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**FURTHER PAPERS**

RELATING TO THE

**PROCEEDINGS OF THE FISCALS**

OF

**DEMERARA AND BERBICE;**

IN THEIR CAPACITY OF

**GUARDIANS AND PROTECTORS OF SLAVES.**

AND THEIR

**DECISIONS IN ALL CASES OF COMPLAINTS**

OF

**MASTERS AND SLAVES.**

---

***PRESENTED TO PARLIAMENT BY HIS  
MAJESTY'S COMMAND.***

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LONDON:  
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## SCHEDULE.

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### DEMERARA.

Date.	1825.	SUBJECT.	Page.
Dec. 27.	Extract from a communication addressed to the Colonial Department by the Lieutenant Governor, detailing his practice with regard to Slave complaints, and the proceedings upon them in the Fiscal's Office, and also annexing Statement from the Fiscal with regard to complaints brought before him, together with Documents taken from the correspondence between the Lieutenant Governor and the Fiscal	—	5

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### BERBICE.

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1.	Dec. 27.	Extract of a Letter addressed to the Colonial Department, by Major General Sir B. D'Urban, stating that he had laid the same injunctions upon the Fiscal of Berbice for his conduct respecting Slave complaints as upon the Acting Fiscal and Fiscal of Demerara	20
2.	Feb. 24.	Extract of a Letter addressed to the Colonial Department, by Major General Sir B. D'Urban, stating that he had received the Report of the Fiscal of Berbice, but was obliged to send it back for revision and addition	<i>ibid.</i>



*Further Papers relating to the Proceedings of the Fiscals of Demerara and Berbice; in their capacity of Guardians and Protectors of Slaves: and their Decisions in all Cases of Complaints of Masters and Slaves.*

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DEMERARA.

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Extract from a Communication addressed to the Colonial Department by the Lieutenant-Governor of Demerary, the 27th of Dec. 1825.

“ IT does not appear to have been formerly the ordinary practice to record Slave complaints, and the proceedings upon them, in the Fiscal’s Office. It commenced upon my assuming the Government in April 1824.

“ Immediately after I had done so, I communicated to the acting 1st Fiscal (then performing the functions in Mr. Herbert’s absence) my determination that all slave complaints should be patiently heard, carefully investigated, and even-handed justice observed, as well to the Masters, as the Slaves. That unfounded and malicious complaints should be duly checked; but that well grounded ones should be redressed to the utmost extent of the Law, and according to the circumstances of the respective cases.

“ And I took secure means to inform the whole Slave population that I would at all times *personally* hear and attend to the complaints of such as wished to prefer them to me.

“ This I did, not because I had any doubt of the good feeling or diligence in this part of his duty of the acting 1st Fiscal; but it was a point of which I desired to make sure, and I believe I did so. From the time of my arrival to this period, the Negroes have had free access to me, frequently come to me in the first instance (in which case I send them with a written order for investigation to the Fiscal, requiring a written and detailed report of his proceedings) and always I believe when they have thought themselves not sufficiently redressed by the ordinary application to the Fiscal.

“ Upon Mr. Herbert’s arrival, in the latter end of June 1824, I took care distinctly to set forth to him my views and determination upon this subject, as I have before done to the acting 1st Fiscal, and I have hitherto had no well founded complaint from any Slave, of protection and redress having been refused him.

“ As I frequently pass through, and make temporary visits in, all the inhabited parts of the Colony, the Negroes distant from George Town can often have ready access to me, even without coming hither, and it is no rare occurrence for them to come to me in that way, when they have had either complaints to make, or have wished for information upon things interesting to them.

“ Whether complaints are made to me in the first instance or not, whenever any case of consequence connected with the Slaves comes before the Fiscal, he considers it incumbent upon him, to make a full Report upon it. I may fearlessly assert that the whole Negro Population are confident that an application to me is certain of attention.

“ Having premised this, which I have considered it not superfluous to do, I now annex a statement (A) from Mr. Herbert, respecting Slave Complaints brought before him; and a few other documents, taken at random from the ordinary correspondence between me and the Fiscals, from my arrival to the present period, which will serve to shew the constant communication maintained upon this subject.

“ Of

“ Of these, (B) relates to a case during the time of the acting 1st Fiscal. It had come within my notice, and I had accordingly called his attention to it. Of this series, No. 1. is the Acting Fiscal's first Report of his proceedings in the matter; No. 2. is my answer; No 3. is his reply; No. 4. belongs also to the same subject in continuation, although after Mr. Herbert's arrival.

