n'exigent pas une procédure criminelle, et ou il ne peut être question que de condamnation à quelque amende ou à des reparations pécuniaires pour dommages et intérêts ; ce tribunal prononce quelquefois la peine de la prison pour un ou plusieurs jours, mais il est rare de voir des blancs condamnés à cette peine. Ces affaires se jugent sommairement à l'audience.

Dans le cas d'une plainte mal fondée de la part d'un Esclave, celui ci devroit être poursuivi et puni comme Calomniateur, et le genre de procedure à adopter dépendroit de la Gravité de l'accusation que l'esclave auroit faite, et du plus ou moins de méchanceté dans son procédé, puisque la peine de Calomniateur se mesure d'après ces considerations ; Car plus l'accusation est grave et plus il y a de la malignité et de la mauvaise foi de la part de l'accusateur, convaincu de Calomnie, plus la peine à lui infliger doit être forte, et le calomniateur est quelquefois condamné à une peine afflictive ; mais le plus souvent la condamnation se borne à des reparations et à des dommages et intérêt envers la partie offensée. Si la plainte mal fondée de l'esclave étoit dirigée contre son maître, je le regarderois comme plus coupable que si elle étoit portée contre un autre particulier. La Gravité de la plainte ou de l'accusation décideroit donc du Genre de procédure à suivre et de la peine à infliger c'est à dire si l'on procederoit contre l'esclave par voie criminelle ou de simple police ; dans ce dernier cas il pourroit être condamné à recevoir 29 coups de fouet sur la place publique.

J'ai l'honneur d'être avec une tres parfaite consideration.

Monsieur Votre tres humble et très

obéissant Serviteur,

(Signé) R. DROUILHET,

Procureur General.

A Monsieur Monsieur Shaw, Secrétaire Partr.

(True Copy)

(Signed) H. T. SHAW,

P. Secretary.

(B.)

Par la lettre de Mr. Le Secrétaire particulier de son Excellence Mr. Le Gouverneur de la colonie écrite au Procureur Général, en date du 21 août 1823, Il lui est demandé pour être présenté à son Excellence " un rapport sur la loi existante sur les trois points suivants.

" 1°. La validité du temoignage d'un Esclave, aux yeux de la loi.

" 2°. La Mariage des esclaves, ajoutant si cela se pratique à Sainte Lucie.

“ 3^o. La Vente des esclaves, y ajoutant si les mari et femme, Parent et Enfant, peuvent être vendus ensemble, et de quelle manière ils sont sujets à l’hypothèque.”

Suit le rapport du Procureur General.

Sur le premier point.

L’Art. 30 de l’ordonnance du Roi du mois de Mars 1685, appelée vulgairement Le Code Noir, portoit, que les esclaves ne pourroient être témoins, tant en matière civile que criminelle, et en cas qu’ils fussent ouïs en temoignage, leur depositions ne serviroient que de mémoire pour aider les juges à s’éclaircir d’ailleurs, sans qu’on en put tirer aucune presumption, conjecture, ni adminicule de preuve.

Mais par une autre ordonnance du 15 Juillet 1738, Le Roi sans avoir égard à l’article 30 de l’ordonnance du mois de Mars 1685, ordonne qu’au défaut de blancs, les esclaves serout recus en temoignage, hormis contre leurs maîtres.

Dé sorte que d’après cette dernière, loi le temoignage des esclaves, lorsqu’il est nécessaire, est reçu devant les Tribunaux de la colonie comme valide, si ce n’est contre leurs maîtres.

Sur le second point.

L’ordonnance du mois du mars 1685, ci dessus citée porte : Art. 10 : Les solémnités prescrites par l’ordonnance de Blois et par la declaration de 1639 pour les mariages seront executées, tant à l’égard des personnes libres que des esclaves, sans néanmoins que le consentement du pere et de la mere de l’esclave y soit nécessaire, mais celui du maître seulement.

Art. 11. Défendons très expressément aux curés de proceder aux mariages des esclaves s’ils ne font apparoir du consentement de leurs maîtres ; Défendons aussi aux maîtres d’user aucune contrainte sur leurs esclaves, pour les marier contre leur gré.

