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FURTHER 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 1825, and in the present
Session.]

1826.

LONDON :

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SCHEDULE.

Additional Papers received by Earl Bathurst from the Officers Administering the Government of the following Possessions belonging to His Majesty in the West Indies, respecting the Slave Population :

ST. LUCIA.

No.	Date. 1825.	SUBJECT.	Page.
*1.	Feb. 19,	The Acting Governor to Earl Bathurst, transmitting Letter from First President of the Royal Courts respecting Drafts of Slave Order —	*1
*2.	May 5,	Extract from a Report addressed to the Acting Governor by the First President relating to Slave Law — — —	*2
1.	May 19,	The Acting Governor to Earl Bathurst transmitting First Part of new Slave Code, prepared by First President, together with his remarks in explanation (Eleven Inclosures) — — —	1
2.	Oct. 25,	The Acting Governor to Earl Bathurst, transmitting Draft of an Order in Council repealing the Local Ordinances and French Laws relating to Slaves, and also inclosing Abstract of all Laws, Ordinances, &c. which at present form the Slave Law of the Colony (Ten Inclosures)	32
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Papers relating to the Religious Instruction of Slaves in the West Indies.

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No.	Date.	1825.	SUBJECT.	Page.
1.	Sept. 16,		Bishop of Jamaica to Earl Bathurst, Extract of Dispatch, stating that the same good feeling towards the Ecclesiastical Establishment still continues; that Mr. Archdeacon Pope and himself had just completed a progress through all the Parishes except two; and that a hearty desire on the part of the Proprietors generally existed to promote any measures which had been suggested for the benefit of the Church (One Inclosure) — — — — —	119
2.	Oct. 17,		Bishop of Jamaica to Earl Bathurst, Extract of Dispatch, transmitting Extracts of Letters from the Rectors of St. Catherine's and Kingston; Copy of a Letter accompanying the Resolutions of a Vestry of St. George, for building three Chapels of Ease, together with a Letter from W. Peterswald Esq. offering land and money to aid the same; Extract from the Rev. H. Beame's Report of the state of the Parish of St. James, to Mr. Archdeacon Pope; and also expressing satisfaction at the pains taken by the Clergy of St. Catherine's, St. Andrew, and Kingston, in explaining the rights of confirmation, and in the examination of Candidates (Five Inclosures) — — — — —	122
3.	Nov. 28,		Bishop of Jamaica to Earl Bathurst, Extract of Dispatch, notifying that he had taken his seat at the Privy Council; that a Clergy Bill is in Committee; that it was in contemplation to establish the Clergy on a more independent footing; that the Sunday Schools at Kingston had increased; and also inclosing Statement of the Clergy, Places of Worship, Schools, &c. (One Inclosure) — — — — —	128
4.	Dec. 22,		Bishop of Jamaica to Earl Bathurst, Extract of Dispatch, announcing that a Bill for placing in his hands the Ecclesiastical Regimen over the Clergy had passed into a Law, and stating some of its enactments; that at a meeting for promoting Christian knowledge it was determined to appropriate 500l. to the establishment of Parochial Schools; and also that it was his intention to visit St. Thomas in the East immediately after Christmas to carry into effect the provisions of the new Act — — — — —	131

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1.	June 18,		Bishop of Barbadoes to Earl Bathurst, Extract of Dispatch, notifying that he had completed his visitation of the several Islands within his Diocese, with the exception of Tobago and Tortola; that he had made arrangements at Anguilla, for rebuilding the Church and Chapel destroyed by the French, and erecting a house for the residence of a Clergyman; and that he should lay the result of his observation before his Lordship in August, when he intended returning to England	133
2.	Oct. 7,		Bishop of Barbadoes to Earl Bathurst, notifying that on visiting the several Islands within his Diocese he had been received with every mark of respect, accompanied with the assurance of the Legislature and Proprietors to co-operate with him in the measures he had proposed, and inclosing Copies of Addresses of the Legislatures, &c. of Barbadoes, Trinidad, Grenada, St. Vincent, St. Christopher, Antigua and Anguilla (Thirteen Inclosures) — — — — —	ibid.
3.	Oct. 31,		Bishop of Barbadoes to Earl Bathurst, transmitting Returns of nine Parishes relative to the extent and frequency of the religious instruction afforded to Slaves; and also Extract from a Report in the Parish of St. Lucy (Ten Inclosures) — — — — —	142
4.	Nov. 5,		Bishop of Barbadoes to Earl Bathurst, Extract of Dispatch, notifying that previously to his leaving Barbadoes he had laid the first stone of a new Church in Bridge Town, and calling his Lordship's attention to an Act passed by the Legislature, intitled, "An Act to appropriate certain sums of money to the use of the several Parishes of the Island towards the improvement of their Churches, &c." — — — — —	151
5.	Dec. 9,		Bishop of Barbadoes to Earl Bathurst, notifying that he had proposed to the Local Legislatures and individual Proprietors the expediency of an increased number of public places of worship, &c. and inclosing Statement of the present Ecclesiastical Establishment in his Diocese (One Inclosure) — — — — —	155
6.	March 17,	1826.	Bishop of Barbadoes to Earl Bathurst, Extract of Dispatch, inclosing Minutes of the Incorporated Society for the conversion and religious instruction of Negro Slaves (Two Inclosures) — — — — —	157

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Copy of a Dispatch, dated April 12, 1826, addressed by Earl Bathurst to Lieutenant-Colonel Young, on his Appointment to be Protector of Slaves in Demerara, containing Instructions for the regulation of his conduct in the exercise of his duties	— 118

ADDITIONAL PAPERS

RESPECTING THE

SLAVE POPULATION IN THE WEST INDIES,

&c. &c.

ST. LUCIA.

No. 1*.

Pavilion, St. Lucia, 19th February, 1825.

MY LORD,

I HAVE the honour to transmit to your Lordship, a letter from the First President of this Island, respecting the two drafts of a Slave order, which were forwarded by me to your Lordship in my despatches of the 9th and 17th of September, 1824; and which, I understand from Mr. Jeremie, he has received your Lordship's instructions to revise. Not having received any communication on this subject from your Lordship, I have only to add, that I shall make it my duty to afford to Mr. Jeremie every assistance which my local knowledge offers; and to make any observations upon the draft for your Lordship's further information, when completed, which it may seem to require. In order that your Lordship may not be disappointed, if the draft is not forwarded within the time mentioned in the enclosed, I think it right to say, it appears to me, that Mr. Jeremie, in limiting himself to the period of six weeks, has rather been guided by his desire to meet your Lordship's wishes, than by a fair calculation of the labour which he has to perform.

(Signed)

I have, &c.
NATHANIEL BLACKWELL.

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

Castries, 18th February, 1825.

SIR,

HAVING had an opportunity of examining two drafts of an order in council, containing regulations to be enforced at Saint Lucia in the management of Slaves, prepared the one by you, the other by the Commissioners of legal inquiry, I find that notwithstanding the great pains taken in framing them, upon comparing them with the Martinique Code, many of the points are fully provided for, as those relating to marriages, to the sale of the whole family together, &c.; that others would give the Slaves a different law from that which governs freemen in matters where it was evidently intended that it should be uniform, as in the mode of succession "ab intestat" the rights of making wills, &c., so that a Slave, when manumitted, would in this respect suffer a loss; that some parts of the Trinidad Order do not exclusively apply to Slaves, as the regulations for a Sunday market, and that here, as in the above cases, it will be necessary to frame a general and separate law; that the Slave is in some instances

much more benefited by the law as it now stands, as in the right of being heard as a witness, where it will be merely necessary to modify that part of the law by which he is never to be heard against his master, &c.; and that, on considering the proclamations issued by Sir Ralph Woodford, many of the points there noticed may be inserted in the order itself.

We are unquestionably required to adopt the full spirit of Earl Bathurst's Instructions to the local circumstances of this colony, and to give the Slave the advantage of every benefit intended for him; but before this can be done effectually, it is necessary that the Legislature should have before them—

1st. A full account of the law as it now stands.

2nd. The law so altered and modified as to meet the wishes of Government.

3rd. An explanation of the alterations, and a statement of their probable effects.

It is useless to ameliorate the Slaves' condition in some points, whilst many harsh and long since obsolete laws may be revived to their injury.

In the way I propose, will be consolidated all the laws affecting the Slave, with reference to the public, his family, and his master; the work which I have commenced and now made some progress in, will form a Slave Code, applicable to the British Colonies formerly under French law.

I am aware that the task I thus undertake is one of no inconsiderable labour, but feeling that it is the only effectual mode of meeting the views of His Majesty's Government, and encouraged by the information and assistance which I have received from yourself, I hope in the course of a comparatively short space of time, about six weeks from the present date, to be able to lay it before you.

I have, &c.
(Signed)

JOHN JEREMIE,
First President.

Colonel Blackwell, &c. &c.

No. 2.*

EXTRACT of so much as relates to the Slave Law, from a Report addressed to the acting Governor of St. Lucia, by the First President of the Royal Courts, dated 5th of May, 1825.

“ I had the pleasure of forwarding to your Excellency, two days since, the first half of the intended Code, together with my remarks upon it.— The whole law is drawn out, but I refrain from transmitting it, until the remarks are completed, though as the first part has been submitted to the Procureur General, and is complete in itself, I am anxious that it should be sent home without the least delay.

“ I believe it will be found, when the whole is before Government, that all the amendments enjoined by Earl Bathurst have been introduced into it, and I have the satisfaction to add that, with two exceptions, the Slave Law will, in my opinion, not only be quietly submitted to, but cheerfully received by the Planters.”

These two exceptions are, the right of carrying the whip into the field, and of flogging females.

I am informed upon the first point, by those among them upon whose veracity I can strictly rely, that they tried to introduce this measure at General Mainwaring's request, in 1823, but that it completely failed: the use of the cart-whip is abolished, if not precisely at their suggestion, certainly with their full sanction. The Slave already reaps very great advantage from the new law, particularly the right of purchasing his freedom, and the right of possessing property, two rights which alone may be con-

ST. LUCIA.

I

sidered as converting slavery, from a state of perpetual bondage, into a species of voluntary service; I should, therefore, press it upon the consideration of the Government, whether, if it is thought absolutely necessary for the enforcement of discipline, that the driver should carry the cat into the field under the limitations already provided, viz.—that he shall not use it in the absence of a free person, nor inflict more than six lashes on the day of the offence; it may not be better to concede this point to the planters, and strike out the 36th Section of the present draft, than run the risk of being compelled to force the whole measure upon them. This concession, which is in itself of no great importance, would go far to satisfy them, but they attach much value to it.

With respect to the right of flogging females, I would, at all events require that they should not be stripped, and that the punishment should not exceed six lashes. My motive for not inserting either of these alterations in the law, or the remarks, is obvious: Lord Bathurst's directions were positive.

As to the mode in which the draft is prepared, I have thought it right to lay the whole matter so fully before the Legislature, that they may, without incurring the risk of meeting with unforeseen difficulties in enforcing the law, be enabled to modify it at pleasure."

No. 1.

MY LORD,

Pavilion, St. Lucia, May 19, 1825.

I HAVE the honour to transmit to your Lordship the first part of the new Slave Code prepared by the First President, together with that Magistrate's remarks upon it in explanation. The enclosed draft, as I understand from Mr. Jeremie, is the half of his proposed Code, which, when completed, is to replace all other laws whatever now in force on the same subject.

Mr. Jeremie has assured me that I may expect the remaining half on an early day.

I shall have the honour of submitting my observations on the new Code by another opportunity.

I have, &c.
(Signed) NATH. BLACKWELL, Colonel,
Administering the Government.

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

INTRODUCTION.

SECTION 1. (a)—His Majesty's Procureur General is, by virtue of his office, Protector of Slaves. Any Slaves punished illegally or who shall not be clothed and provided with food in the manner enjoined by law, may complain to the Procureur General, and upon such complaint, or even without such complaint, by virtue of his office alone, he shall cause the owner or other offender to be prosecuted. This he is also to do in all cases

Le Procureur Général du Roi est d'office Protecteur des Esclaves. L'Esclave illégalement puni, ou qui ne serait point vêtu et nourri ainsi que la loi le requiert, pourra en donner avis au Procureur Général sur quoi et même d'office, il fera poursuivre les délinquants. Ce qui sera pareillement observé pour toutes contraventions à la loi, tous délits et crimes commis contre les Esclaves par les Propriétaires, leurs fondes de pouvoir, eco-

where the owner, his attorney or manager, or other person placed in authority by the owner, shall be charged with any crime, misdemeanor, or breach of the law, to the prejudice of the slave.

2. (b)—The Master is, notwithstanding, the natural and special Protector of the Slaves under his care, and to him all complaints on their part of ill-treatment against strangers or against each other must first be presented.

(c)—The Seneschal, Procureur du Roi and his substitutes, the Civil Commissaries of Quarters, and Lieutenant Commissaries, are also enjoined to receive the complaints of Slaves, and to give immediate notice thereof to the Procureur General.

4. (d)—The Procureur General shall not after the next vacancy be allowed to purchase or hold for his own account, or for account of others, any plantation, nor to engage in trade or agriculture; nor is he to purchase or to be a proprietor of Slaves, except for his domestic purposes.

(e)—Nothing herein contained shall be so construed as to deprive the Governor and Chief Judge of the authority and powers conceded to them by the seventh chapter of the Edict of the 15th of October, 1786, which seventh chapter continues in full force.

The word master* implies not only the owner, but every attorney, manager, guardian, tenant, or other representative or agent whatever exercising a Master's authority over Slaves.

nomes gérons, ou autres personnes préposées sous leur autorité.

Le Maître est néanmoins Protecteur naturel spécial des ses Esclaves, toutes plaintes des dits Esclaves contre des étrangers ou d'Esclaves contre Esclaves, pour raison de services, doivent d'abord lui être présentées.

Le Sénéchal, Procureur du Roi et substitute du Procureur du Roi, les Commissaires Civils des Quartiers, et Lieutenants Commissaires sont aussi tenus de recevoir les plaintes des Esclaves, et d'en donner connoissance immédiate au Procureur Général.

A dater de la prochaine vacance de la charge de Procureur Général, cet officier ne pourra posséder ni régir aucune habitation; il ne devra exercer aucun commerce, ni devenir, acquéreur ou propriétaire d'Esclave, si ce n'est pour son usage domestique.