“ The estate in question is under sequestration, and therefore under the supreme management of the court of Justice. In order, therefore, to get the manager Cruikshank, adverted to in my letter No. 2., discharged, it became necessary for the sequestrator to apply to the court. The court rejected his petition; and this report of the Fiscal's, No. 4, is in Reply to my enquiries, whether there was no way in which I could legally interfere to have this man dismissed from his employment.

“ Of the series (C), No. 1 is a reference of mine to the Fiscal. All the negroes of an estate, from the eastern coast, had come to me in a body; I recommended them to return home, leaving three of the principal ones to explain their grievances in detail. These I sent to the Fiscal for examination; and the case, No. 4, in his report (A), is the result. Nos. 2, 3, 4, 5, are some of the reports of the Fiscal, made to me at different periods, up to the other day.”

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Memoranda in further explanation of the Cases contained in the Fiscal's  
Report of 18th September 1824.

A.

Fiscal's Office, 22d December 1825.

Sir,

I have the honour to submit to your Excellency certain Memoranda in the cases of slave complaints which are contained in my report of the 18th of September 1824.

The first part will be found to contain a statement of facts relative to each case, taken from my private notes.

The others which I have subjoined will shew the system adopted by me in various cases, and manifest I hope an earnest desire not only to elicit the truth in all cases, but to impress the slave who may apply to me with an idea that he will be protected if injured, but that cases of misconduct will be noticed accordingly.

The servants of the Crown, although in foreign climes, are actuated by a sincere desire to ameliorate the slave population, and to carry into effect the wishes of His Majesty's Government. But, your Excellency is well aware that the feelings for one part must not obviate a just consideration for the other, and that the tranquillity of a valuable colony will be effectually destroyed if acts of insubordination and misconduct on the part of the slave, and particularly in the unsettled state of 1824, are tolerated under the name of complaint. I may fairly leave it to your Excellency to say whether the memoranda I have transmitted are a fair criterion.

Could gentlemen on the other side of the water be aware of the extraordinary odium attaching to the office of Fiscal, they would not so readily consider that officer actuated by any bias towards the inhabitants. The various duties as sole public prosecutor, naturally render him an object of jealousy, and in order to preserve the independence of my situation I have resigned my practice at the bar.

If when a slave prefers a complaint before me, I should declare he has no ground of complaint, an application is always open to your Excellency. In cases of doubt I should invariably submit the same either to the Judge in the shape of a petition for prosecution, or to the Court, or to your Excellency.

the

## DEMERARA.

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The powers vested in me are extremely limited. The law authorises the Fiscal in cases of aggravated misconduct and even theft to extend the punishment which the master is authorised to inflict, as it is not the usage to visit the crimes committed by slaves with the same severity which might be exercised towards more civilized people possessing refined principles of morality.

But crimes of magnitude are brought before the Court of Justice where a slave has the benefit of counsel and every advantage to which a person of free condition would be entitled.

I hope these few observations will be sufficiently explanatory but should your Excellency deem any thing further requisite the same shall be cheerfully afforded.

I have, &c.  
(signed)

*Charles Herbert,*  
Fiscal.

His Excellency Sir Benjamin D'Urban,  
Lieut.-Governor, &c. &c. &c.

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Better Hope, East Coast, July, 1824.

4.

The gangs of plantation Belle Hope complain of ill usage, hard work, starvation, &c. The complaint is pronounced frivolous and ill founded, and three of the ringleaders are punished.

4.

The negroes of this estate came down in a body, to the number of 100 and odd. I investigated this complaint in person, and summoned two gentlemen, who were planters, to assist me in examining the work of the estate. I visited the property, listened with the greatest attention to their story, examined all the negroes who professed to have any complaint, spoke to the whole gang, examined the drivers, ascertained the general good treatment of the negroes on the property, and the nature of their work. It appeared quite plain that they were well fed, well treated, and that their task, or day's labour, was finished frequently at an early hour, sometimes three o'clock, and that there was no ground for complaint whatever.

Three men flogged; present their master, manager, and overseers, two planters, and the whole gang.

I cannot specify the extent of punishment, as Mr. Schout has left the colony, and I have not any note of his communication to me.

Lucinda, July, 1824.

8.

Complaint of various ill treatment from the manager and overseers of La Jalousie: "a made-up story is punished."

8.

Mr. Rainey, the attorney for the estate to which this woman is attached, attended, together with Mr. Kelleman, the burgher officer, to investigate this complaint.

It



It appeared, by the statement of two drivers, that Lucinda, while working in the field, had been extremely rude to the overseer, who was about to punish her, but forgave her at the intercession of the driver. Not content with this, she continued her rudeness, using the most indecent expressions, and at length exposed her person in the fields before all the people, desiring the overseer to kiss ———. He complained to the manager, and the latter said he should represent her conduct to the attorney. The woman, it is supposed, heard of this, and absented herself for several days, after which she preferred a complaint to me.