Art. 12. Les enfans qui naîtront des mariages entre les esclaves, seront esclaves et appartiendront aux maîtres des femmes esclaves, et non à ceux de leurs maris, si le mari et la femme out de maitres differents.

Les conditions et formalités prescrites par l’ordonnance de Blois et la declaration de 1639 pour la validité des mariages, et qui s’observent à Ste Lucie ; sont :

1^o. Le Consentement du père et mère, ou celui des tuteurs ou curateurs pour les personnes mineurs de 25 ans.

2^o. La publication des Bans en la paroisse de chacun des futurs époux, par le curé ou vicaire, en la messe paroissiale, à trois divers jours de Dimanche ou de fête à moins que l’on n’ait obtenu dispense d’un ou de deux bans.

3^o. La présence ou Bénédiction du propre Curé des parties, contractantes, et que le mariage soit célébré publiquement, dans la paroisse des dites parties, ou de l’une d’elles.

4^o. La presence de quatre temoins dignes de foi qui attestent la verité du mariage, et qui certifient, la qualité de ceux dont le mariage est célébré. Ils doivent signer l’acte qui est dressé, avec les parties contractantes et le curé.

Il se fait très peu de mariages entre les esclaves à Ste. Lucie. A peine en trouve-t-on quelques exemples. Et lorsqu’il y a lieu l’on procede conformément aux ordonnances ci-dessus ; et est à dire, avec le consentement du maître, après la publication des bans ; et la célébration s’en fait publiquement, par le curé, enpresence de quatre témoins.

Il y a eu dernièrement ici un Mariage célébré entre deux esclaves de l’habitation de Mr. Du Bocage située au quartier Denneris. Il n’y a peut être pas d’exemple de mariage entre esclaves, dont le mari et la femme avoient des maitres differens.

Sur le troisieme point.

L’Art. 44. de la même ordonnance du mois du Mars 1685. Déclare les esclaves être meubles, et comme tels entrer dans la communauté n’avoit point de suite par hypothèque &c.

L'Art. 46 de cette ordonnance s'exprime ainsi : Seront dans les saisies des Esclaves observées les formes prescrites par nos ordonnances et les coutumes, pour le saisi des choses mobilières ; Voulons que les déniers en provenant, soient distribués par ordre de saisies, ou en cas de deconfiture au sol la livre, après que les dites privilégiées auront été payées, et généralement que la condition des esclaves soit réglée en toutes affaires comme celles des autres choses mobilières, aux exceptions suivantes.

L'Art. 47 dit. Ne pourront être saisis et vendus separement le Mari et la Femme et leurs enfans impubères, s'ils sont sous la puissance d'un même maître; déclarons nulles les saisies et ventes qui en seront faites; ce que nous voulons avoir lieu dans les aliénations volontaires, sous peine contre ceux qui feront les aliénations, d'être privés de celui ou de ceux qu'ils auront gardés, qui seront adjugés aux acquereurs, sans qu'ils soient tenus de faire aucun supplement de prix.

L'Art. 48 porte. Ne pourront aussi les esclaves travaillans actuellement dans les sucreries Indigoteries et habitations, agés de 14 ans et au dessus jusqu'à 60 ans, être saisis pour dettes, si non pour ce qui sera dû du prix de leur achât, ou que la sucrerie, indigoterie ou habitation dans la quelle ils travaillent soit saisie réellement. Defendons, à peine de nullité, de proceder par saisie réelle et adjudication par decret sur les sucreries, indigoteries et habitations, sans y comprendre les Negres de l'age susdit y travaillant actuellement.

Et l'Art. 51. est ainsi conçu, voulons pour éviter les frais et les longueurs des procedures que la distribution du prix entier de l'adjudication conjointe des fonds et des esclaves, et ce qui proviendra du prix des vaux judiciaires, soit faite entre les créanciers suivant l'ordre de leurs hypothèques et privileges, sans distinguer ce qui est pour le prix des esclaves.