Ne déroge la présente loi aux dispositions du titre septième de l'Edit du 15 Octobre, 1786, touchant les pouvoirs octroyés aux Gouverneur et Premier Président, lequel titre septième subsiste dans toute sa force.

La loi entend par le mot de *Maître* non seulement le propriétaire, mais tout chargé de pouvoir, économe géant, tuteur, locataire ou autre représentant ou préposé quelconque exerçant autorité de Maître sur des Esclaves.

(b)—Addition necessary now that Slaves have, in various cases, a right of Action, see Remarks, page 19.

(c)—Edict of 1786, Chapter 6th, Sect. 12—*ad finem*.

(d)—Provision extracted from the Trinidad Order respecting the Protector..

(e)—This chapter gives the Governor and Intendant the rights in the cases there mentioned, requiring immediate attention to give all necessary provisional orders, but not to decide finally upon any question of law. The Commissary of the Quarters is also authorized to take immediate measures to secure the peace.

For the authority of the Intendant in judicial and police matters, and proof of its agreeing with the powers of the First President of a Royal Court, see Code de la Martinique, Vol. I. page 17, and Vol. II. pages 140, Art. 24th, and page 161, Art. 80th, as far as relates to the "*Matière concernant la Justice*" only.

* This definition was absolutely necessary. In the numerous regulations contained in the Code it is sometimes taken as signifying the owner, at others the person in authority as distinguished from the owner, and sometimes both. I have adopted it in the latter sense only.

BOOK FIRST.

SLAVES AS PROPERTY.

CHAPTER FIRST—PROPERTY IN LAW.

5. (a)—The children born of Slaves are the property of the mother's owner.

6. (b)—When the father is in slavery, and the mother free, the children shall be free; and if the father be free, and the mother a Slave, the children shall be Slaves, and be the property of the mother's owner.

7. (c)—Slaves are moveable property, but they may by every proprietor be stipulated proper to himself and his relatives, his stock and descent, as may be done with all sums of money and other personal effects.

8. (d) The husband, wife, and children under the age of puberty, the mother and the children under the age of puberty, though born out of wedlock; and when the mother is dead, the reputed father, and his children under the age of puberty, shall not, when they belong to the same owner, be taken under an execution and sold, otherwise than in one and the same lot, all seizures to the contrary are declared illegal and void. Neither shall they be separated, when sold or transferred by voluntary agreement. In the latter case the transfer of part of the family shall be taken and considered as a transfer of the whole. The vendor or other person transferring shall be deprived of that part of the family, which he shall have retained, and the same shall, without any increase of price or additional valuable consideration, belong to the purchaser.

The Slave may claim the enforcement of this regulation by applying to the

LES enfants issue d'Esclaves appartiennent au propriétaire de la mère.

Si le père est Esclave, et la mère libre, les enfants seront libres, et si le père est libre, et la mère Esclave, les enfants seront Esclaves, et appartiendront au propriétaire de la mère.

Les Esclaves sont déclarés meubles; ils pourront cependant être stipulés *par tout propriétaire propres à soi et aux siens** de son côté, et ligne, ainsi qu'il se pratique pour les sommes d'argent et autres choses mobilières.

Ne pourront être saisis ni vendus séparément le mari et la femme et leurs enfants *impubères*, † ni la mère, et, en cas de décès, de la mère, le père putatif et leurs enfants *impubères*, s'ils appartiennent au même propriétaire, et sont déclarées illégales, et nulles toutes saisies et ventes qui en seraient ainsi faites. Même chose aura lieu dans les aliénations volontaires; l'aliénations de partie de la famille vaudra en pareil cas pour l'aliénations du tout; quiconque fera ces aliénations sera privé de celui ou de ceux de la famille qu'il aura gardée, les quels seront adjugés à l'acquéreur sans qu'il soit tenu de faire aucun supplément de prix.

Pourront les Esclaves réclamer l'Exécution de cet article en s'adressant au Pro-

(a)—Code Noir, Art. 13th.

(b)—Code Noir, Art. 13th, but modified.

(c)—Code Noir, Art. 44th.

(d)—Code Noir, Art. 47; and Trinidad Order, Sect. 25th; but extended to meet remarks, p. 20.

* "Par tout propriétaire propres à soi et aux siens." This has reference to the rules in cases of marriage. By the custom of Paris, and now by the general law of France, persons marrying place part of their property in common, (*en communauté*), of this the husband has the administration during *couverture*; another part they retain for their private or separate use, this is the (*propre*)—which should not be confounded with the *propre au succession*; in the latter case, *propre* signifies a real estate derived by decent, as distinguished from a real estate acquired by purchase.

† The age of *puberty* is the *fourteenth year*, as settled by usage.—See "Annales de la Martinique,"

Procureur General, to the Procureur du Roi, to his Substitutes, or the Commissary of the Quarter.

If the creditor shall seize the husband, or wife, or the mother, without the remainder of the family, the owner shall be bound to point out and produce those remaining, that they may be sold in one lot, on pain of forfeiting their value in favour of the purchaser of the Slave seized, if the seizure be otherwise valid.

9. (e) — Slaves are either personal Slaves or plantation Slaves.

10. (f) — In seizures for debt of personal Slaves, the forms usual in all seizures of personal property shall be observed. The proceeds shall be distributed according to the dates of the seizures, or in cases of bankruptcy by a poundage among the creditors, according to the amount of their respective claims, after payment of the privileged debts.

11. (g) — Plantation Slaves are all Slaves in a plantation, returned registered as engaged in any other occupation than as domestics, and all Slaves mentioned by name in mortgage deeds, and the issue of all such plantation Slaves.

12. (h) — All contracts and agreements for the sale or transfer of Slaves other than Slaves registered as personal Slaves shall be passed before a notary.

Agreements passed in any other manner are declared null and void.

13. (i) — No proprietor, whose plantation is under mortgage, nor his attorney, or agent, shall sell, or otherwise transfer any of his plantation Slaves, and thus separate them from his plantation, under pain of incurring such punishments and penalties as are by the

Procureur Général, ou Procureur du Roi, aux Substitutes du Procureur du Roi, ou au Commissaire Civil du Quartier.

Si le créancier saisit séparément le mari ou la femme, ou la mère sans saisir le reste de la famille, le propriétaire sera tenu de déclarer et de produire celui ou ceux de la famille qui n'ont point été saisis, afin qu'ils soient vendus ensemble, faute de quoi il n'en pourra réclamer la valeur qui écherra à l'acheteur de celui ou ceux qui auront été saisis, si d'ailleurs la saisie est valable.

Les Esclaves sont Esclaves personnels ou Esclaves d'habitation.

Seront dans les saisies d'Esclaves personnels observées les formes prescrites par la loi pour les saisies des choses mobilières: les deniers en provenant seront distribués suivant l'ordre des saisies,* ou, en cas de déconfiture, au sol la livre, après que les dettes privilégiées auront été payées.

Sont réputés Esclaves d'habitation tous ceux qui sont portés sur les dénombrements d'habitation en toute autre qualité que comme domestiques, et ceux qui sont désignés par, leurs noms dans les contrats d'hypothèques ainsi que leurs enfants.

Toutes ventes, tous transports d'Esclaves, autres que d'Esclaves personnels ou domestiques, seront passés devant notaire à peine de nullité.

Il est défendu à tous propriétaires dont l'habitation est grevée d'hypothèque, ou à leurs fondés de pouvoir, de vendre ou transporter à quelque titre que ce soit, aucun Esclave d'habitation séparément de l'habitation, sur peine d'être punis comme *stellionataires*. † Se-

(e) — See reasons for this essential distinction. Remarks, p. 21, et seq.

(f) — Code Noir, Art. 46.

* In attachments of personal property, the first creditor attaching is preferred. Creditors acquire a preference by the *arrest* or *saisie execution*, and not by the date of the debt, or even of the judgment. This is the case in the City of London, with respect to property in the hands of a garnishee.

(g) — See Remarks, p. 23; and Order in Council for the Registration of Slaves, 24th September 1814, p. 2.

(h) See remarks, p. 23.

(i) See remarks, p. 22, and *Stellionat*. † This is a crime I have not found mentioned in Hale, Hawkins, or any other authors on the English Crown Laws. The punishment awarded by the law of France, is either a fine or imprisonment, but the chief benefit derived by the creditor is that a debtor guilty of "*Stellionat*" is liable to personal arrest, that no exemption will avail him, nor would he be admitted to make *Cession-Stellionatus crimen etiam infamum irrogat*, d. 13. So that he becomes incapable of holding any public office.

law of the colony provided against persons guilty of the fraudulent transfer of real property. All such sales and all such transfers are declared null and void.

All notaries, who, knowing that a plantation is under mortgage, shall draw out or execute any such sale or transfer, shall be fined five thousand livres applicable, one moiety for the benefit of the colony, and one moiety for the informer, and be further suspended from office for six months.

14. (j)—Plantation Slaves cannot be seized for any other debt than the price of their purchase, except the plantation be "*saisie réellement*." In all *saisies réelles*, and judicial sales of plantations, shall be included not only the plantation Slaves, but also all other Slaves belonging at the time of the said *saisie réelle* to the plantation, and all such Slaves shall from the day of the *saisie réelle* though not within the meaning of the definition contained in Section 11th be deemed plantation Slaves.

15. (k)—The full price of the estate and Slaves and the proceeds of all judicial leases shall be shared among creditors according to the date and priority of the *mortgages and privileges*, without distinguishing the price of the Slave from that of the estate.

16. (l)—The judicial tenant of a plantation *saisie réellement* shall pay the full consideration of his lease without deducting the value of the children born during the term of said lease. The said children shall revert to the original proprietor if the creditor's claims are otherwise satisfied, or go to the purchaser if the estate be judicially sold.

ront toutes et telles ventes, tous et tels transports déclarés nuls et non avenues.

Il est défendu à tous notaires ayant connaissance d'hypothèques établies sur une habitation de passer tels contrats ou transports relatifs à la dite habitation, sur peine de cinq mille livres d'amende, moitié au bénéfice de la colonie, moitié au profit du denoncateur, et d'interdiction pour six mois.

Ne pourront les Esclaves d'habitation être saisis pour dettes, si ce n'est pour ce qui sera dû du prix de leur achat, ou à moins que l'habitation ne soit saisie réellement, et il est défendu de procéder par *saisie réelle et adjudication par décret*,* sur les habitations sans comprendre tant les dits Esclaves d'habitation que tous les Esclaves qui dépendraient de l'habitation lors de la saisie; et seront, à dater de la dite saisie, tous et tels Esclaves réputés Esclaves d'habitation quoi qu'ils ne soient point compris dans la définition portée en l'article 11.

La distribution du prix entier de l'adjudication conjointe des fondes et des Esclaves, et de ce qui proviendra du prix des baux judiciaires sera faite entre les créanciers, suivant l'ordre de leurs *hypothèques et privilèges*,† sans distinction de ce qui proviendra du prix des Esclaves.

‡ *Le fermier judiciaire* d'une habitation saisie réellement sera tenu de payer le prix entier de son bail, sans qu'il puisse compter parmi les fruits qu'il perçoit les enfants qui seront nés des Esclaves pendant le dit bail. Les dits enfants appartiendront, nonobstant toute convention contraire, à la partie saisie, si les créanciers sont satisfaits d'ailleurs, ou à l'adjudicataire s'il intervient à un décret.

(j) Code Noir, Art. 38.

* A mortgage-creditor wishing to recover the amount of his debt, (to foreclose,) obtains an order to take possession of the estate, this taking possession is called "*Saisie Réelle*." He is then bound to let it for a given term of years; the tenant is "*le fermier judiciaire*," during this time the creditor goes through various forms required before he can obtain permission to sell it. The sale is called "*L'adjudication par décret*;" and from the day the creditor took possession to the day of sale, the estate is said to be "*En saisie réelle*."

(k) Code Noir, Art. 51.

† "*Hypothèques et privilèges*."—Privilege is a right of preference proceeding from the nature of the debts, as debts for funeral expenses are said to be privileged—Hypothèque is a right of preference acquired by contract or judgment, and is totally independent of the nature of the debt. Hypothèques rank according to their dates. Privileges in the order assigned them by law without reference to the period at which the debt was contracted.

(l) Code Noir, sect. 49.

‡ "*Fermier judiciaire*," see note to Sect. 14.

17. (m)—Usufructuaries, tenants and others, having the temporary enjoyment of an estate, are required to take great care of the Slaves belonging to it, but they shall not be required at the end of their term to account for such as shall have died or been diminished in value in the course of the said term through sickness, old age, or any other cause than their neglect, neither shall they retain for their benefit the issue of Slaves born within the same period, these they shall restore to the proprietor, except the parties in either case shall have stipulated to the contrary, and even though they should have made a different stipulation, the possessor shall merely be entitled to retain the value of the issue, but the children themselves shall remain upon the estate and belong to the proprietor.

Il est enjoint aux usufruitiers, amodiateurs et autres jouissant de fond aux quels sont attachés des Esclaves, de gouverner les dits Esclaves en bons pères de famille. Les dits usufruitiers, amodiateurs, et autres jouissant de fonds aux quels sont attachés des Esclaves ne seront point tenus, sauf convention contraire, de rendre, après leur administration finie, le prix de ceux des dits Esclaves qui seront décédés ou diminués par maladie, vieillesse ou autrement sans leur faute; et ils ne pourront non plus, sauf encore convention contraire, retenir comme fruits à leur profit les enfants né des dits Esclaves durant leur administration, lesquels enfants seront conservés et rendus à leurs propriétaires. Dans le cas de convention contraire, elle ne pourra s'appliquer qu'au prix des enfants dont il sera tenu compte aux usufruitiers, amodiateurs, et autres jouissant de fonds auxquels sont attachés des Esclaves, sans qu'ils puissent jamais prétendre garder les dits enfants.

(m) Code Noir, Sect. 54, and Remarks, p. 23, as to the rule with persons having limited or particular estates in properties.

BOOK FIRST.

CHAPTER SECOND—DOMESTIC GOVERNMENT.

PART FIRST—NOURISHMENT, HOURS OF LABOUR, &c.

18. (a)—The Slaves in each plantation shall attend prayers every evening.

19. (b)—Masters are expressly enjoined not to work their Slaves on Sundays from midnight to midnight.