The same remark as in No. 4, concerning the extent of punishment. It was either 45 or 55. Flogged on the estate.

July.

9.

Adam complains of his little sister being ill-treated; contradicted by the mother, and child is punished in gaol.

9.

This was disproved by the boy's mother and little sister, they declared that they were well-treated. That Adam had absented himself from his mistress for several days, and then preferred a complaint.—Whipped.

July.

10.

A woman and boy complain of want of clothing and ill treatment; unfounded; the woman confined eight days, the boy flogged.

10.

This was disproved by the mistress and her sister.—It appeared also that this woman would not attend to any work, was much addicted to drinking, and had enticed the boy from his employment, and then preferred a complaint.

September 4.

11.

A negress complains of Mr. Cantzlaar, her master, that he was taking her into the country to punish her for nothing; "she had misbehaved; he was taking her into the country; she ran away to complain; returned to her master to act discretionary."

11.

What could possibly be done on this occasion? Mr. Cantzlaar lived in the country, the woman liked to stay in town, and was hired to a lady, but misbehaved. Mr. Cantzlaar then said you shall go into the country.

September.

12.

Trins and another complain, that the manager of plantation Kissingen does not give them enough to eat; "frivolous," restored to the master.

12.

This complaint was proved by Mr. Ouckama, the attorney, to be incorrect; the manager was examined, and I told the man to go home.

August

## DEMERARA.

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August 1824.

13.

Caroline and some others of plantation Gwenveld, complain of the manager; Caroline, that he had flogged a negro till he died; and the rest, that he beat them with a tar rope: Caroline's story unfounded; six weeks confinement on bread and water, to be mitigated on contrition; the rest shewed no marks of violence; the tar rope was taken away, the negroes satisfied, and the manager reprimanded.

13.

It was proved by Dr. Roose, the medical attendant of the estate, that the negro Amour died of dysentery, that he had been confined for several months previous with a sore leg, which he neglected so much that the doctor's assistant punished him. The driver who was said to have punished him declared that he had never touched him. It also was proved by Dr. Roose, that Jonathan the other negro died of Dysentery. The others were satisfied when the tar rope was taken away. The punishment was said by Caroline to have been inflicted in the presence of the whole gang; but not one single negro had seen it, and the fact plainly appeared to be otherwise.

September 1824.

14.

Peggy complains that her mistress, Miss Neil, treats her ill, and gives her no clothing; "altogether unfounded;" is punished.

14.

Two evidences proved the furnishing of clothes, and one the allowance in food.

Two proved general, and one particular misconduct.

It appeared Peggy would not bring her hire or attend to any work, and then preferred a complaint.—From 20 to 25 stripes.

August 1824, East Coast.

15.

Four negroes of plantation Northbrook, complain against the manager of hard work, over work, and flogging; altogether unfounded; punished, one man rather severely, one very slightly, two sent to work as convicts for a month.

Mr. Stuart, the master, is very kind and indulgent; but discipline and proper method wanting.

15.

This was first enquired into by the Burgher officer, and after hearing his remarks, I visited the estate in person and investigated the matter. I examined the drivers, and various negroes, ascertained the labour and general treatment of the slaves, and found that there was no cause of complaint whatever; on the contrary, that the gang was in a state of considerable insubordination.

I authorised the removal of two from the Northbrook to the Grove, another estate of Dr. Stuart's, by way of disgrace: at the end of three weeks they behaved so well that their master released them, and reported to me accordingly.

I explained to the gang the consequences

quences of their misconduct, told them it was not my wish to direct that any slave should be punished; that they would always find I would protect them if they were ill-treated; but, that they would be punished if they absented themselves and complained without reason.—The punishment was by far less severe than at Better Hope.

August 1824.

16.

Twenty-seven negroes of the estate land of Canaan, complain of a want of clothing, lodging, food, comforts in sickness, &c.; “just except as to food, fined the owner £.10 for every negro; ordered him to furnish the things required, and informed the negroes to that effect.

16.

On their coming to me, I gave them a note to their manager.

This estate is about 15 or 18 miles up the river, and a few days after I went there accompanied by the deputy, Mr. Blake. I found that the proprietor was about to abandon the cultivation, and remove his people to a more fertile estate on Wakenham Island, in the Essequibo. I went through the negro houses and buildings if they may be so called. Every thing was very miserable, and the negroes wanted many comforts which I afterwards procured for them. I spoke to the people, told them to behave well, and that I would always attend to them and take care of them.—Fine provision grounds.