L'Art. 11. de la Declaration du Roi du 1^{er} Fevrier, 1743, porte. Les mineurs emancipés ne pourront disposer des Nègres qui seront à exploiter les habitations dans les colonies qui n'aient atteint l'age de 25 ans accomplis, sans néanmoins que les dits Nègres cessent d'être réputés meubles par rapport à tous autres effets.

Il resulte des dispositions des ordonnances ci dessus rapportées que les esclaves sont toujours considérés comme meubles; qu'ils n'ont point de suite par hypothèque, et que, par consequence, la vente peut en être faite de la même maniere que de tout autre meuble, et a les mêmes effets.

Mais cependant que le mari et la femme et leurs enfans agés de moins de 14 ans, lorsqu'ils appartiennent au même maître, ne peuvent être vendus separement; et lorsque le père et la mère ne sont point mariés, les enfans impubères ne peuvent être séparé de la mère mais bien du pere.

Que les esclaves attachés aux travaux d'une habitation, ne peuvent être saisis separement de l'habitation, si ce n'est pour le prix de leur achât.

Que lorsqu'une habitation est vendue à la suite d'un decret c'est à dire d'une saisie réelle, et elle doit être saisie et vendue ensemble avec les esclaves y attachés; le prix des esclaves n'est pas comme dans tous autres cas, reparti par ordre de saisie, ou au marc la livre, entre les créanciers, mais la distribution en est faite conjointement avec le prix de l'immeuble, suivant l'ordre des privileges et hypothèques.

Et que les mineurs emancipés qui ont la faculté de disposer de leurs meubles ne peuvent cependant vendre les esclaves attachés à la culture ou exploitation de leurs habitations.

L'on a dit, que les esclaves n'étoient points sujets à l'hypothèque mais un debiteur peut les donner en nantissement à son créancier, comme tout autre meuble pour celui ci les detenir pour surété de sa créance, et dans ce cas, ce créancier, a un privilege sur le prix de l'esclave ou des esclaves à lui donnés en nantissement, pour le payement de son du.

Celui qui a vendu l'esclave et qui n'a point été payé du prix de vente, a un droit de suite sur cet esclave de sorte qu'il peut tant qu'il est resté en la propriété, et possession de l'acquéreur, le faire saisir, même sous la hoire, et être

paye par preference sur le prix d'Icelui quand même it auroit été saisi par un autre creancier.

Faite à Castries St. Lucie, le 23 Août, 1823.

(Signé) R. DROUILHET,
Procureur General.

(C.)

Copie d'une Lettre adressée à M. Le Major Shaw par M. Le Procureur General.

MONSIEUR,

Castries, 1 Septembre, 1823.

J'AI examiné les Pièces qui étoient jointes à la lettre que vous m'avez faite l'honneur de m'écrire le 30 Août dernier, dont étoit porteur le N. Henri Charles, et je vais repondre à la question que vous me faites.

D'Après la seconde partie de l'Article 9 de l'ordonnance du Roi du mois de Mars 1685, vulgairement appelée Le Code Noir, le mariage du nommé Charles mulatre libre avec la nommée Charlotte son esclave, a eu l'effet d'affranchir la dite Charlotte et de rendre libres et legitimes les enfans qu'ils avoient eu ensemble et qui étoient aussi les esclaves de leur père; par consequence, le nommé Henry l'un d'eux c'est trouvé légalment afranchi par le dit mariage, pour la célébration duquel Le dit Charles avoit obtenu la permission de son Excellence Le General Alexandre Wood, alors Commandant en Chef de cette île, et en cette qualité, administrant le Gouvernement Civil, mais l'acte de mariage n'est ponit représenté, et il paroît qu'il n'en a point été dressé, quoiqu'il y ait lieu de croire d'après les pièces produites, que ce mariage a été réellement célébré par le Révérend Manuel Sellent et Badia, Prêtre espagnol, qui étoit alors seul curé à St. Lucie, ou il étoit nouvellement arrivé, et ne connoissant pas, sans doute, encore la nécessité qu'il y a de constater les mariages, par un acte dressé à cet effet sur les Registres de la Paroisse.