(c)—Nothing herein contained shall be so construed as to prevent Slaves having the care of cattle, or employed in any other domestic occupation, from working in the manner usually required from free domestics, nor to prevent Slaves upon plantations from being employed on such unforeseen and extraordinary occasions arising upon said plantations only, as might be otherwise productive of irreparable damage to their masters; but on such extraordinary occasions, the Slaves shall receive the hire usually allowed to free labourers.

20. (d)—The Slaves shall not be worked on festivals, nor on working days, from noon till two, nor in the morning before day-break, nor in the evening after night-fall, except when employed at the sugar mills, and in other manufactories, upon extraordinary occasions of forced crops absolutely requiring continued labour, and except on such unforeseen and extraordinary occasions as are mentioned in the preceding Section respecting Sundays, but when employed on festivals they shall not be paid.

The festivals are, New Year's Day, Good Friday, Ascension Day, Whitsun Monday, the Assumption, All Saints, and Christmas.

Il se fera tour les soirs dans chaque habitation des prieres auxquelles assisteront les Esclaves.

Il est expressément défendu aux maîtres de faire travailler ou d'occuper les Esclaves le dimanche, depuis l'heure de minuit jusqu'à l'autre minuit.

Bien entendu que cette défense ne s'étend point aux Esclaves chargés du soin des bestiaux ou des autres occupations des domestiques libres ni aux occasions extraordinaires et accidents imprévus qui arriveraient sur les dites habitations seulement, et qui pourraient autrement causer aux maîtres un dommage irréparable; mais recevront individuellement les dites Esclaves dans toutes et telles occasions le salaire ordinaire d'un homme de journée.

Il est défendu de faire travailler ou d'occuper les Esclaves les jours de fête, et dans les jours ouvrables depuis midi jusqu' à deux heures après midi, ainsi que le matin avant le jour, et le soir après le jour tombé; si ce n'est lors des roulaisons dans les sucreries, et, dans les autres manufactures, pour les cas extraordinaires des récoltes forcées qui exigeraient absolument une continuité de travail, et aussi dans le cas d'accident mentionnés en l'article précédent, sans qu'il leur soit accordé de salaire.

Les fêtes sont: le Premier Jour de l'An, le Vendredi Saint, l'Ascension, le Lundi de la Pentecôte, l'Assomption, la Tous Saints et Noel.

(a)—Usage.

(b)—Code, Sect. 6th, by this law every Slave found at work from midnight to midnight was liable to confiscation. Edict 1786, C. 2. Sect. 1st, Trinidad Order.

(c)—Proclamation ordered to be issued by Lord Bathurst's letter, 11th September 1824.

(d)—Edict 1786, Chap. 2d, Sect. 1st. It was necessary to specify the festivals, as they were gradually diminishing in number.

21. (e)—The same Slaves shall not, even when employed at the sugar mills, and upon other extraordinary occasions above mentioned, be worked during two nights consecutively, except when the gang shall have been divided into watches, and then the Slaves belonging to the same watch shall not be worked more than half the night.

22. (f)—Pregnant women and mothers nursing shall only be required to do light work; they shall commence after sunrise, leave work at eleven, return to it at three, finally quit it half an hour before sun-set, and never under any pretext, even when the gang are engaged at the mill, or in other extraordinary cases, shall they be required to remain up at night.

23. (g)—Mothers of six children shall be exempted during the first year from one day's labour weekly, from two days the second year, three days the third, and so forth, until they are free from all labour. They shall acquire this exemption by presenting their six children on the first day in each year to the master, and shall only be deprived of it when, from the want of proper care, they shall lose any of their children before they attain their tenth year.

24. (h)—Every Slave, without exception, shall receive a thick linen dress twice in each year; the dress shall consist for the men, of a shirt and trowsers; for the women, of a chemise and petticoat, and a shirt for the children.

25. (i)—The planter shall build his Negro-huts in a healthy situation, and keep them in good repair.

The Slave shall not be allowed to sleep on the ground.

26. (j)—Every Slave shall have a small portion of the plantation given him for his own use as a garden which he is to cultivate as he thinks proper.

Il est défendu, même lors des roulaisons et autres travaux extraordinaires ci-dessus mentionnés, de faire veiller les mêmes Esclaves pendant deux nuits consecutives; excepté au cas où l'atelier aurait été divisé par *quarts*;* mais alors les Esclaves d'un même quart ne seront point contraints à veiller plus de la moitié d'une nuit.

Il est défendu, de faire travailler les femmes enceintes et les nourrices, si ce n'est modérément après le lever du soleil; elles quitteront le travail à onze heures du matin, n'y retourneront qu'à trois heures après midi, et le quitteront définitivement une demie heure avant le coucher du soleil; et jamais sous quelque prétexte que ce soit, même dans les teins des roulaisons ou autres travaux extraordinaires elles ne pourront être assujetties à faire des veillées.

Toute femme Esclave mère de six enfants sera exempte la première année d'un jour de travail par semaine, la deuxième année de deux jours, la troisième année de trois jours, et ainsi de suite jusqu'à ce qu'elle soit dispensée de tout travail pour son propriétaire. Cette exemption lui sera acquise, si elle représente au maître ses six enfants à chaque premier jour de l'an, et elle ne la perdra que dans le cas où, faute de soins de sa part, un de ces enfants aurait péri avant l'âge de dix ans.

Il sera fourni à tout Esclave sans exception deux rechanges de grosse toile par chaque année, lesquels rechanges seront chacun composés pour les hommes d'une chemise et d'une culotte, pour les femmes d'une chemise et d'une juppe, et pour les enfants d'une chemise.

Les cases à Nègre seront placées dans un endroit sain, et tenus dans un bon état de réparation.

Il est défendu de laisser coucher les Nègres à terre.

Il sera accordé à chacun des Esclaves de l'un et de l'autre sexe une petite portion de l'habitation pour être par eux cultivée en jardin à leur profit ainsi que bon leur semblera.

(e) Addition, see Remarks. Upon well conducted estates the Slaves are never employed after nine o'clock.

* *Quart*. A watch. Nous avons faits notre *Quart*: we have kept our watch.

(f) Edict. 1786, chap. ii. sect. 5.

(g) Edict 1786, c. 2. sect. 6. Slaves bear children so very young, that a mother may obtain a total exemption before she arrives at the age of thirty. See Remarks.

(h) Code Noir, sect. 25. Edict 1786, c. 2. sect. 3.

(i) Edict 1786, sect. 4.

(j) Edict 1786, c. 2. sect. 2.

The master shall see that the garden grounds are kept in good order.

27. (*k*)—All Slaves upwards of ten years of age, shall receive for their subsistence two pots and a half of farina of manioc, or three cassaves, weighing each two pounds and a half, or an equivalent in good vegetable food, and two pounds and a half of dried cod-fish weekly, and children half that quantity, exclusively of the produce of their provision grounds. But when the master shall allow his Slaves to work in their provision grounds during one whole day in every week out of crop, and a half day in crop, (besides Sundays), he shall be required to furnish the cod-fish only, and half the quantity above required.

28. (*l*)—The proprietor shall, if his Slave-gardens are situated on the confines of a neighbouring plantation, keep a tract of land twenty feet wide constantly cleared between the said gardens and his neighbour's grounds.

29. (*m*)—The Slaves shall not be removed from their gardens at a less warning than two years.

30. (*n*)—For every Slave paying duty there shall be at all times upon the plantation five hundred plants of manioc, or an equivalent in other vegetables

31. (*o*)—Every plantation shall have its hospital attached to it; the building intended for that purpose shall be erected as nearly as may be on the most airy and healthy part of the estate; it shall be kept clean, and supplied with camp beds, mats, and coarse bed linen.

Les maitres veilleront à ce que les dites jardins à Nègre soient tenus en bon état.

Il sera en outre distribué chaque semaine à chaque Esclave de l'un et de l'autre sexe, et à chaque enfant, la quantité de vivres nécessaires à sa subsistence; savoir, deux pots et demi, de farine de manioc, ou trois cassaves, chacune de deux livres et demi, où autres vivres équivalents, plus deux livres et demie de morue salée, pour tout Esclave agé de plus de 10 ans, et la moitié de ces provisions pour tout enfant au-dessous de cet age; et ce, en outre des vivres que l'Esclave aura récoltés dans son jardin, et sans que ces vivres puissent entrer en compensation.

Dans le cas cependant où le maitre permettrait à ses Esclaves de travailler pour eux mêmes pendant un jour entier de chaque semaine hors de la saison des récoltes, et une demi-journée pendant les récoltes, sans comprendre le dimanche, il ne sera tenu de fournir que la morue, et seulement moitié de la quantité ci-dessus requise.

El est défendu à tout habitant, de livrer à ses Esclaves pour jardins à Nègres des terrains limitrophes de ceux des propriétaires voisins, à moins qu'il n'entretienne soigneusement à ses bornes une trace de vingt pas.

Nul maitre n'enlèvera à ses Esclaves les terrains qu'il leur aura concédés pour être cultivés comme jardins à Nègres, à moins qu'il n'ait averti les Esclavés de cette intention deux ans d'avance.

Il y aura toujours sur chaque habitation cinq cents fosses de manioc par chaque tête d'Esclave payant taxe, ou une quantité proportionnelle de vivres équivalents.

Il y aura sur chaque habitation un bâtiment destiné à servir d'hôpital seulement; il sera placé, autant que faire se pourra dans la partie la plus aérée et la plus saine de l'habitation; il sera tenu proprement et meublé de lits de camp, de nattes et de grosses couvertures.

(*k*) Code Noir, sect. 22. Edict 1786, sect. 2, and other laws quoted in my Remarks, where the additional clause is explained.

(*l*) Sir G. Beckwith's Regulations, 1st of November 1809.

(*m*) Addition. See Remarks.

(*n*) July 2d 1765, and remarks of the author of the Annales. For the penalty see condemned Slaves freed. Sect. 4.

(*o*) Edict 1786. c. 2. sect. 4.

32. (p)—Sick and infirm Slaves, whether the malady be incurable or otherwise, shall be supported by their owners. If deserted by them, they shall be adjudged to the colony, and the owner shall pay it fifty sous per day.

33. (q)—The Slaves are to be buried in a proper manner, and where it can be done in consecrated ground.

34. (r)—On or about the 31st of December in each year, the Governor in Council shall appoint one or several Commissioners to visit and inspect all the plantations in the island, to which are attached a gang of Slaves amounting to thirty or upwards; and to the owner of the gang which, by their report, shall have increased the most in number by births in the course of the preceding year shall be awarded a prize of four thousand livres; to the second a prize of two thousand livres; and to the third a prize of one thousand livres; provided their plantations be administered in the manner required by law, and that there shall within the year have been no well founded complaint against the owner on the part of any of the Slaves.

The mother in the three gangs above-mentioned who shall have the largest number of living children shall be manumitted at the expence of the colony, together with one of her children.

The result of the inspection shall be submitted to His Majesty and published.

Les Esclaves infirmes par suite de vieillesse ou de maladie, que la maladie soit incurable ou non, seront nourris et entretenus par leurs propriétaires, et en cas qu'ils en soient abandonnés, ils seront adjudés à la colonie, à laquelle les propriétaires seront obligés de payer cinquante sols par jour.

Les maitres feront ensévelir leurs Esclaves d'une manière convenable, et en terre sainte, autant que faire se pourra.

Vers le trente et un Decembre de chaque année, il sera fait par une ou plusieurs commissions spéciales, nommées par le Gouverneur en Conseil privé, une inspection de toutes les habitations où se trouvent des ateliers de trente Esclaves et au dessus; et le propriétaire de l'atelier dont la population se sera proportionnellement le plus accrue par les naissances de l'année recevra une prime de quatre mille livres, le second une de deux mille et le troisième une de mille, pourvu que leurs habitations soient tenues de la manière voulue par la loi, et qu'il n'y ait point eu de plaintes légitimes de la part des Esclaves contre les dits propriétaires dans le courant de l'année.

La mère qui aura le plus grand nombre d'enfants vivants dans un de ces ateliers obtiendra aux frais de la colonie son affranchissement personnel et celui d'un de ces enfants.

Le résultat de l'inspection annuelle des ateliers sera Soumis à Sa Majesté, et annoncé publiquement dans la colonie.

(p) Code Noir, sect. 27. The sum is raised to fifty sous, about thirteen pence sterling.

(r) Sir G. Beckwith's regulations, 1st November 1809, Sect. 13th and Remarks.

PART SECOND.

PUNISHMENT OF SLAVES.

CHAPTER SECOND, DOMESTIC GOVERNMENT.

35. (s)—IN no case shall the master allow upwards of twenty-five lashes to be inflicted upon the Slave in the course of the same day, (t) nor shall this punishment be repeated until the wounds or lacerations previously caused are healed, nor shall any Slave be flogged except in the presence of a free person, nor shall any Slave suffer upwards of six lashes except twenty-four hours after the commission of the offence, nor shall any Slave be *struck or beaten with a stick*, or flogged (u) by order of the master, with any other whip than a cat or martinet. (v)

36. (w)—The master is not to allow the drivers, or any other person; to carry the whip into the field during the hours of labour.

37. (x)—The punishment of the whip shall not be inflicted by order of the master upon females above twelve years of age.

(y)—It is replaced with respect to them by the stocks, by handcuffs, and by solitary confinement.

38. (z)—The master may inflict cumulatively, or separately, the punishment of the stocks and handcuffs for six hours in each day, and solitary confinement for three days.

The cells shall be approved by a licensed medical Practitioner or the Commissary Commandant.

IL est défendu d'infliger pour quelque cause que ce soit au delà de vingt cinq coups de fouet, dans un même jour, et d'administrer cette punition avant la guérison de meurtrissures causées par une punition précédente.

Nul Esclave ne sera puni de fouet, si ce n'est en présence d'un homme libre, et ne recevra six coups de fouet si ce n'est vingt quatre heures après que la faute aura été commise.

Il est pareillement défendu aux maîtres de frapper ou laisser frapper les Esclaves à coups de bâton, ou de permettre qu'on se serve pour administrer la peine du fouet d'autre instrument que d'un martinet.

Il est défendu aux maîtres de permettre à leurs commandeurs de porter un fouet dans les champs, tandis que les Esclaves sont occupés à travailler.

Le maître ne pourra infliger ni faire infliger la peine de fouet aux esclaves du sexe féminin âgés d'au delà de douze ans.