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I may ask here, if the administration of the Fiscal is calculated to discourage all harsh usage when he devotes so much labour and time to the investigation of complaints, and visits the different parts of the colony to prevent any deception being practised on him. If a slave after some misconduct absents himself from his master's employ, and prefers a groundless complaint, it is necessary for the sake of good order and the security of the colony that this should be checked. The slaves come to me without reserve, and a few facts will illustrate the system.

February 19th 1825.

*Jack*:—An old man belonging to G. Stroek, complains against his master for not furnishing him with proper food; directed the schout to attend every week, and see that he was taken care of, and told the man to come to me if otherwise.

April 1825.

*Stroek* again:—The schout this morning reported to me an act of cruelty on the part of Stroek in putting a negress in irons which were so small as to occasion her considerable pain. That he heard the woman scream, and went to the house and released her and brought her to the office; as the fact was true

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true, I resolved on taking care of his people *pro tempore*, and instituted proceedings against Stroek, for the penalty 900f. which he paid.

I then restored to him his people with strong injunctions to treat them properly, and directed the schout to watch most narrowly.

November 1825.

*Stroek* again:—Complains of the rudeness of one of his people. He declares that he will never again touch one of his people, let them be ever so rude, but complain to me.

I think I have ensured, as far as lies in my power, proper treatment to these negroes.

September 1825.

*Old Man* of plantation Friendship:—against his managers for not giving him proper food. Correct; fined 150f.

This was communicated to me verbally by the Deputy Fiscal.

October 1825.

Nineteen negroes of Plantation Fowlis, want food; complained to the Deputy Fiscal, who referred the matter to me.

First the people were sent home with a note to the manager, who brought them to me the next day, and was very stubborn in refusing to answer questions. I then spoke to the people to attend to their work until I came up and examined their story.

I accordingly visited the estate a few days afterwards but the manager was absent; I then sent the schout who brought the manager to town with him, and the books of the estate; all of which I carefully examined and found that he had delayed, until the last moment, purchasing provisions, and that by the vessel being aground they had not reached the estate until the morning of the day when they ought to have been shared; I told the manager he had just escaped the fine, and directed his co-attorney to represent the matter to his employer in England.

The provisions certainly were delayed.

October 1825.

*Apollo, Sandy and Kate.* Three people belonging to Dr. Saunders, complain of punishment, want of food, and clothing.

Some delay took place in this matter, which is explained in the following letter:

Fiscal's Office, Demarary, 21st Oct.

Sir,

Three negroes, *Apollo, Sandy and Kate*, belonging to Dr. Saunders of plantation Unity, applied to me a few days since, and complained of want of food and of unnecessary punishment, and certainly appearances confirmed in some degree the truth of their story. I referred them to Mr. Fraser, with a note, and he returned them to me, saying, that the Estate Unity was not in his district, but that of Captain Spencer, and the poor creatures have traversed the distance between Town and Mahayca three times.

May I request you will direct the proper officer to investigate this matter, or take such steps as may elicit the truth. I will also thank you to communicate a distinct direction to the deputy Fiscals in your district, to refer all complaints to the officers of the district where the complainants reside, in cases where a reference is made through mistake to the wrong officers; and that you further direct the deputy Fiscal to receive and investigate such complaint in the same manner as if a reference had been made directly through me. It is not a question whether the slaves are right or wrong in complaining, they are entitled to a hearing, and if they once find that they are subject to petty annoyances, they

they will withdraw that confidence which should subsist between them and the authorities, and which is so necessary to preserve the public tranquillity. Let me request you will impress this seriously on the attention of the deputy Fiscal.

I have, &c.

(signed) *Charles Herbert,*  
Fiscal.

Major Mc Turk,  
Deputy Fiscal.

It appeared by the letter, and verbal communication of the deputy, that these people were not properly clothed, and that their food might be better than it was. Gave the owner fourteen days to procure the needful, the same to be inspected and reported to me.

September 3, 1825.

A negress of Mrs. Cleary complains, that her mistress was desirous of sending her to Surinam. After examination of this woman's story, I felt it my duty to apprehend Dr. Ferguson. He was committed and tried under stat. 5, George the Fourth, found guilty, and sentenced to three years' imprisonment and hard labour.

Ferguson had carried many others to Surinam, and but for this application to me, the illegal removal might have been effected.

April, 1825.

Alexander Simpson, the Messrs. Shands, of Liverpool. On behalf of nineteen negroes, belonging to Mr. Cochrane Johnstone. Mr. Simpson stated, that these people who had been seized, were in a very bad state from sores.