J'ai l'honneur de vous renvoyer les pieces qui vous m'aviez adressées concernant cette affaire, et

J'ai l'honneur d'être, &c.
(Signé) R. DRUILHET,
Procureur General.

J'ai l'honneur de vous renvoyer votre lettre pour être portée sur les Registres comme vous me le mandez.

(Translation.)

(A.)

Castries, 17th August, 1824.

IN reply to the letter which you did me the honour to write to me on the 15th current, and to conform with the orders of his Excellency, I will proceed to transmit to you, in the following pages, a sketch upon the matter about which it is question.

They thus distinguish between the great and small criminal in the case of a process.

The great criminal is said of the processes wherein condemnation to a corporal or infamous punishment may happen, and which are drawn up criminally, that is to say, by the re-examination of witnesses and the confronting of them.

And by small criminal, is understood the process instituted against trivial offences, and from which only a condemnation with reparations or with fine can result.

Criminal measures ought not to be instituted for trivial offences; and they ought to be judged without such a process; that is to say, on the informations and interrogatories of the accused, without having recourse to the re-examination of witnesses and to the confronting of them.

But in the crimes which may call for corporal or infamous punishment, the criminal mode is indispensable, as the punishments cannot be pronounced on the depositions of witnesses if they have not been confirmed by the re-examination and confronting of witnesses.

The penalties are thus distinguished:—

Capital penalties are those of death, of perpetual confinement to the galleys, and of perpetual banishment from the kingdom.

Corporal punishments not capital, are all those which afflict the body or the liberty. Such are: Temporary confinement to the galleys; temporary punishment for women, or infirm persons; the whip; perpetual banishment from a province; temporary banishment; the pillory, and the stocks or iron collar.

Amongst the corporal punishments is also comprehended, public confession of crimes (*amende honorable*.)

The punishments which are only infamous are, reproach and fine.

All punishments, as well capital as corporal, or merely infamous, are accompanied with fine.

Condemnation to fine alone, in a process proceeded in criminally, is an infamous punishment.

Punishments not infamous are, admonition, condemnation to fine for the poor, and injunction contained in the judgment.

Cases carried before the Tribunal of Police are those which occur from things of very trivial nature, which do not demand a criminal procedure, and wherein it can only be question of condemnation to some fine, or of pecuniary reparations for damages and interest. This tribunal sometimes pronounces the punishment of imprisonment for one or many days; but it is rare to see white persons condemned to that punishment. These cases are judged summarily where they are heard.

In the case of a complaint ill founded on the part of a Slave, he ought to be prosecuted and punished as a calumniator, and the manner of the procedure to be adopted should depend on the gravity of the accusation which the Slave has made, and of the wickedness, more or less manifested, in his action, since the punishment of a calumniator is adjudged upon these considerations: for the more serious the accusation is, and the more the malignance and bad faith exhibited on the part of the accuser are, when convicted of calumny, the greater the punishment must be which shall be awarded him, and sometimes the calumniator is condemned to a corporal punishment; but more often the condemnation is restricted to reparations, and to damages and interest, towards the offended party. If the complaint, ill founded on the part of the Slave, was directed against his master, I should consider him more culpable than if it was aimed against any other person. The seriousness of the complaint, or of the accusation, would decide therefore the manner of procedure to be pursued, and the punishment to be inflicted: that is to say, if the Slave should be proceeded against in the criminal way, or simply by the police; in the last case he might be condemned to receive twenty-nine lashes in the public square or market place.

I have the honour to be, with the most perfect consideration,

Sir,

Your most humble Servant,

(Signed) R. DROUILHET, Attorney General.

To Major Shaw, Private Secretary.

*Translation.***(B.)**

In the letter of the Private Secretary of His Excellency the Governor of the Colony, written to the Attorney General, dated 21st August 1823, he is directed to send, to be laid before His Excellency, "A Report on the existing law on the three following points :"

- " 1st. The validity of the testimony of a Slave in the eyes of the law.
- " 2dly. The marriage of Slaves, adding if that takes place in St. Lucia.
- " 3dly. The sale of Slaves, adding if the husband and wife, parent and child, can be sold together, and in what manner they are subject to mortgage."