Cette peine est remplacée pour les femmes par les ceps, les menottes et l'imprisonnement solitaire.

Le maître pourra ordonner cumulativement la peine des ceps, et des menottes pour six heures dans chaque vingt-quatre heures et l'imprisonnement solitaire au cachot de l'habitation pour trois jours.

Tout cachot d'habitation sera préalablement visité et approuvé par un médecin ou par le Commissaire civil du Quartier.

(s)—Reduced from 29, the present number according to Sir G. Beckwith's regulation, Sect. 16th, in conformity with the Trinidad Order Sect. 12.

(t)—Trinidad Order, Sect. 12.

(u)—Edit. 1786, chap. ii. Sect. 7.

(v)—Additional, see Remarks.

(w)—Trinidad Order, Sect. 11.

(x)—Trinidad Order, Sect. 12.

(y)—Sir R. Woodford's Proclamation, dated 23d June, 1824.

(z)—Sir R. Woodford's Proclamation, dated 23d June, 1824.

In all cases of confinement where the same 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.

39. (a)—Upon every plantation containing at least two quarrées of land, and to which are attached six Slaves of the age of ten years at least, shall be kept a Plantation Book, or Journal, in which shall be daily and regularly entered and recorded the births and deaths of the Slaves, with the cause of the deaths attested by a medical practitioner or respectable Planter, and in another part of the book the names of the Slaves upon whom shall have been inflicted a punishment exceeding six lashes, or who shall have remained more than two hours in the stocks or handcuffed, or twenty-four hours' solitary confinement, together with the nature of offence, the time when, and place where the same was committed, the number of lashes applied, the name of the free person present, and the length of time during which the offender remained in confinement, or in the stocks, or handcuffed.

A copy of the said journal shall be delivered twice in each year, viz., in the first week in January and the first week in July, by the master to the Commissary of the Quarter, in whose presence he shall take and subscribe the following oath.

"I do declare and swear that the book now produced and deposited, is a faithful copy of the Journal kept upon the Plantation of _____ in _____ and that there are no fraudulent insertions, or erasures in the said Journal."

The Commissary shall transmit all copies delivered to him within one month to the Procureur General, who shall keep a register of their contents in alphabetical order.

When in the course of the preceding six months, no death or birth shall have taken place upon the estate, nor any punishment required to be recorded by the last section, shall have been inflict-

Dans tous les cas d'emprisonnement, si la durée du dit emprisonnement doit excéder douze heures, l'Esclave incarcéré recevra toutes les douze heures une quantité suffisante de provision en farine apprêtée et de bonne eau.

Il y aura sur chaque habitation contenant au moins deux quarrés de terre, et sur laquelle se trouvent six Esclaves âgés de dix ans pour le moins, un livre ou journal sur lequel seront inscrites jour par jour sans aucune blanc toutes naissances, toutes morts d'Esclave, avec la cause de la mort attestée par un médecin ou par un habitant notable; et dans un autre partie du dit livre ou journal seront inscrites les noms de ceux qui auront reçu au delà de six coups de fouet ou resté deux heures aux ceps ou avec les menottes et qui auront été mis au cachot pour vingt quatre heures, l'espèce de faute commise, le lieu, et le tems où la dite faute fut commise, et enfin le nombre de coups administrés avec le nom de l'homme libre présent, ou la durée des punitions substitués au fouet.

Copie du dit journal sera livrée tous les six mois, savoir dans chaque première semaine de Janvier et de Juillet par le maître au Commissaire civil du Quartier qui administrera au dit maître le serment suivant, et lui en fera signer copie.

"Je déclare et jure que le livre présentement produit et déposé est une copie fidèle du Journal tenu sur l'habitation, et que le dit Journal ne contient ni insertions fausses ni ratures frauduleuses."

Le Commissaire civil du Quartier transmettra toutes les dites copies dans un mois au Procureur Général qui en tiendra registre par ordre alphabétique.

Dans le cas où il n'y aurait eu dans les six mois précédents sur une habitation ni mort, ni naissance, ni punition à inscrire sur le Journal le maître en fera serment, et le Commissaire civil du

ed; the master shall make oath to that effect before the Commandant, who shall report the same to the Procureur General when transmitting copies of the Plantation Record Books.

Quartier en rendra compte au Procureur Général en lui transmettant les copies des journaux d'habitation.

CHAPTER II. PART III.

PUNISHMENTS OF MASTERS AND OTHERS FOR CRUELTY, &c.

40. (b)—All masters convicted of having offended against the law as hereby enacted in the articles or sections of this chapter numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 16, 19, 21, shall be fined in a sum, which shall not be less than two hundred, nor exceed two thousand livres, and the same shall be doubled on a second conviction.

Tous maitre convaincus de contravention aux articles 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 16, 19, 21, seront condamnés à une amende de deux cents livres au moins, et de deux mille livres au plus, et au double en cas de récidive.

41. (c)—All persons convicted of having made any false or fraudulent insertions, or erasures in their Journal or Record Books, or of having given in an incorrect copy of the same, shall be fined five thousand livres or suffer three months' imprisonment.

Toute personne convaincue d'avoir fait une insertion fautive ou rature frauduleuse, ou d'avoir livré une copie inexacte du journal, qu'il est enjoint de tenir sur chaque habitation, sera condamnée à cinq mille livres d'amende ou à trois mois de prison.

42. (d)—All masters neglecting to make the requisite insertions in said Journals or Record Books, shall be fined in a sum which shall not exceed two thousand five hundred livres, nor be less than two hundred and fifty.

Tout maitre qui aura négligé de faire sur le journal d'habitation toutes les insertions requises sera condamné à une amende de deux mille cinq cents livres au plus, et de deux cent cinquante livres au moins.

43. (e)—All masters neglecting to give in a copy of their Journals or Record Books within the required time, shall be fined in a sum amounting at the least to five hundred livres, at the utmost to five thousand livres.

Tout maitre qui aura négligé de livrer copie du dit journal dans le tems requis, sera condamné à une amende de cinq cents livres au moins et de cinq mille livres au plus.

44. (f)—Every master or other free persons convicted of offending against the law, as enacted in the sections 5, 6, 14, 18, 20, of this chapter, or of otherwise treating Slaves with cruelty, provided such cruel treatment shall not extend to a mutilation of the Slave, or to depriving him of the use of a limb, shall be fined from two thousand five hun-

Tous maitres, toutes personnes libres convaincues de contravention aux articles 5, 6, 14, 18, et 20, ou d'avoir usé de cruauté, à l'égard d'un Esclave sans pourtant l'avoir estropié ou mutilé, seront condamnées à une amende de deux mille cinq cents à six mille livres, ou à un emprisonnement d'un à six mois, ou tant à la dite amende qu'au dit emprison-

(b)—See Remarks, and the various ordinances already referred to for each article.

(c)—Trinidad Order, sect. 14 to 21.

(d)—Trinidad Order, sect. 14 to 21.

(e)—Trinidad Order, sect. 14 to 21.

(f)—See Remarks, and Edict 1786. chap. 6th, sect. 2d.

dred, to five thousand livres, or suffer from one to six months imprisonment, or be condemned both to the said fine and imprisonment, and the court may order the Slave to be sold or confiscated, or declare him free from servitude.

Upon a second conviction the offender shall be further declared incapable of possessing or governing Slaves, and sent out of the colony.

45. (g)—Every master or other free person guilty of mutilating a Slave or so far injuring him as to deprive him of the use of a limb, shall be fined from one to ten thousand livres, and condemned to twelve months' imprisonment. The court may, and in all cases in which the master shall be the offender *shall* also declare free and discharge from all servitude, the slave thus mutilated or injured. The said fine shall in such case be paid into the Colonial Treasury, and the colony shall allow the Slave a life annuity of five hundred livres. The offender may also be declared incapable of holding or governing Slaves and sent out of the colony.

Upon a second conviction, in addition to the above penalties, all the offender's Slaves shall be forfeited to his Majesty, but the forfeiture shall not be carried into effect, until the governor shall have reported the case to His Majesty's Secretary of State for the colonies, and learnt His Majesty's pleasure therein, and the offender shall be declared incapable of holding or governing Slaves, and sent out of the colony.

46. (h)—The offence of homicide committed upon a Slave, whether by a free person or another Slave, whether with or without malice, shall be punished in the same manner as if the deceased had been free.

nement. La cour pourra, en outre, ordonner la confiscation et la vente de l'Esclave ou le déclarer exempt de toute servitude. En cas de récidive les coupables seront déclarés incapables de posséder ou régir des Esclaves et renvoyés de la colonie.

Tout maître ou autre personne libre qui aura mutilé ou estropié un Esclave sera condamné à une amende de cinq mille à dix mille livres, et un an d'emprisonnement par chaque Esclave ; la cour pourra déclarer libre et en tout cas où le maître sera le coupable, la cour déclarera libre l'Esclave ainsi mutilé et le déchargera de toute servitude. La dite amende en ce cas sera versée à la caisse coloniale, qui payera à l'Esclave cinq cents livres par an sa vie durant. La cour pourra en outre déclarer les coupables incapables de posséder ou régir des Esclaves, et prononcer leur renvoi de la colonie.

Et en cas de récidive, seront, outre les pénalités ci-dessus, tous les Esclaves du coupable confisqués au profit du Roi ; mais ne pourra cependant la dite confiscation être mise à exécution jusqu' à ce que le gouverneur, après en avoir fait son rapport au ministre secrétaire d'état des colonies, ait connu le bon plaisir de sa Majesté à cet égard.

Tout homicide commis sur un Esclave par toute personne Esclave ou libre avec ou sans volonté, sera puni de la même manière et selon les mêmes loix que si l'Esclave tué avait été libre.

(g)—Sir William Myer's Proclamation, 10th December, 1804, App. to the Code de la Martinique, vol. 5.

(h)—Edict 1786, chap. 6th, sect. 3d. and Sir William Myer's Proclamation, and Remarks.

BOOK FIRST.

CONDEMNED SLAVES' FUND.

CHAPTER THIRD.

47. (a)—THE value of Slaves condemned to death and executed, or condemned to the chain for life, or killed in flight by a detachment authorized by the Commissary of the Quarter, shall be paid to the owner from the condemned Slaves' fund by order of the Governor in Council, and valuation which shall be settled by arbitrators appointed by the Governor in Council, or at a certain fixed rate, which shall be regulated by the Governor in Council from time to time.

48. (b)—The tax to be levied upon the owners of Slaves to meet the demands upon the condemned Slaves' fund, shall be regulated from time to time by the Governor in Council as usual.

49. (c)—All petitions containing demands upon the condemned Slaves' fund, shall be presented within a year from the day on which the claim became due.

50. (d)—The Council, upon receiving a petition from an owner for payment of the value of a Slave killed in flight, shall name two arbitrators to examine and ascertain the quantity of provisions upon the petitioner's plantation, and the amount of the Slave shall only be ordered to be paid upon the petitioner's producing an affidavit from the arbitrators, stating that they had found upon the plantation the quantity of provisions required by law.

51. (e)—The owner shall not recover the value of a Slave killed in flight, unless he shall have given notice to the authorities of the absence of said Slave,

Le prix de l'Esclave puni de mort ou condamné à la chaîne à perpétuité, ou tué en marronage par un détachement autorisé du Commissaire civil du Quartier, sera payé au maître par Ordre du Gouverneur en Conseil sur les fonds de la caisse des Esclaves justiciés, suivant estimation d'arbitres qui seront nommés par ordre du Gouverneur en Conseil, ou d'après un taux général qui sera fixé de tems à autre par le Gouverneur en Conseil.

L'imposition extraordinaire à lever sur les propriétaires d'Esclaves pour faire face aux demandes sur la caisse des Esclaves justiciés se réglera de tems à autre par le Gouverneur en Conseil comme à l'ordinaire.

Toute requête portant réclamation sur la caisse des Esclaves justiciés devra être présentée dans un an à dater du jour où il y aura ouverture à la demande.

Le Conseil, sur la requête d'un propriétaire d'Esclave tué en marronage nommera deux arbitres pour faire la visite des vivres que le dit propriétaire a sur son habitation; et le paiement des dits Esclaves ne pourra être ordonné que sur le certificat des dits arbitres, affirmé par serment qu'ils ont trouvé sur l'habitation la quantité de vivre prescrite par l'article.

Ne sera payé au propriétaire d'Esclave tué en marronage le prix de leur estimation, si le dit maître n'a averti l'autorité de l'absence des dits Esclaves,

(a)—Code Noir, Art. 40th, modified.

(b)—Invariable usage of late; formerly the tax was ordered to be levied by the Intendant.

(c)—Order of Sir J. Kean's, May, 1822.

(d)—Regulation of 1st September 1736.

(e)—Regulation renewed, 3rd October 1803.

within the time, and in the form required by law, which shall be proved by a certificate from the Commissary of the Quarter, or Procureur du Roi.

52.(f)—Every public officer convicted of having given a certificate to a master who shall not within the time and in the form required by law have given notice to the authorities of the absence of his Slave, shall, besides his being immediately dismissed from office, forfeit at least double the value of the Slave, and suffer three months' imprisonment.

53.(g)—The value of a Slave sentenced to death and executed, or condemned to the chain for life, shall not be paid the owner, unless he shall produce a certificate from the member of the court who presided at the trial in appeal—and from the Procureur General, stating that it had not appeared in the course of the proceedings that any fault or neglect could attach to the owner, his attorney, or manager, which might have led or contributed to the commission of the crime, and that it had appeared that they had given notice thereof to the public authorities, and endeavoured by every means in their power to secure the offender as soon as they had knowledge of it.

dans les formes, et le tems requis, ce dont il justifiera en produisant un certificat du Commissaire du Quartier ou de Procureur du Roi.

Tout officier public convaincu d'avoir donné un faux certificat au maître qui n'aurait point, dans le tems et les formes requises par la loi, averti l'autorité de l'absence des dits Esclaves, sera, outre sa destitution immédiate, puni par amende qui ne pourra être moindre que le double de la valeur de l'Esclave, ou par un emprisonnement de trois mois.