I visited Bel Air where these people were removed, and found that they were all suffering severely from sores on their legs and feet.

The estate whence they came was a coffee property, and very apt to produce sores among people unaccustomed to the coffee cultivation.

They were greatly rejoiced at their removal, and told me that they had not been provided with a doctor by Mr. Cochrane Johnstone. I visited and inspected the estate in the canal, where other negroes were placed, and whence these nineteen had been removed: a burgher officer accompanied me.

I found their story true, and that there was no proper medical attendant, but that otherwise they were well off.

Mr. Cochrane Johnstone said there was no law which compelled a planter to provide a medical man for his negroes.

Shortly afterwards the negroes were seized, and are in good hands. Mr. Cochrane Johnstone since absconded. No proceedings instituted.

November 1825.

*Isaac*, a negro of Mr. S. Gravesande, complains of ill-treatment and want of food. I received from Mr. S. Gravesande and his son written statements that the man had absconded and left his work after being rude and wasting his provisions. I wrote to Mr. Fraser the Deputy Fiscal, saying that he could not be too particular in these cases, and requesting information on a certain point.

N.B. This case is merely mentioned to shew the caution exercised in investigating matters of complaint.

The foregoing memoranda and cases are submitted for consideration.

Dec. 22, 1825.

(signed)

*Charles Herbert,*  
Fiscal.

## DEMERARA.

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B. (No. 1.)

Fiscal's Office, Demerara, 2d June, 1824.

Sir,

I have the honor to lay before your Excellency all the documents relative to the complaint of the negro *Darby*, of Bellitir, against the manager Mr. Cruickshanks.

From the whole of which it appears to me that no severe or excessive punishment was inflicted on the negro *Darby*, but that he was punished in the first instance by the driver *Bab*, under the orders of the manager for neglect of duty, and that having complained to Mr. Ridley, the administrator of the estate, of being punished whilst he had a boil or swelling on his thigh, he was sent by him with a letter to the manager, requesting to have him sent in the hospital on account of the tumor, and here I should remark that Mr. Ridley explained to me that he expressed displeasure at the negro's being punished whilst he had that tumor, and the manager assured him he was not aware of it, at which he, Mr. Ridley, was satisfied.

It appears, however, on the evidence of four sensible negroes, viz. *Soley*, a driver, *Kitty*, sicknurse, *Isaac*, a mason, and *Quaco*, all of Bell Air, that after the negro *Darby* had been for some days confined in the hospital, and recovered from the tumor on his thigh, he was taken out and punished by order and in presence of the manager; and although this punishment is not stated to have been severe or excessive, still it does not appear that any new offence had been committed by *Darby*; and your Excellency will not fail to remark the evasive answer given by Mr. Cruickshanks in his letter of the 27th May, in reply to mine of the 19th of that month, and which tardy and unsatisfactory answer was only obtained after a duplicate of my letter had been sent on the 26th May to Mr. Ridley, and delivered by him in person.

From all the circumstances, it would appear that Mr. Cruickshanks considered the negro *Darby* to have committed a punishable offence by complaining to Mr. Ridley the administrator of the estate, but as he did not (as far as the evidence goes) give a severe or excessive punishment, I think it is more a matter between the administrators and the manager who is appointed by them and under their control, than for a public prosecution, as it appears to me to be an attempt to set their interference at defiance, and to close the door against their affording that protection to the slaves under their charge, which it is their duty to grant as well as the duty of the slaves to apply for, before having recourse to the constituted authorities.

I have the honour to be,

Your Excellency's most obedient humble servant,

*George Bagot,*  
Acting First Fiscal.

His Excellency Sir Benjamin D'Urban,  
Lieutenant Governor, &c. &c. &c.

B. (No. 2.)

King's House, 5th June 1824.

Sir,

I have received your Honor's communication of the 2d instant, accompanied by the documents produced in the course of the investigation of the case of the Slave *Darby* of plantation Bell Air.

Upon a careful perusal and consideration of the whole it appears to me that the slave has been treated with injustice and oppression by the manager Mr. Cruickshank,

Cruikshank, since, if I rightly comprehend, the former made his complaint in the first instance in the proper place, and in consequence of having done so, and for no other cause was punished by the manager. If this be tolerated, there is an end to all justice: a slave is wronged, he complains to his legitimate protector, who interferes in his behalf, and what is the consequence of his interference? why, the manager punishes the slave again for having dared to complain, so that all the advantage he derives from an effort to get redress is to get two punishments instead of one.

This practice must of course put an end to complaints altogether, but then it must also put an end to hope; and, if it be at all general, cannot but end in universal desperation.