*Here follows the Report of the Attorney-General.***On the first point.**

The 30th Article of the Ordinance of the King, of the month of March 1685, vulgarly called the Black Code, enacted, that Slaves could not be witnesses, either in criminal or civil procedures, and in the event of their testimony being heard, their depositions should only serve as a memoranda to assist the Judges in developing other facts, without any presumption, conjecture, or aid of proof, being to be drawn therefrom.

But by another Ordinance of the 15th July 1738, the King, without referring to the 30th Article of the Ordinance of the month of March 1685, commands that, failing white persons, Slaves shall be received as witnesses, excepting against their master.

So that after that last law the testimony of Slaves when it is rendered necessary, is received before the tribunals of the colony as valid, unless against their masters.

On the second point.

The Ordinance of the month of March 1685, above cited, enacts :

Art. 10. The solemnities prescribed by the Ordinance of Blois, and by the declaration of 1639, for marriages, shall be executed, as well in the cases of free persons as of Slaves, without, however, implying that the consent of the father or mother be necessary, but only that of the master.

Art. 11. We prohibit very expressly Clergymen to proceed in the marriages of Slaves, unless they make evident the consent of their masters. We also prohibit masters from using any constraint with their Slaves to marry them against their inclination.

Art. 12. The children who shall be born of the marriages between the Slaves shall be Slaves, and shall belong to the master of the women Slaves, and not to the owners of their husbands, if the husband and wife have different masters.

The conditions and formalities prescribed by the Ordinance of Blois, and by the declaration of 1639 for the validity of marriages, and which are observed at St. Lucia, are ;

1st. The consent of the father and mother, or that of the tutors or guardians of minors of twenty-five years old.

2d. The publication of the bans in the parish of each of the future wedding couple, by the Curate or Vicar during the parochial mass, on three different Sundays or holidays, unless a dispensation has been obtained from one or two bans.

3d. The presence or benediction of the proper Curate of the Contracting Parties, and that the marriage be celebrated publicly in the parishes of the said parties, or of one of them.

4th. The presence of four witnesses, worthy of credit, who attest the truth of the marriage, and who certify the quality of those whose marriage is celebrated. They ought to sign the Act which is drawn up, together with the contracting parties and the Curate.

Very few marriages take place among the Slaves at St. Lucia. There are hardly any instances of the kind extant. And when they occur, they are proceeded with in conformity to the Ordinances above; that is to say, with the consent of the master, after the publication of the bans; and the celebration takes place publicly by the Curate, in the presence of four witnesses.

There was lately a marriage celebrated here between two Slaves of the plantation of Mr. Bocage, situated in the quarter Denneris. There is perhaps no example of a marriage between Slaves when the husband and wife had different masters.

On the third point.

The 44th Article of the same Ordinance of the month of March 1685 declares Slaves to be moveable property, and as such not to be mortgageable, &c.

The 46th Article of that Ordinance is thus expressed. The forms prescribed by our Ordinances, and by custom, shall be observed in the seizures of Slaves, as if they were moveable property. We will that the money proceeding therefrom be distributed by order of seizure, or in case of total loss a *sol* in each *livre*, after the said privileged debts shall have been paid; and generally that the condition of the Slaves shall be regulated in all matters like those of other moveables, with the following exceptions:

The 47th Article says, The husband and wife cannot be seized and sold separately, nor their children under age, if they be belonging to the same master. We declare null the seizures and sales which shall be made of such, which we will to take place in voluntary alienations, under penalty against those who shall make the alienations, to be deprived of him, of her, or of those whom they shall have thus detained, who shall be adjudged to the purchaser without his being bound to make any supplement to the price.

The 48th Article enacts: No Slaves actually working in the sugar-houses, indigo-works, and on the plantations, aged fourteen years, and a year more till sixty, shall be seized for debts, if it be not for that which is due on the price of their purchase; or that the sugar-house, indigo-work, or plantation where they work be actually seized.