Ne sera payé au propriétaire le prix de l'Esclave puni de mort ou condamné à la chaîne à perpétuité, s'il ne produit un certificat du membre de la cour royal qui aura présidé au jugement, et du Procureur Général dans lequel certificat sera déclaré qu'il n'a point paru dans le cours de l'instruction qu'il y eut de la part du dit propriétaire ou de son représentant faute ou négligence tendant à favoriser le crime, et qu'il a paru que le dit maître non seulement avait averti l'autorité, mais même avait fait son possible pour s'assurer du coupable, lorsque le crime est parvenu à sa connaissance.

(f)—Additional, See Remarks.

(g)—Additional, See Remarks.

Remarks in support of the Amendments proposed, and Outline of the present Law.

The Slave Laws now in force at Saint Lucia are very numerous; the Code de la Martinique or rather the compilation of laws, ordinances, edicts, and regulations for the government of the Colonies of Martinique and Saint Lucia, published under that name, contains in nearly every page some law respecting Slaves. Most of them, however, are regulations upon the same subject differing only in the penalties. This indeed and the fact that most of them were framed for Martinique before Saint Lucia was placed under the same government, which rendered many of the wisest provisions incapable of being enforced here, were among the many inducements to my present undertaking.

The old laws proceed from two very different sources or authorities, some were enacted by the Kings of France, or government at home, and others by the governor and intendant jointly,—the local authorities.

The first are chiefly intended to favour or protect the Slave; they are generally mild, and should be better observed. Most of the contents of the accompanying Draft will be found to have been extracted from or

closely to resemble them; the others required to be maturely considered. Few of them are now in force.

The two principal laws emanating from the government at home, are the Code Noir of 1685, approved and signed by Colbert, and the Edict of 1786. The last, though seldom quoted, will be found to include some very wholesome provisions, and many similar to those contained in the Trinidad Order.

My first step in preparing the present Draft was to collect every law, enactment, or ordinance which bore upon the subject.

My next was to arrange them anew, to frame additional clauses to meet the wishes and views of His Majesty's Government, as expressed in Lord Bathurst's instructions, and to introduce those few alterations, which, as they appear to me in full accordance with the intentions of government, I venture to recommend. These are upon the whole very few. They shall, however, be particularly pointed out in these remarks, and my motives given at length upon each of them. The whole law is now distributed as follows:—

The introductory clauses explain the powers and duties of the protector.

The body of the law is divided into three books. The Slave is in the first considered as property, in the second as a subject; these two are subdivided into chapters and parts. In the third are set forth the rules relating to manumissions.

The conclusion contains such regulations, as, though essential, bear no immediate reference to any of the points before treated of.

The Slave considered as property is liable to be sold and transferred, becomes the subject of contracts of sale, lease, or mortgage, or may be disposed of by will. It is requisite that the law should point out the owner of children born in slavery, and of Slaves that belonged to persons dying intestate. The rules relating to these matters form the first chapter.

Again; considering Slaves as property, they are subject to domestic government. The law provides for their nourishment and clothing, regulates the hours of labour, explains the punishments to be inflicted by authority of the owner, and directs precautions to be taken to guard against cruelty. It also subjects to penalties masters and others guilty of the neglect or ill-treatment of their Slaves. These points are considered in the second chapter; the first part of which treats of their clothing, nourishment, and working hours, the second of the domestic punishment of Slaves, and the third of the penalties incurred by persons guilty of neglect, ill-treatment, or cruelty towards them.

And thirdly, it is a consequence of Slaves being a property, that if the proprietor be deprived of his Slave by the act of the law, the owners of property of the same description should indemnify him. The third chapter, therefore, comprises the rules respecting the condemned Slaves' Fund.

Slaves considered as subjects are allowed to enjoy certain rights, and have equally certain duties to perform, they are, as all other subjects, bound to obey the penal law. Their rights are explained in the first chapter, and are, the right of marriage, (part first,) the right of property, and the right of appearing in court as a party or witness, (part second.)

The second chapter relating to their duties, explains (part first) the penalties incurred by Slaves, and in part second the mode of proceeding against them in criminal cases.

I shall now give an outline of the law as it stands. Then as I recommend it should stand in future upon each of the above points, reserving, when treating of the articles separately, to point out the sources from which they are taken, and to explain those technical terms of the French law which will be found in them.

Book I. ch. 1.
Property in
law.

Book I. ch. 2.
Domestic go-
vernment.

Book I. ch. 3.

Book II. ch. 1.
Rights of
Slaves as sub-
jects.

Chap. II. Du-
ties of Slaves
as subjects.

INTRODUCTION.

The Office of Protector.

The law officers of the crown are in France bound to protect the interests, and are the professional advisers of all persons who from their youth or mental incapacity, or from their being under the power and authority of another, (such as married women,) cannot be called *free agents*. The Procureur General and Procureur du Roi are not allowed to take private practice: their substitutes are, as they merely replace them occasionally. Pigeau's* definition of the Ministère Public is particularly clear and in point.

“ On entend par Ministère Public les Procureurs du Roi † et leurs substituts près les Tribunaux. La loi les a établis pour surveiller son exécution, et servir de *Protecteurs* à tout ce qui concerne l'ordre public, l'état des personnes, *les droits de celles qui ne sont pas en état de se défendre* elles mêmes et enfin l'ordre des juridictions. Il est donc nécessaire que toutes les causes de cette nature leur soient communiquées.”

The words “ *Ceux qui ne sont pas en état de se défendre eux mêmes*” would of themselves have comprised Slaves, but the Code Noir contains a special clause (Art. 26.) to the same effect ‡, and this law is daily acted upon. That a Slave is not unprotected will appear from the following recent instance. Slaves belonging to different owners are not allowed to meet together without the Procureur du Roi's permission, but when legally assembled they are under his protection. Two militia-men (whites) when going their rounds thought proper to disperse one of these assemblies. The parties complained; the militia-men were brought before the tribunal of police and fined, one of them a hundred, and the other sixty livres§. If Slaves are thus protected in their amusements, it is evident that the abuse of power by white strangers so repeatedly complained of in other colonies would not be for an instant tolerated here.

I have therefore thought it advisable to renew the twenty-sixth Article, explaining however, rather more fully, the nature of the office of Protector. Slaves cannot obtain better advice than from the first legal authority in the colony, neither can they be better protected than by the person who has at his command the whole police of the country, who can issue his directions to every civil officer in the different out-quarters, and will now be in constant communication with them. I have added a clause, providing that the Procureur General shall not in future be a Slave owner. Mr. Drouillet, from his very high character, to which succeeding governors have borne testimony, in which I with pleasure join, from his acknowledged, perhaps extreme, lenity and humanity, and his perfect knowledge of the law, and of the dispositions of the Planters, is, though an owner of Slaves, a very fit person for this office, and his having been formerly a notary, and many years greffier of the royal court, will render his services eminently

* *Traité de la Procédure Civile*. T. 1. p. 235.

† The Procureur du Roi is the Procureur General's first substitute.

‡ *Les Esclaves qui ne seront point vêtus, nourris et entretenus par leurs Maitres, selon que nous l'avons ordonné par ces présentes, pourront en donner avis à notre Procureur et mettre leurs mémoires entre les mains sur lesquels et même d'office, si les avis lui viennent d'ailleurs les Maitres seront poursuivis à sa requête et sans frais ce que nous voulons être observé pour les crimes et traitements barbares et inhumains des Maitres envers leurs Esclaves.*

§ February 23rd, 1824.

useful at this moment, when it is necessary to open new Registers of births, marriages, and punishments, and to place the whole upon a proper footing. I have thought it also necessary to state, in the law itself, that the intention was not to deprive the Master of that protecting influence over his Slave, which is often exercised to the best purposes, and to observe, that the Master is still the Slave's natural and best protector, that his counsel and countenance should first be sought in all matters of complaint against strangers, or of Slaves against each other. Another recent instance will shew that Slaves are protected and materially assisted by their Masters. An owner of Slaves on the 27th June, 1823, complained in behalf of one of them, against a Slave the property of another person, charging him with having stolen out of his Slave's hut, twenty-seven imitation India handkerchiefs, six real Madras handkerchiefs, some other articles, and two dollars in silver. The prisoner was found guilty, sentenced to twenty-nine lashes, and his Master, in conformity with the 37th clause of Code Noir*, (adopted from the Roman Law,) was condemned to *pay the full value of the property stolen*. This sentence is worthy of observation, as it displays the promptitude with which the Master came forward to protect his Slave, the rigorous and proper manner in which the law was enforced against the offender's Master, and as it shews from the description of articles stolen, (twenty-seven imitation and six real Madras handkerchiefs) that Slaves are not, as I have had much opportunity of observing, always destitute of their comforts and even luxuries.

But when the Slave complains against his *Master*, I have reason to fear that he does not meet from the police court with sufficient protection. A recent instance of this will, unless I find a very great alteration and amendment, be shortly laid in another shape before the Government; at the same time, the assertion, that the law itself affords ample protection to the Slave, remains untouched. The only question is, whether it is between Master and Slave impartially administered.

I should observe, that in quoting this and other instances, I shall be cautious of taking exceptions as rules, of giving an isolated precedent as a case of frequent recurrence. The commissioners of legal inquiry had, when here, called for abstracts of every sentence given in the various courts of this Island, the Court of Appeal, the tribunal of the first instance, and the criminal and police courts, for the last four years. These were extracted but not forwarded when I arrived, and from them I have noted those cases, certainly, which tended best, in my opinion, to elucidate the point I was treating upon, but not until I had ascertained to my satisfaction that they were not singular or unusual.

* Code Noir, c. 37.

Seront tenus les maitres, en cas de vol ou d'autres dommages causés par leurs Esclaves, outre la peine corporelle des Esclave, de réparer le tort en leur nom; s'ils n'aiment mieux abandonner l'Esclaves à celui auquel le tort a été fait, ce qu'ils seront tenus d'opter dans trois jours à compter de celui de la condamnation, autrement ils en seront déçus.

BOOK I

SLAVES CONSIDERED AS PROPERTY.

CHAPTER I,—PROPERTY IN LAW.

Present state of the law. THE children of Slaves belong to the owner of the mother, this rule holds though the father be free.

Slaves are personal property, and may be sold and transferred; they are not liable to mortgage, but may be seized under an execution, and sold judicially like any other personal property, unless they belong to a plantation, and then they cannot be seized and separated from the estate, but if they continue upon it when the same is put up to judicial sale, the plantation and Slaves must be sold together.

Remarks upon the present law, particularly where considered defective.

When an estate is in the possession of an Usufructuary or of any other than the absolute proprietor or tenant in fee, the children of Slaves born during such occupancy belong to the proprietor of the estate, except there be an agreement to the contrary; and in sales, whether judicial or voluntary, the husband, wife, and children under the age of fourteen cannot be separated.

Such is the present state of the law, which calls for the following observations:—

First, With respect to the owners of the children of Slaves, the rule "*partus sequitur ventrem*," has been adopted without any modifications. The only case in which it possibly would have admitted doubt was where the father was free; but even then, the mother's owner is not the less deprived of her services, nor is he the less called upon to support and provide for her during pregnancy. If a free man marry his own Slave, she becomes free; if he marry the Slave of another, he is aware of the consequences; and if he entertain a kind feeling for his child, he will be able to purchase it. As to children born out of wedlock the soundness of the maxim can scarcely be called in question.

Secondly. It will be found that in prohibiting the forcible separation of a family by sale, the present law only affords protection to the husband and wife and their children, though usage, confirmed by invariable precedent, has carried this protection farther, and required that the mother, whether married or unmarried, should not be separated from her children.

The Trinidad Order goes still further, and includes the *reputed father*, but only refers to *judicial* sales, an omission noticed by the Governor in his remarks upon the draft proposed for Saint Lucia.

But it cannot have been the intention to do away with the wholesome law now in force, in case of voluntary alienation. The forcible separation of families by either a judicial or voluntary sale, is guarded against in the very same section of the Code Noir, the forty-seventh. In the first case a seizure of part of the family would be void; in the other, a sale of part is a sale of the whole, a sale of the mother includes the child, and a sale of the child, the mother. The penalty is always against the vendor. The author of the *Annales de la Martinique* thus expresses himself.

" Cette loi est toujours sévèrement exécutée. La mère fait venir les enfans, vendus séparément d'elle; mais aussi les enfans attirent leur mère lorsqu'ils sont vendus seuls, la peine est toujours pour le vendeur. On n'admet là-dessus aucun convention entre les parties; on ne peut frauder la loi en aucun cas, et toute stipulation contraire à cette disposition serait rejetée entièrement. J'ai vu des actions intentées par des acquéreurs de différentes colonies et ils ont obtenu l'objet de leur réclamation, &c." Such is the law, but by the twenty-third clause of the Com-

missioners' Draft, the former part of this very article is adopted, and in substance and nearly *totidem verbis* re-enacted; yet the latter and most essential part is wholly omitted. Now supposing the court of this colony animated with the spirit usually, though I verily believe erroneously, attributed to colonial courts, what would have been the inference? My purpose in making this remark is, to account for a delay which I sincerely regret, by shewing by one example that it was essential to remodel their Draft, indeed a cursory view of the Code Noir alone had convinced me of this, and from that moment I felt it especially incumbent upon me to study the subject thoroughly, and to take as the basis of the proposed modifications, the laws of 1685 and 1786, introducing the alterations as nearly as I could in the same terms. The Commissioners evidently considered themselves tied down to the absolute letter of the Trinidad Order, which prevented their fully considering the pre-existing law.

As to extending the protection from forcible separation to the *reputed father*, according to the terms of the Trinidad Order, I shall observe, that this measure might have been advisable when the master's consent was necessary to enable the Slave to marry, but now that this obstacle is removed, and the Slave is so far placed in perfect independence of him, to introduce it would be, in effect, permitting every Slave on the point of being sold to choose a companion, and compelling the owner invariably to sell two instead of one. A serious inconvenience amounting here, where most of the gangs are small, to a prohibition of voluntary sales (already, as will shortly appear, much restricted), and adding considerably to judicial sales where the full value of the thing sold is never obtained, to the debtor's distress. But setting aside this particular ground of objection, it is unfortunately a fact, that five or six children from the same mother often have different fathers. The mother is certain, but which is to be called the reputed father? The individual with whom the female was cohabiting at the time of the sale? if so, assuming Slaves to be actuated by the same feelings as other men, would this reputed husband be the children's best protector? Would not the law defeat its own purpose? The wish of the Government is to foster those moral feelings and sentiments of religion which will gradually teach Slaves to appreciate the blessings of society, which can scarcely be done by countenancing a promiscuous intercourse among them: a vice that must be momentarily tolerated, but need never be encouraged. If the parents sincerely love their children, and feel a proper attachment for one another, let them marry; nothing can forcibly separate them, and by the laws of this country, their marriage will remove the stigma of illegitimacy which attached to their previously-born children. The only exception, therefore, which seems to me admissible, is when a marriage is rendered impossible by the death of the mother; then indeed, as it is ever desirable that an infant should enjoy its parent's protection, and as it is not probable that a father would select any but his own children, the reputed father might be allowed to claim his child. In this manner the clause is at present drawn out. But as His Majesty's Government may require that the reputed father be included, rather than give occasion for the draft's being referred back, and thus causing additional delay, I here add the clause as it might stand, if my view of the question should not be approved of by higher authority.