If such was the case among the managers of the Eastern District, which I trust it was not, there would be no need to seek further for sufficient cause of the insurrection which burst forth there last year.

Such causes must, in the nature of things, produce such effects; and cannot be too deeply deprecated.

I will beg of your Honor to re-consider whether this manager cannot be legally punished.

I have, &c. &c.

(Signed)

*B. D'Urban.*

His Honor George Bagot,  
Acting first Fiscal.

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B. (No. 3.)

Fiscal's Office, Demerary, June 7th 1824.

Sir,

I was honoured by the receipt of your Excellency's despatch of the 5th inst. on the afternoon of that day, and was only deterred by the lateness of the hour from replying to it immediately, and explaining what may not have been expressed with sufficient clearness in my letter of the 2d instant.

I am impressed, equally with your Excellency, with a moral conviction of the injustice of Mr. Cruikshank's conduct to the negro Darby; but I am still of opinion, that, although there is strong reason to suppose that the second punishment was inflicted in consequence of the complaint made to Mr. Ridley, I have not sufficient grounds for a legal conviction; for to arrive at that I should have to prove that Darby had not, in the intermediate time, committed any other offence deserving of punishment; to prove, in fact, a negative; and I have always been of opinion that it does not serve the end of public justice to commence a prosecution where there is a probability of failing in the proof; but on the contrary, that it tends to bring both the laws and the public authorities into disrepute. It was on these grounds, chiefly, that I formed the opinion of this being a case rather for the interference of the administrators of the estate, than for the constituted authorities; but besides as it appeared to be an attempt on the part of Mr. Cruikshank to set aside the authority of administrators I conceived it to be their duty to support that authority, as the means of affording protection to the slaves under their charge, and I am sure your Excellency will agree that where redress can and will be given, by their natural protectors, to slaves feeling themselves aggrieved, it is politic and wise to leave it in their hands; and I can add that Mr. Ridley has throughout expressed his willingness and, indeed, his determination, to grant the redress that is within his power, provided I had found it unadvisable to take legal steps against Mr. Cruikshank.

I have only to add that I believe it is far from being an usual practice among managers of the Eastern District to punish the negroes under their charge for complaining

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complaining to their masters; on the contrary, I believe it is customary there, as I know it is in Essequibo, where I am more intimately acquainted, for proprietors and attorneys &c. of estates to give orders to the managers, and to inform the negroes that they have given such orders, at all time to furnish any negro who wishes to complain with a pass, and I must think that the sure consequences of a refusal on the part of the manager would be a severe reprimand, or perhaps the loss of his situation.

In saying that I believe this to be the practice on the East coast, I am borne out by the investigations I have been engaged in for some days last week; into complaints brought by several women of two different estates on that coast. In one of these the manager makes it a matter of complaint to his employer that he affords such facility and support to the complaint of the negroes, by which his authority, he thinks, is lessened. In the other case it was admitted by the negroes themselves, that the whole gang was informed of the manager's having received orders to give passes to any of them to go to their master in town whenever they had a complaint to make.

I hope this explanation will satisfy your Excellency, that in saying I thought it a matter more between the administrators and managers than for a public prosecution, I had not formed my opinion hastily or unadvisedly.

I have the honour to be,

Sir,

Your Excellency's most obedient and humble servant,

*Geo. Bagot,*

Acting First Fiscal.

His Excellency, Major General  
Sir Benjamin D'Urban, Lieutenant-  
Governor, &c. &c.

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B. (No. 4.)

Fiscal's Office, August 3, 1824.

Sir,

I have delayed communicating with your Excellency on the subject of Mr. Cochrane Johnstone's letter of the 24th July last, as I was desirous of making some inquiry into the matter. I find the substance of it to be correct that a petition was presented by Mr. Ridley, one of the sequestrators of Bel Air estate to the court of justice, praying that the manager should be removed from that property on the ground of cruelty towards a negro; that it was referred to the other sequestrator for report; that documentary evidence was produced on behalf of the party accused; and that the court, upon consideration, rejected the prayer of Mr. Ridley's petition.

Mr. Cochrane Johnstone complains that the evidence produced *must* have been incorrect, and that if he had been allowed a sight of it, he would have been able to rebut it, but that this opportunity has not been afforded him, and he is now desirous that your Excellency will direct all the proceedings to be laid before you; and in short, that if you should be of a different opinion with the court of justice, you will of course adopt some other measures.

I beg to state my opinion that as this is a subject before the court of justice, a tribunal over whose decision your Excellency has no control, no power is vested in your Excellency to order the proceedings to be laid before you. If your Excellency has such power in this case, the principle will extend to any, and every case before the court, and this, I think, will hardly be contended.