We prohibit, under pain of nullity, to proceed by real seizure, and adjudication by decree, against sugar-houses, indigo-works, and plantations, without including the Negroes of the above-named age, who actually work thereon.

And the 51st Article is thus couched. We will, to avoid the expences and prolongations of procedures, that the distribution of the entire price of the conjoint adjudication of the funds and of the Slaves, and what shall proceed from the price of the juridical leases, be made among the creditors, according to the order of their mortgages and privileges, without distinguishing what is for the price of the Slaves.

The 11th Article of the Declaration of the King of the 1st February 1743, ordains: Emancipated minors cannot dispose of the Negroes who shall be working on the plantations in the colonies under the age of twenty-five years accomplished, without the said Negroes ceasing on this account to be reputed moveables with regard to every other property.

It results from the enactments of the Ordinances above set forth that Slaves are always considered as moveable property, and not liable to mortgage; and that, consequently, the sale of them can be made in the same manner as all other moveable property, and has the same effect.

But, nevertheless, the husband and wife, and their children under the age of fourteen years, when they belong to the same master, cannot be sold separately; and when the father and mother are not married, the children, under age, cannot be separated from the mother, although they may from the father.

That the Slaves attached to the labours of a plantation cannot be seized separately from the plantation, unless it be for the price of their purchase.

That when a plantation is sold in consequence of a decree; that is to say, of a real seizure; it is to be seized and sold together with the Slaves belonging to it; the price of the Slaves is not, as in all other cases, assessed by order of seizure, or by a mark in the *livre*, between the creditors, but the distribu-

tion of it is to be made conjointly with the price of the immoveable goods, according to the order of the privileges and mortgages.

And that the emancipated minors who have the power of disposing of their moveables cannot, however, sell the Slaves used for the culture or improvement of their plantations.

It has been said that Slaves were not subject to mortgage; but a debtor can give them as a security to his creditor, like all other moveable property, for him to detain for the insurance of his debt; and, in this case, the creditor has a privilege on the price of the Slave or Slaves, given to him as a security for the payment of what is due to him.

He who has sold the Slave, and has not been paid the price of the sale, has a right, in consequence, over that Slave; so that he can, as long as he remains in the possession and property of the purchaser, seize him, or cause him to be seized, even at his work, and be paid, in preference, the price of that Slave, should he even have been seized by another creditor.

Done at Castries, St. Lucia, 23d August 1823.

(Signed) R. DROUILHET,
Attorney-General.

Translation.

(C.)

Copy of a Letter addressed to Major Shaw by the Attorney-General.

SIR,

Castries, 1st September 1823.

I HAVE examined the documents which were annexed to the letter which you did me the honour to write to me on the 30th August last, of which the bearer was the person named Henry Charles, and I will reply to the question which you there put to me.

In conformity with the second part of the 9th Article of the Ordinance of the King, of the month of March 1685, vulgarly called the Black Code, the marriage of the person named Charles, free mulatto, with her named Charlotte, his Slave, has had the effect of freeing the said Charlotte, and of rendering free and legitimate the children that they had together, and who were also the Slaves of their father. Consequently the person named Henry, one of them, is legally freed by the said marriage, for the celebration of which the said Charles had obtained the permission of his Excellency General Alexander Wood, then Commander-in-Chief of this island, and in that quality administering the Civil Government; but the act of marriage is not produced; and it appears that none has been drawn up; although there is reason to believe, from the documents produced, that the marriage was really celebrated by the Reverend Manuel Sellent and Badia, a Spanish priest, who was then the only Curate at St. Lucie, where he had lately arrived, not knowing, undoubtedly, the necessity of proving marriages by an act drawn up for that purpose in the registers of the parish.

I have the honour to send you back the documents which you addressed to me relative to that affair, and

I am, &c.

(Signed)

R. DROUILHET, Attorney-General.

I have the honour to send you back your letter to be placed in the Registers as you desire.