“ Ne pourront être saisis et vendus séparément le mari et la femme, et leurs enfans impubères, ni le père putatif la mère et les enfans impubères quand même il n'y aurait point de mariage s'ils sont sous la puissance d'un même Maître; et sont déclarées nulles, &c. &c.

It might have been a matter of doubt, whether by the old law the Slave could claim the benefit of this clause, as it appears by the redaction to have been introduced in favour of the purchaser. The evidence of the author of the *Annales de la Martinique*, above quoted, is decisive as to the prac-

tice, but to set the point at rest, I have inserted an additional explanatory paragraph.

Thirdly, It seems to have been some time a question, whether Slaves were to be taken as real or personal property; Monsieur de la Barre, one of the earliest governors of the colony of Martinique, (1666) had declared them a personalty as to contracts, and realty in matters of succession*. This distinction was done away with in the Code Noir, Slaves were declared personal property, with the modification above-mentioned, that when an Estate was sold judicially, they should go with it.

Some time afterwards another modification was introduced, and it was declared that a Slave "sous la houë" engaged in agriculture, could not be taken in execution and sold, without seizing the Estate, but the owner was allowed to separate the Slave from the Estate by voluntary sale. To these has been added, by various decisions of the courts, a third exception, for when in the same succession there happens to be an heir to the personal and another to the real Estate, the former is, according to the strict letter of the law, entitled to the Slaves, but the heir to the real Estate retains them on paying their value*. Such are the exceptions to the general principle, that Slaves are personal property. But one essential point has seemingly been lost sight of. Slaves are not at present liable to mortgage, "Meuble n'a point de suite par hypothèque." So that a Slave upon whom money has been borrowed may, though mentioned by name in the mortgage-deed, be sold the next day, and the sale would be unquestionably held valid, or rather the fact of the Slave's being mortgaged would not in itself be sufficient to set the sale aside. The sale of a Slave as of every other kind of property, personal or real, might it is true be declared void, upon the usual grounds of fraud, connivance, or insolvency, or the creditor might upon special grounds petition the court to forbid the transfer of Slaves as of any other personalty, *but the mortgage per se does not constitute a lien in favour of the mortgagee against the purchaser*; and to this may be traced much of the evil so much complained of by creditors.

Landed property is here of little value, scarcely a twelfth part of the best-cultivated estates is turned to use. Plantations even with extensive buildings upon them, produce, when sold, little, often nothing more than the estimated price of the Slaves, and yet Slaves are not liable to mortgage. It follows that mortgage-deeds are in effect of *no value or benefit to the holder*, so that the West India Merchant who had, when Saint Lucia became a British Colony, poured large capitals into it upon the faith of contracts which he thought binding, now begins to discover what the planter, who had so readily borrowed, was always well aware of, that he is not only deprived of the privilege or preference to which his mortgage seemed to entitle him, but that he has no kind of security whatever. The Slave cannot be withdrawn by the creditor from the land, and sold in satisfaction of a judgment. The person of the debtor is protected by law, and the remedy by *saisié réelle* it would be useless to adopt, since it is perfectly evident that as long as the owner can sell and remove his Slaves, he will, probably before the commencement, but certainly long before the conclusion of the suit; thus leaving for his creditor the land and buildings, not worth altogether the expenses incurred to obtain them. All this is not mere matter of speculation, but has actually hap-

* Annales de la Martinique, p. 87.

Sur la question de savoir si les Nègres sont meubles ou immeubles. Nous jugeons que les nègres sont meubles, non sujet à hypothèque en quelque sorte et manière qu'elle puisse s'entendre mais que dans les successions, partages, donations testamentaires, contrats de mariage, et leur suite ils doivent sortir de nature d'immeubles, comme sont les charges de judicature et autres en France.

* Annales de la Martinique, v. i. p. 213.

pened. Whole gangs of Slaves have been sold and transferred in this way by insolvent planters. Whether such sales are legal on other grounds, is a question foreign to the present purpose. But the evil was increasing as rapidly; debtors had been so often informed that some alteration in the law was intended, that within a short time nearly every estate, heavily mortgaged, would have been cleared of its Slaves, and then all the proposed regulations respecting saisies réelles would have been of no service. I therefore thought it absolutely necessary, immediately after my arrival, to submit to the Governor in Council a provisional law, which was unanimously approved of, and the substance of which is herein embodied.

The distinction introduced by the Order in Council for the registration of the Slaves, which is perfectly in accordance with the principles of the civil law, is adopted, but rather more fully defined. Slaves are declared either personal or plantation Slaves. Personal Slaves continue, in every respect, upon the former footing. Plantation Slaves attached to estates under mortgage cannot be aliened apart from the plantation. Plantation Slaves are, 1st, all Slaves and their issue, registered as belonging to a plantation, except the Planter's own immediate domestics, *previously registered* as such. This exception is recommended, as every Slave upon an estate, whether employed in cultivating the soil, or in any handicraft or art, such as carpenters, masons, &c., or even in waiting at their master's table, is, though described as a domestic in the column which explains the occupation, registered as a plantation Slave, and I should not wish to deprive the owner, who is prepared to sacrifice his comfort, by disposing of his servant to pay a simple contract debt, of an opportunity of doing so. The estate does not suffer from it, and the occupation of every Slave *being registered*, there is little to be feared from frauds, but the creditor has a further security by the second enactment, namely, that all Slaves mentioned by name in deeds of mortgage, and their issue, shall be thenceforward considered plantation Slaves; and I have adopted, 3dly, that part of the old law, by which every Slave belonging to the owner, and attached to the estate at the time of the saisie réelle was sold with it, and therefore every Slave attached to the estate, though neither registered as a plantation Slave, nor named in a deed of mortgage, shall continue to be, from the day of the saisie réelle, deemed a plantation Slave. The mortgage creditor, whether by effect of the law, or by contract, will thus be secured, and the *bonâ fide* debtor can have no cause to complain; the law only compels him to adhere to his promise.

The Commissioners had proposed in one of the Sections of their draft for the improvement of the process by saisie réelle, to forbid the sale of those Slaves only that were specially named in mortgage-deeds. This was acknowledging the defect, and to a certain extent applying a remedy. But what was to become of the "hypothèque par l'effet de la loi," of the judgment creditors? Every creditor has a mortgage upon the whole of his debtor's real property from the date of his sentence. It is already sufficiently difficult to obtain sentences, and more than desirable that they should possess some value. It therefore became absolutely necessary to *tie down the Slave to the estate by some measure totally independent of the will of the debtor.*

It will be observed that the owners of unincumbered property are still at perfect liberty to sell or remove their Slaves at their pleasure.

Fourth. Where the occupant was not the absolute owner of the estate, the Code Noir had provided that he should not be answerable for the deaths of Slaves, except when such deaths were caused by his neglect,

and that he should never retain the children born during his occupancy. But as the parties often made different stipulations, and these were annulled by the Courts, this state of the law created so much inconvenience, that at length, by an Edict of 21st April, 1711, this rule was declared to be applicable, in future, only to cases unprovided for by contract between the parties: so it now stands. The addition that children shall not, in any case, be withdrawn from the estate, but that the estimated price alone shall be paid over to the late occupant, is conformable to invariable usage, and recommended by the law Officers and Seneschal.

The law of succession, as explained in page twenty-fifth, remains unchanged.

The law will now be as follows:—

Proposed
state of the
law.

The children of Slaves belong, in all cases, to the owner of the mother.

Slaves are personal property, but plantation Slaves are liable to mortgage, and whenever an estate is mortgaged, all the Slaves upon it, except domestics, are considered mortgaged with it. Plantation Slaves belonging to the owners of unincumbered estates, and personal Slaves, may be sold and transferred like any other personal property.

Personal Slaves may be taken under an execution and sold in satisfaction of a judgment, but plantation Slaves cannot be seised apart from the estate, except by the vendor, and for the price of the Slave.

When an estate is in the possession of an usufructuary, or of any other than the absolute proprietor, or tenant in fee, the children of Slaves born during such occupancy belong to the owner of the estate; except there be an agreement to the contrary, and even then, the occupant shall only receive the value of the issue, but the children shall remain upon the estate.

In judicial sales, the seizure of the husband and wife, or mother without the children, under the age of fourteen, implies a seizure of the children, but a seizure of the husband without the wife, or the wife without the husband, or of the children without the husband and wife, is void; and so, in all cases, is the seizure of a child under fourteen years, without the mother. In voluntary sales, a sale of part of a family, whether husband, or wife, or child, or mother or child, is taken for a sale of the whole. The reputed father, if the mother be dead, is allowed to claim his child.

CHAPTER SECOND.

DOMESTIC GOVERNMENT.

SECTION FIRST—LABOUR, NOURISHMENT, &c.

Present state
of the law.

SLAVES are not worked on Sundays, nor festivals, nor on week-days before day-break, or after night-fall, except when employed at the mill, nor ever from noon to two o'clock. Pregnant women and mothers nursing are never to be engaged in heavy work, nor to be called to work before sunrise, nor employed after sunset; they have also four hours at mid-day, from eleven to three, to themselves. They are never, upon any pretext, compelled to stay up at night. Mothers of six children are entitled to certain exemptions explained in the first section.

The Slaves are clothed twice in each year. They are not permitted to sleep upon the ground.

Every Slave receives a small portion of the plantation for his own use, and has for subsistence two pots and a half, about twenty pints of Farina, or an equivalent in other vegetables, and two pounds and a half of cod fish weekly. The law forbids the Master's allowing his Slaves one day in the week to cultivate their provision grounds, in lieu of providing for them.

The Slave gardens are not to be within twenty feet of the limits of the estate.

For every Slave paying duty there ought to be five hundred plants of manioc upon each plantation.

Every plantation has its hospital. Sick and infirm Slaves are supported by their Masters; if abandoned by them, they are supported by the Colony at the Master's expense. The Slaves are to be buried in consecrated ground.

Part Second.—*Punishment of Slaves.*

The Master cannot order the Slave to suffer upwards of twenty-nine lashes. The births and deaths of Slaves are to be inserted by the manager in a plantation book.

Part Third.—*Penalties.*

The penalties incurred by the Master and others are in great numbers, and scattered over the five volumes of the Code. They may, however, be distinguished into pecuniary penalties, imprisonment, and corporal punishment.

The murder of a Slave was, by the Code Noir, punishable, according "to the atrocity of the case," even, as would appear, with death, but the specific penalty is not distinctly laid down. The mutilation, or torture of Slaves was forbidden. In such cases the Slaves were to be confiscated; the further penalty against the master is not stated, but the Master was allowed the unlimited right of chaining down his Slaves and flogging them with rods or cords, "verges ou cordes."

By an Order of the 30th December, 1712, masters torturing their Slaves were subjected to a fine of five hundred livres, besides confiscation.

By the law of 1786, the murder of a Slave, though by the Master, and with his sanction, was punishable with death. The number of lashes was limited to fifty, and masters and others were forbidden from beating their Slaves with sticks, or treating them with cruelty, or subjecting them to illegal punishment, under a penalty of two thousand livres for the first offence; and the offender, upon a second conviction, was to be further declared incapable of possessing Slaves, and sent out of the Colony. Persons mutilating Slaves were also declared infamous.

The murder of a Slave was again declared punishable with death in a proclamation issued by General Myers, on the 10th September, 1804, by virtue of an order from Lord Camden, then one of His Majesty's principal Secretaries of State, and registered here on the 10th December; it was at the same time, and by the same authority, ordained, that any person mutilating or dismembering a Slave should be fined one hundred pounds sterling, and imprisoned for twelve months. The Slave might be declared free, and the fine laid out to secure a life-annuity for him.

By General Beckwith's police regulations, (1809)* the number of lashes allowed to be inflicted by authority of the Masters, was reduced to twenty-nine.

Observations upon the present law and proposed changes, with the motives.

Having shewn the gradual improvements that have taken place in the law as to punishments, and the present state of the law as to domestic government generally, it will be found that the extent of the Master's powers and the Slave's duties was fully defined by the regulations of 1786, in which nearly all the above provisions are to be found.

In revising them, I have considered that the Master ought to retain a very extensive discretionary authority; that the Slave, who, behaving with propriety, obtains his favour, he should have the means of granting some indulgence to, without detriment to himself; that the legislature should interfere between Master and Slave, *only where cruelty commences*.

It was for a length of time a maxim with the French Government, that the law should never be suffered to interpose at all † between them. Cruel masters were to be discountenanced by the government, and proscribed by opinion. But this was, as might be supposed, found quite ineffectual, and afterwards remedied.

But, in justice to the colonists, I must add, that the character of the Master has changed much. Perhaps he may have learnt that, as his usual supply by importation was now cut off, it was equally his duty and interest to provide for, and by gentle treatment encourage an increase by procreation among his Slaves. At Saint Lucia, particularly as the whole of the interior of the country is uncultivated, and runaways are caught with difficulty, (some of them known to be still living, having been absent twenty years,) it has become necessary to use other means than bare coercion with Slaves, and to render their situations tolerable, or at least preferable to unrestrained license. At any rate, judging from the undoubted reports of former times, the planters have gained much in humanity and correctness of feeling, so that upon the whole, Slaves have been latterly governed with considerable lenity. The whip to any thing like nine-and-twenty lashes is seldom inflicted by the Master's order; often, although the Procureur du Roi, or the Commissary of the Quarter has no greater authority in this matter than themselves, they produce their Slaves before him, appeal to him as their judge, and obtain his sanction before they use it. Instances of this have occurred within my own knowledge almost daily.