Mr.



Mr. Cochrane Johnstone should apply directly to the court in such manner as his legal adviser may suggest.

I have the honour to be,  
Your Excellency's obedient humble servant,  
*Charles Herbert,*  
Fiscal.

His Excellency, Sir Benj. D'Urban,  
Lieutenant-Governor, &c. &c. &c.

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C. (No. 1.)

Sunday Morning, 4th July, 1824.

Sir,

The three slaves who will deliver this to you have come to complain for the whole gang. They belong to Better Hope, upon the Eastern coast, and are especially entitled to attention, because Better Hope is one of the five estates the population of which did not join in the late revolt, although in the midst of fifty estates which were in open insurrection.

The other day (perhaps a fortnight ago) an old woman came from this estate to complain to me; I had gone to visit one of the military posts, and while she waited my return she died in the yard of Government House.

A competent inquisition of Surgeons pronounced that she died of apoplexy, and that her death had nothing to do with ill treatment.

The acting 1st. Fiscal was sent the next morning to investigate the treatment of the slaves, and he reported to me that, after the closest enquiry, there was nothing which could, in the slightest degree, go to deduce the ill health of the old woman from any ill treatment; but that he had observed some points about the general management of the slaves and their work, upon which he had admonished the manager.

The direct and specific complaints of these men go to,

1st. General work beyond their power to perform, and that they are obliged, to avoid the punishment attending upon non-performance, to work during meal and rest hours.

2, Want of attention to them when sick, that is, a complaint of sickness being frequently followed by a flogging and sending to the field, or by being put in the stocks.

3. That (and this they state distinctly) the Manager, after the Acting 1st Fiscal left the estate the other day, told them that, as they had presumed to complain, they should now be more punished than before.

The Manager's name is Blake.

The population of the estate, I perceive, is 90 male slaves of all sorts, and 106 females.

The previous circumstances in this case, connected with the present, require an exact investigation, as well for the Manager's sake as for that of the Negroes.

If their story be true, he is unfit to remain Manager; if false, his character should be cleared; and the accusers taught that they cannot make false complaints with impunity.

I would recommend that your Honor should make this investigation in person, at an early day; that you inform the Manager of your intention; that you summon the Burgher Captain of the District to meet you there, and also the Owner of the estate (in the Colony) or his attorney.

## DEMERARA.

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Or that you summon all these people before you at your office. But this latter mode cannot be equally satisfactory with the former, because as the complaint is general ill treatment, you will, upon the estate, be able to examine the whole establishment.

I have, &c.

(Signed) *B. D'Urban.*

His Honor the 1st Fiscal.

## C. (No. 2.)

Fiscal's Office, January 29, 1825.

Sir,

I am sorry to find by the certificates of your Overseers, that you should so far have exceeded the bounds of the law, as to exercise any unwarrantable severity on a negro named Adjuban, under your charge. The negro declared he had received eighty-seven lashes, and his complaint was answered by a general denial, and it was only after a second reference, I was enabled to ascertain the exact number of lashes inflicted, viz. fifty-seven. I enclose you a copy of the laws, and feel it my duty to inform you that you have incurred the penalty of nine hundred guilders, which I request you will settle, at this office, before Wednesday next, otherwise a citation will issue.

While I notice this transgression of the law, it is a justice to say that there has been no wanton exercise of cruelty.

The man's behaviour was certainly deserving of punishment, and you must be well aware that an application to the authorities would have received every attention

I have the honour to be,

Sir,

Your most obedient humble Servant,

*Charles Herbert,*

Fiscal.

(Signed)

John Pollard, Esq. Attorney, in charge  
of the Negro Adjuban.

## C. (No. 3.)

May 12, 1825.

Sir,

I have the honor to report to your Excellency, that the man named Murphy, belonging to Plantation Annandale, who complained to your Excellency of want of food, has been examined by me. He stated to me that he had not been fed for five months, and that the plantain walk had given out. I found, on enquiry from the attorney of the estate, and the drivers, that in consequence of the dry weather, and of the scarcity of plantains on the coast, Mr. Spencer had allowed his negroes to take whatever plantains they required, have the plantain walk of two hundred and forty acres, and, that he had adopted this plan, that his whole gang might feel an interest in protecting the provisions from the depredations of their neighbours. The plantains had latterly become scarce, and he had allowed the negroes to supply themselves from the walk of Plantation Triumph, between two and three hundred more, an estate distant about a mile and a half, for which he was also the attorney. Not one person had ever complained of want of food either to the driver or the attorney, and as the driver

driver considered that the man Murphy had some other object in view than want of food, I directed him to be locked up until I could give further directions. This I directed on Sunday, when I was on the estate; on my calling there again on Tuesday morning, I was informed by Mr. Spencer, that eight others had absented themselves on the day previous, and had preferred a complaint of want of food; this appears somewhat strange, as he had given them plantains (brought them from the Triumph Estate) the Saturday previous, and distributed a bunch to each negro, part of which was still unconsumed. The drivers seemed quite indignant at the circumstance; and, as want of food seems rather a pretext than a reality, I thought it right to direct Glasgow, and two others to be confined, until I could ascertain, if possible, their reason for absenting themselves. The remainder, as is generally the case, seemed poor foolish people, and I directed them to go to their work.