I have, for these reasons, and rather than innovate without necessity, left the law as it stood with respect to the hours of labour, to the exemption in favour of pregnant women, &c., but have reduced the number of lashes to be inflicted by the master to five and twenty, abolished the use of the cart-whip upon plantations, forbidden the flogging of females, and the carrying any whip into the field.

The system now explained is not so mild as the planter may find it his interest to render it. It is not so mild as that which many of them have

* A law of 1783 had also limited the number of lashes to twenty-nine.

† Instructions à Messrs. de Bouillé et de Tascher, Cod. Martinique, vol. iii. p. 296.

Une avarice, aussi cruelle que mal entendue, a rendu jusqu'à présent le colon insensible à ces considérations et au cri de l'humanité. La plupart des Maitres sont des tyrans qui pesent en quelque sorte la vie de leurs Esclaves avec le produit d'un travail forcé. Cet excès, trop commun, ne peut cependant être corrigé par la loi parce qu'il reste souvent inconnu, et qu'il est presque toujours impossible d'en acquérir la preuve. Il serait d'ailleurs dangereux de donner aux nègres le spectacle d'un Maitre puni pour des violences commises contre son Esclave; l'empire de la persuasion, l'intérêt, la vanité, l'orgueil, sont le frein unique qu'on puisse opposer à un désordre aussi revoltant. L'intention de Sa Majesté est que les sieurs de Bouillé, et de Tascher y veillent avec le plus grand soin, qu'ils distinguent par leurs égards, les Maitres barbares d'avec ceux que traitent humainement leurs Esclaves, et qu'ils excluent les premiers de toute distinction, de tous grades et de tous emplois, qu'ils donnent enfin envers eux l'exemple du mépris et de l'indignation.

adopted *, but it is desirable that the slave should know and feel that he is indebted to his Master, and his own good conduct, for every further improvement in his condition.

Such being my impression with respect to the regulations themselves, another and a very different question remained unsolved; whether the precautions as yet provided were sufficient to secure the punctual observance of the law? The planters state themselves to be generally pleased

* Answer to various questions put to M. La Fargue.

Clothing of the Slaves, of what it consists, and how often issued?

To each man a jacket, or four yards osnaburg, or two pair trowsers and two shirts, one blanket, one hat. To each woman a wrapper or four yards blue cloth, and eight yards of osnaburgs, or two shifts and two petticoats, one blanket, one hat. To children the same proportion of clothing according to their age. The above clothing distributed in the month of May every year.

Feeding of the Slaves—what quantity, and of what description allowed by the proprietor weekly to each description of Slaves, according to age, sex, or employment?

To the drivers and tradesmen from three to four pounds salt-fish, two bottles rum, half a pint salt per week. To each of the grown up Slaves two and a half pounds salt-fish, half a pint salt, and when employed in rainy weather, one bottle rum and one pint molasses per week. Those who are exempt from labour from old age or otherwise, receive the same allowance with the exception of the rum. The dry provisions the Negro supplies himself with from his grounds or garden.

Provision grounds—how many *carrés* (a) cultivated? What they produce if more than the Slave can consume? What are the Slaves allowed to do with, or how do they dispose of it? What day or days are given to the Slave to cultivate them?

For the use of the proprietor's family, the sick Slave and children, there are five *carrés* provisions cultivated, which produce plantains, cassada, jarriens, yams, potatoes, pease, &c., &c. There are about forty *carrés* cultivated by the Slaves which produce more than they can consume. They of course sell the overplus. They are allowed Thursdays and Sundays to cultivate their gardens.

Female Slaves—what are the regulations of the estate concerning them, whether as relates to their feeding, clothing, or privileges to women with child, to those confined or nursing, or to mothers of one or many children, or to married women?

The feeding and clothing for women in good health, and not pregnant, has already been described. The women, in the third month of their pregnancy, stay in their houses, and do no work but for themselves. Women who have four children, have Thursdays, Saturdays, and Sundays. Those who have five, have Thursdays, Fridays, Saturdays, and Sundays. Those who have six, are exempted from all labour. Those who have seven the same, and have one of their children at their option to attend them. Under all the above circumstances, they and their children receive the same clothing, allowance, &c., as the Slaves of the estate.

Women in child-bed are allowed candles, rice, flour or bread, and meat to make soup, and the midwife, or a well-disposed Negress to attend them, and cook for them for the space of three weeks; at the end of which time they are allowed to remain in the house two weeks longer, then they take their children to the nursery, and work only four hours per day, until the child be weaned.

Marriage, whether it exists on the estate, and how many are married?

No married women on the estate, but the intercourse and connexions between the sexes are protected and respected.

Sick Slaves—the manner in which they are provided for and treated, whether there is an hospital, of what size and description, and materials built—whether there is a medical man attached to the estate, and his name?

The Slave, when sick, goes to the hospital, where he receives such food, medicines, &c., as prescribed by the doctor. The hospital is built of hard wood, floored with pitch, pine-boards, boarded round the sides, and covered with cypress shingles. It consists of three rooms, each twenty-eight feet long, and fifteen feet wide, with a gallery in front eight feet wide, and twenty-eight feet long, with a room ten feet by eight at each end, one of which rooms serves as a kitchen for the hospital, and the other is occupied by the chief sick-nurse who is assisted by two other nurses. Doctor Coventry is the medical man who attends the estate, for which he receives an annual salary, and visits the estate once a week, or oftener if sent for.

Punishment of Slaves—Regulations on the estate on that subject, whether punishment is frequent, of what description, for what causes, and what number of male and female Slaves punished, each separately, whether there is a *cachot* or place of solitary confinement, and whether that sort of punishment is resorted to. The place of solitary confinement to be described as to its size and position, as regards air and healthiness?

From three to fifteen lashes, according to the nature of the offence or the character of the offender, or solitary confinement from one to eight days, according also to the nature of the

(a) A Carré is rather more than three English acres.

with their present institutions ; let them, if it be the will of the government, retain them ; but on the other hand, let them not complain that they are compelled to fulfil obligations which they have no cause to complain of. I have therefore felt no hesitation in proposing every measure tending to the attainment of this end. Besides authorizing every public officer to receive, and directing them to report upon the complaints of Slaves, as required by the law of 1786 *, besides depriving a Master of the power of punishing a Slave for complaining of him to the authorities, by transferring the right of dictating the mode and extent of punishment for frivolous complaints to the public officer, who, having heard both parties, and knowing how far the conduct of the Slave was warranted or excusable, can best apportion it, I have introduced the regulations contained in the Trinidad Order, respecting the presence of a free person in certain cases of punishment, and the recording of punishments. I believe, when the idea was first suggested of keeping the plantation record book, that the measure was declared very inconvenient and nearly impracticable, which was the more extraordinary, as by the present law, a law so highly and deservedly prized, every manager is bound to keep not one *book* only, but *six*, one of which is to contain the births and deaths. This last was too essential a provision to be omitted. I have therefore retained it, requiring that the record-book should contain an account of the births, deaths, and punishments, that it should also specify the cause of the deaths, and should be kept by the chief person in authority upon the estate, whether planter or manager, by the Master. At the same time, the modification proposed by both the governor and commissioners, of applying this regulation to those estates only to which are attached at least six Slaves, has been adopted. The commissioners observed, I think with great weight, that the Slaves may, on smaller estates, be more properly considered as domestics, and this appears to me to be in accordance with the construction put upon the eleventh section of the appendix by Earl Bathurst, in his answer to the questions proposed by the planters of Trinidad.

But in addition to the above measures, I particularly venture to recommend a careful selection of the commissioners appointed by section 18th, to visit annually the plantations. Upon this much will depend ; for although the ostensible and principal end of their visit is to ascertain the relative increase in each gang, with the view of fairly distributing the premiums to be awarded, and thus recompensing the careful owner, it

offence. The cachot is twenty feet long, built of stone, with one door and three windows, to admit light and air to the prisoners, who repose on a camp-bed. The *cachot* is made as healthy as a place of solitary confinement can possibly be. More than two-thirds of the Slaves on the estate do not know what a lash or the cachot is.

Mr. La Fargue is one of the most respectable Planters in the colony, and fully deserving of credit. Other gentlemen might be pointed out whose reports would be equally satisfactory.

* 1786, Titre premier Article 4.

Tous Procureurs ou Economes gerans tiendront six registres particuliers d'habitation, lesquels seront colés et paraphés par un habitant voisin, propriétaire en même genre de culture, autant que faire se pourra, n'ayant aucune gestion lucrative, et choisi par le Propriétaire ; savoir.

1°. Le Journal, où il écrira jour par jour, sans aucun blanc, chaque naissance et mortalité de noirs ou d'animaux, le nombre d'Esclaves au jardin, les accidens et évènements de toute nature relatifs à l'administration.

2°. Un registre contenant les plantations, roulaisons et récoltes en tout genre.

3°. Un livre de facture de toutes les denrées qui seront vendues et employées hors de la colonie, par quantité, poids, prix, noms et domiciles d'acheteurs, et noms des capitaines et navires.

4°. Un registre contenant sur le *recto*, l'état de tous les Nègres et animaux, les achats ; sur le *verso* le nom des ouvriers blancs ou gens de couleur libres qui travaillent sur l'habitation avec les marchés qui auront été faits à cet égard.

5°. Le Registre de recette et dépense.

6°. Le Journal d'hôpital contenant l'état nominatif des Nègres malades et le nombre de jours de traitement.

will be no less their duty to see that the laws and regulations for the domestic government of Slaves are enforced, to visit the huts, provision grounds, and hospital, and to make an ample report. Nothing can be more beneficial than these annual or occasional visits, provided they are not too often repeated. The grounds are cleared out, the buildings repaired, the owner feels that the government take an interest in his welfare and endeavours to deserve credit for his management. There is but one opinion in this colony, as to the effect produced by the governor's last tour.

The idea of granting the rewards was suggested by General Beckwith's regulations for Martinique, but the increase in the gangs was to be ascertained there by the returns. For the reasons above stated, I have preferred recommending a special commission.

The next point requiring observation is the amount of provisions and mode of nourishment. The allowance now required of the Master is ample, about twenty-one pints of farina, (the same quantity as at the Bahamas*,) or an equivalent in other vegetable food, and from two to three pounds of salt meat or dried cod-fish, for each Slave. The laws prohibiting the practice of allowing one day out of crop and half a day in crop ni lieu of provisions, have been incessantly re-enacted †. They are also noticed with a strict injunction to enforce them in the instructions to the governor and intendant, De Varenne et Peinier, and to the Marquis de Bouille. But the author of the "Annales de la Martinique" bears ample evidence to their total inefficacy; and adds, "that however severe the penalties, and however rigidly exacted, it has been impossible to compel the parties to conform to the law. Nearly all the masters give the Saturday instead. The Slaves prefer it, because they can then rob the neighbouring negro-gardens ‡." That the Slaves do universally prefer their day to an allowance, is an unquestionable fact, they readily admit it themselves, and have been known to run away because they were deprived of it. But that the motive above pointed out must be in most cases unfounded is self-evident. It is also evidently useless to renew enactments, which an experience of upwards of a century has proved to be quite unavailing, and which are the objects of aversion even with the party for whose benefit they are intended. I should therefore propose that the owner be at liberty to allow them the day, but that he should be still compelled to give them half the usual supply of that food which they cannot provide for themselves, and which they are partial to, cod-fish, and of course that he should continue to clothe them. This, in the present state of the colony, is all that can be required. The rich planter will probably give them something more, both in food and clothing; the poor and distressed proprietor cannot, if he would. The best security for the Slave's happiness will ever be found in his owner's prosperity.

To ensure to the Slave the necessaries which are thus reduced to the lowest rational calculation, I think it indispensable that, by a separate measure, the merchants' claim for the cod-fish and clothing required to be furnished in the course of one year, should be privileged and deemed a lien upon the estate. A precedent for this will be found in the Act passed by the General Assembly of the Leeward Islands in 1798, and the principle is acknowledged in the French law, where the necessaries furnished to a bankrupt for the use of his family are paid in preference to all other debts,—a privilege which extends even to the creditor of a

* Stephen.—West India Slavery, p. 415.

† Code Noir, 1685, 20th Dec. 1712, 6 May 1765 and 1786.

‡ Vol. 1, p. 263.

schoolmaster for the provisions supplied for himself and his pupils; so that I much doubt whether upon this broad ground the merchant might not even now claim it as a right.

Sect. 1.

The practice that Slaves shall have the advantage of religious service once a day is invariable, and now enjoined in the first section. On well-regulated estates they have prayers morning and evening. I may, on another occasion, enlarge more fully upon the state of religious instruction in this colony; but am anxious to confine myself at present to my immediate subject.

My motive for proposing to prohibit the use of the cart-whip upon plantations, is, that it is in the opinion of all a most unequal, and, therefore, a bad punishment at all times, but particularly in the hands of an irresponsible individual. As generally administered here, and particularly upon females who were never stripped, it was in fact no punishment, not one lash out of ten ever reached the offender. But the candid and ready avowal made by every planter, that the cart-whip may be rendered a dreadful instrument of torture; that an expert driver can use it with such dexterity as to cut out a piece of flesh at every lash, is, in my opinion, sufficient to proscribe it in all other cases than when applied in presence of a public officer. Nor do I think the planters will generally object to this.

During crop the Slaves are often worked at night, but the same Slaves are not kept up more than half the night. Indeed, upon well-regulated plantations they are said to be seldom employed after nine o'clock; much of this must be at the owner's direction. To deprive an individual of half his rest, is already severe, to go further would be cruel; I have, therefore, introduced the section. As to the number of watches into which the gang is to be divided, the planter will make his own arrangements. The only condition which I propose to require of him is, that in the course of forty-eight hours, the Slave should only be called upon to sacrifice half his usual time of repose.

The reason for insisting upon the Master's giving a two year's warning before he deprives his Slaves of their provision-grounds is obvious, and here where land is cheap, the regulation can be observed without inconvenience.

The nature of the penalties to be incurred by persons illegally punishing, mutilating, or murdering Slaves, was a subject which required much reflection. I have already traced the history of the law on this point to the present day. The Order in Council for Trinidad contains a provision nearly similar to that of the Code Noir. It requires that the injured Slave for the first offence, and all the offender's Slaves upon a second conviction, should be confiscated.