There is an extraordinary circumstance concerning Annandale negroes: they seem desirous of some greater indulgences, in consequence of their good behaviour during the late Insurrection. They appeared in many respects to have been better off than their neighbours during the late dry season, and want of food, after receiving an allowance, seems rather curious. I shall enquire further, and acquaint your Excellency of the result.

I have the honour to be,

Sir,

Your Excellency's most obedient humble servant,  
*Charles Herbert.*

(Signed)

His Excellency, Sir Benj. D'Urban,  
&c. &c. &c.

C. (No. 4.)

Sir,

Fiscal's Office, August 20th, 1825.

I have the honor to report to your Excellency that a negro man named Boddy, who preferred a complaint to your Excellency of having been sold separate from his wife and child, is now the property of the gentleman who purchased the latter. It seems that Boddy was sold separately by his own consent, but that he afterwards repented; and what is singular, both his former owner, his present owner, and the owner of his wife and child, have been endeavouring to restore Boddy to his wife, and it would have been accomplished without any interference. Boddy was highly pleased, and not the least feeling was expressed against him, except that it was unnecessary to apply to me.

I have further to report to your Excellency that a negro belonging to Mr. Cramer and Wm. Mindenburgh was found dead, and supposed to have been murdered; a proces verbal has been held on the body, and it is the opinion of the medical gentlemen that it was accidental drowning, there being no mark of violence beyond a blow over the eye. Mr. Cramer, the proprietor, is satisfied.

I have the honor to be,

Sir,

Your Excellency's most obedient humble servant,  
*Charles Herbert,*

Fiscal.

To his Excellency Sir B. D'Urban, K. C. B.  
&c. &c. &c.

## DEMERARA.

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C. (No. 5.)

Fiscal's Office, Decr. 21st, 1825.

Sir,

I beg to report to your Excellency that I yesterday visited the estate Portushope on the east coast, and directed the managers from the neighbouring estates, and two or three of the head people from each property to be present.

I then explained to them that I was informed that they entertained mistaken ideas concerning the ordinance recently published, and called by the slaves, "the new laws." I explained to them (in plain language) the regulations concerning their labour, and the consequence of misconduct; that they must not imagine themselves exempt from either the one or the other; that it was expected they would perform their work cheerfully, and not from the fear of punishment, and that measures being adopted to render their situation comfortable, a suitable behaviour was expected from them.

I told them that I would always take care of them in case of ill treatment; but I should discountenance any improper conduct; they all seemed sensible of my observations, and were pleased, and I have every reason to think it will have a good effect.

I was induced to this measure as several people from that district had latterly shewn a disinclination to attend to their work, or submit to the authority of their managers, it may have the effect of correcting any mistaken ideas which negroes are apt to entertain of a "new law;" and if any little discontent is checked by such means, it is far preferable to harsh measures.

I have the honour to be,

Sir,

Your Excellency's most obedient humble servant,

*Charles Herbert.*

Fiscal.

To his Excellency Sir B. D'Urban,  
&c. &c. &c.

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**BERBICE.**

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**No. 1.**

**Extract of a Letter addressed to the Colonial Department by Major-General Sir Benjamin D'Urban, dated 27th December 1825.**

When I assumed the temporary government of Berbice, I laid the same injunctions upon the Fiscal for his conduct respecting slave complaints that I had before done upon the acting Fiscal and Fiscals of Demerara, and I trust that since that period he has obeyed them. I shall, however, go to Berbice next week for the periodical Council, and I shall then call for the Fiscal's records, and have a communication with him upon the subject.

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**No. 2.**

**Extract from a Letter addressed to the Colonial Department, by Major-General Sir Benjamin D'Urban, dated 24th February 1826.**

With reference to the conclusion of my letter of the 27th of December last, I called upon the Fiscal of Berbice, when I went there, for an explanation of his report. It has followed me hither, but I have been obliged to return it for revision and addition. I shall not have it in time for this mail, but I will dispatch it as soon as it comes.