I have, in conforming to the ancient jurisprudence of the country, as certified by the author of the "Annales," and to the modifications gradually introduced by the legislature, and by adapting the provisions of the Trinidad Order to the present law, distinguished four degrees of guilt, commencing with mere neglect, and ending in actual murder.

The first class is confined to those cases in which Slaves are deprived of their allowance of provisions or clothing, or compelled to work on Sunday, &c.: here the offender is punished by a fine.

In the second are comprised the cases in which pregnant women, or mothers nursing, or mothers of numerous families, enjoying certain exemptions, are, notwithstanding, compelled to work as ordinary labourers; and cases of excessive or illegal punishment, or cruel treatment not amounting to an actual maiming or mutilation: here the offender is for the first offence to be fined or imprisoned, or both fined and imprisoned, and the court is authorized to withdraw the injured Slave from the Master, by ordering him to be sold or confiscated, or granting him his liberty, according to circumstances.

Upon a second conviction the offender is further declared incapable of possessing and governing Slaves, and sent out of the colony.

The third class refers to the mutilation or maiming of Slaves, in which the punishment for the first offence is a fine of from about one hundred to two hundred pounds sterling, and twelve months' imprisonment for each Slave; and the court may in all cases, and *must*, where the Master is the offender, discharge the Slave, and lay out the fine in the purchase of a life annuity from the colony.

Upon a second conviction, besides the above penalties, all the offender's Slaves are confiscated; he is declared incapable of holding or governing Slaves in future, and sent out of the colony. This last penalty is the only effectual one; it is the only means of preventing the offenders holding Slaves. As to confiscations, they would be received with perfect indifference by Planters, encumbered, as some are, beyond the extent of their means, whilst, on other occasions, the punishment would be very severe.

The fourth and last distinction comprises every offence by means of which a Slave is deprived of life. Here all difference between a state of servitude and a state of freedom ceases. The municipal law may award certain punishments for offences, and apportion them to the rank and relative duties of men in society. But there is nothing that can render a Slave's right to his existence less sacred than our own. It is sufficient that a responsible being has been hurried into eternity, to render the presumed culprit amenable to the usual penalties of the law. The heavy and painful services required from Slaves entitle them to the most ample protection.

CHAPTER THIRD.—CONDEMNED SLAVES' FUND.

By the fortieth article of the Code Noir, a Slave condemned to death upon his Master's denunciation, the latter not being an accomplice in the crime, is to be valued by arbitrators, and the estimated price is to be by a tax upon Slave owners. This is the source of the condemned Slaves' fund, an institution adopted in most of the colonies, and to which the Planter is reported to be much attached. It will be observed that the retribution was originally confined to the value of those condemned Slaves who had been denounced by their Masters: though the rule has since been extended to all cases of Slaves condemned to death or killed by authorized detachments as runaways.

Much has been said in favour of this fund, but upon a fair consideration of its advantages and disadvantages, I must in candour state that many evils may have proceeded from an inconsiderate application of the money thus levied. The certainty of repayment must render the master comparatively indifferent to the moral conduct of his Slave and to his fate. It deprives the Slave, labouring under a capital charge, of his Master's advice and protection. The Master, enjoying the Slave's present services and ultimately secure of an indemnity, is, as I have witnessed, careless of denouncing the worst crimes. Indeed it was an instance of this kind that first called my immediate attention to this question. Detachments too, when sent out, may become more anxious to secure the value of a worthless Slave, and fugitives are generally worthless, than his person.

From this consideration, if the fund be still retained, it should be placed under strict regulation. The following rules should be most rigidly adhered to:—

The full value of the Slave should be seldom, if ever, paid. The sum

fixed at present is two thousand livres, from half to two-thirds of the price of a full-grown Slave.

The runaway should have been previously denounced to the authorities; the master should have upon his estate the quantity of provisions required by law, and the claim in all cases should be made within twelve months from the time that it became due. These regulations are not new, but the first is eluded by the Commissaries of Quarters giving certificates in every case, as a matter of course, to meet which I have framed the Section, and the second is not attended to: and lastly, to enable the owner to recover the value of a Slave condemned to death, it should appear either that the crime was denounced by him, or that he took every precaution to secure the criminal as soon as it became known to him. That the owner, attorney, and manager, had in no way participated in the crime, and that they had not, by their neglect, or by any want of proper caution, led in the slightest manner to it.

On these terms only, I think, the fund might remain, and become, as originally intended, an inducement with the Master to denounce and apprehend Slaves guilty of offences.

No. 2.

Pavilion, St. Lucia, Oct. 25th, 1825.

MY LORD,

I HAVE the honour to forward to your Lordship a Draft of an Order in Council repealing the local ordinances and French laws now in force in Saint Lucia relating to Slaves, which has been transmitted to me by the First President.

I have the honour at the same time to enclose to your Lordship an Abstract, prepared by my Secretary, of all the Laws, Ordinances, &c., relating to Slaves, which form the Slave Law of Saint Lucia at the present moment.

Your Lordship will find this a most interesting document, inasmuch as, with the exception of manumission and the right of enjoying property, and the exemption of flogging, conceded to female Slaves, there is hardly one of the proposed regulations for the amelioration of the condition of the Slaves which may not be said to have been more or less provided for by the laws now in force.

I have particularly to refer your Lordship to the ordinance of the General and Intendant concerning the police of Negroes of 25th Dec. 1783, page 62 of the Abstract; and to the ordinance of the King concerning attorneys and managers of estates of 15th Oct. 1786, page 75 and 6, which directs journals to be kept on estates, and establishes special regulations for the feeding, clothing, and punishment of Slaves, and which also treats of the crimes and punishments on estates, and the police of estates, both in themselves and with one another, which is entirely placed in the hands of the Governor and Intendant.

I have, &c.

(Signed)

NATH^L. BLACKWELL,

Major Gen. administering the Gov^t.

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

DRAFT OF AN ORDER IN COUNCIL,
 REPEALING THE LOCAL ORDINANCES, AND FRENCH LAWS,
 NOW IN FORCE IN SAINT LUCIA RELATING TO SLAVES.

The only remaining laws will be the Order of His Majesty in Council, respecting the Registration of Slaves, and the consolidated abolition of the Slave Trade Act.

Castries, St. Lucia,
 20th October, 1825

(Signed) J. JEREMIE,

First President of the Royal Courts.

WHEREAS many of the Laws, Ordinances, and Regulations, relating to Slaves in the Island of St. Lucia, have fallen into desuetude; and *Whereas* several of the said laws, ordinances and regulations were framed for, and intended only to apply to Slaves in the Island of Martinique, by reason of which they have become extremely intricate, and it is, therefore, highly expedient for the interests, both of the Owners and of the Slaves, and for the ends of Justice, that the said Laws, Ordinances and Regulations, should be repealed, and that the purposes for which the same were from time to time enacted, should be secured, as far as it is desirable that they should be secured, by new Regulations; and *Whereas* it is also expedient that by such new Regulations, further provision should be made for the religious instruction of said Slaves, and for the improvement of their condition.

His Majesty is, therefore, pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that from and after the day of , 1826, so much, and such parts of the Laws, Ordinances, and Regulations, now in force in Saint Lucia, as are hereinafter set forth, shall, as far as concerns the said Island of Saint Lucia, be repealed.

1st.—An Ordinance, dated in March, 1685, intituled, Ordonnance du Roi, concurrent la discipline de l'Eglise, et l'état et qualité des Nègres Esclaves des Iles d'Amerique; the said Ordinance, commonly known under the designation of le Code Noir.

2nd.—An Ordinance, dated in March, 1705, intituled, Déclaration du Roi contre les Nègres libres qui retirent les manoirs, recelent leurs vols et les partagent avec eux.

3rd.—An Ordinance, intituled, Ordonnance du Roi au sujet des gardiens nobles, et bourgeois usufruitiers, amodiateurs et autres.

4th.—An Ordinance, dated 20th April, 1711, intituled, Règlement du Roi au sujet de la compétence des Juges ordinaires à l'égard des châtimens imposés aux Nègres Esclaves par l'Ordonnance de Mars, 1785.

5th.—An Ordinance, dated 1712, intituled, Ordonnance sur la nourriture des Esclaves, et leur punition.

6th.—Regulation of the Council, dated 24th October, 1715, intituled, Arrêt du Conseil d'Etat concernant la liberté des Esclaves.

7th.—A Regulation, dated 20th April, 1718, intituled, Ordonnance de Messieurs le Général et Intendant sur l'enivrement des rivières.

8th.—So much of an Ordinance of 3rd February, 1720, intituled, Ordonnance de Messieurs le Général et Intendant sur les Orfèvres, as related to Slaves and Free people of colour.

9th.—A Regulation, dated 4th June, 1720, intituled, Règlement local sur le ligne des Esclaves.

10th.—An Ordinance, dated 7th July, 1720, intituled, Ordonnance de Messieurs le Général et Intendant sur la remontrance du Procureur Général qui prescrit la vérification des titres de tous les gens de couleur qui se prétendent libres.

11th.—So much of an Ordinance of 15th December, 1721, intituled, Déclaration du Roi qui règle la manière d'élire des Tuteurs et des Curateurs aux enfants dont les Pères possidaient des biens tant dans le Royaume que dans les Colonies, et qui dépend à ceux qui seront émancipés de rendre leurs Nègres, as forbids persons under the age of twenty-five years disposing of their Slaves.

12th.—An Ordinance, dated 6th December, 1723, intituled, Ordonnance du Roi pour la plantation des maniocs.

13th.—So much of an Ordinance, dated 5th February, 1726, intituled, Déclaration du Roi en interprétation de l'Edit de 1685, contre les Esclaves, sur les donations faites à personnes de sang mêlé, et le recèle d'Esclaves, relating to Slaves and Free people of colour, as is still in force.

14th.—An Ordinance, dated 13th September, 1726, intituled, Arrêt en règlement du Conseil Souverain au sujet des Esclaves saisis, épaves ou criminels.

15th.—An Ordinance, dated 6th May, 1727, intituled, Arrêt en règlement du Conseil Supérieur concernant les Colporteurs dans les Campagnes.

16th.—An Ordinance, dated 3rd November, 1733, intituled, Arrêt en règlement du Conseil Souverain sur les Esclaves tenant maison.

17th.—An Ordinance, dated 27th November, 1733, intituled, Ordonnance de Monsieur l'Intendant qui defend aux Geoliers de donner l'élargissement de leur autorité privé aux Nègres tenus dans les prisons pour cause de maronnage.

18th.—An Ordinance, dated 7th January, 1734, intituled, Ordonnance de Messieurs le Général et Intendant qui défend aux Maitres de faire vendre du Café par leurs Nègres.

19th.—An Ordinance, dated 15th April, 1735, extending the like prohibition and penalties to the sale of Cotton.

20th.—An Ordinance, dated 15th June, 1736, intituled, Ordonnance du Roi concernant l'affranchissement des Esclaves des Iles Françaises de l'Amérique.

21st.—An Ordinance, dated 1st September, 1736, intituled, Ordonnance de Messieurs le Général et Intendant pour la plantation des Bananiers.

22nd.—An Ordinance, dated 15th July, 1738, intituled, Ordonnance du Roi sur le témoignage des Nègres contre les blancs.

23rd.—An Ordinance, dated 16th December, 1738, intituled, Ordonnance du Roi concernant le passage des Nègres Esclaves des Colonies en France.

24th.—An Ordinance, dated 10th March, 1740, intituled, Ordonnance de Messieurs le Général et Intendant concernant la plantation des patates et du riz.

25th.—So much of an Ordinance, dated 1st February, 1743, intituled, Déclaration du Roi sur les tutelles et curatelles, as prohibits persons under the age of twenty-five years from disposing of their Slaves.

26th.—An Ordinance, dated 1st February, 1743, intituled, Déclaration du Roi sur les Nègres qui composent des remèdes.

27th.—An Ordinance, dated 1st February, 1743, intituled, Ordonnance du Roi qui défend aux Esclaves le port d'armes.

28th.—So much of a Regulation, dated 11th July, 1744, intituled, Règlement de Messieurs le Général et Intendant sur les Boucheries, as relates to Slaves employed in purchasing cattle, being the 4th and 5th sections.

29th.—An Ordinance, dated 1st September, 1745, intituled, Ordonnance de Messieurs le Général et Intendant portant défense de faire galoper les chevaux dans les rues.

30th.—An Ordinance, dated 6th April, 1747, intituled, Ordonnance de Messieurs le Général et Intendant concernant la police des Nègres.

31st.—An Ordinance, dated 23rd June, 1751, intituled, Ordonnance de Messieurs le Général et Intendant pour la Cales du Bourg de St. Pierre.

32nd.—A Regulation, dated 7th November, 1757, intituled, Arrêt du Conseil Souverain sur les Esclaves tenant maison.

33rd.—An Ordinance, dated 1st September, 1761, intituled, Ordonnance de Messieurs le Général et Intendant concernant les affranchis.

34th.—So much of an Ordinance, dated 1st September, 1763, intituled, Ordonnance de Messieurs le Général et Intendant concernant les Bouchers, as refers to Slaves.

35th.—An Ordinance, dated 23rd September, 1768, intituled, Lettre du Roi qui autorise Messieurs le Général et Intendant à communir les peines capitales prononcées contre les Esclaves.

36th.—An Ordinance, dated 3rd January, 1764, intituled, Ordonnance de Messieurs le Général et Intendant portans commutation de la peine de mort.

37th.—So much of an Ordinance, dated 30th April, intituled, Ordonnance du Roi portant règlement pour l'exercice de la Chirurgie dans les différentes Colonies Françaises de l'Amérique, as relates to Slaves.

38th.—An Ordinance, dated 9th February, 1765, intituled, Ordonnance de Messieurs le Général et Intendant concernant les Gens de Couleur tant libres qu'Esclaves.

39th.—A Regulation, dated 6th May, 1765, intituled, Arrêt du Conseil Souverain sur la nourriture des Esclaves.

40th.—A Regulation, dated 2nd July, 1765, intituled, Arrêt en règlement du Conseil Souverain concernant le plantation des marrionnes et autres vivres pour la subsistence des Esclaves.

41st.—An Ordinance, dated 1st August, intituled, Ordonnance de Messieurs le Général et Intendant concernant les Esclaves ouvriers.

42nd.—An Ordinance, dated 12th August, 1765, intituled, Ordonnance de Messieurs le Général et Intendant concernant la suppression de Paniers.

43rd.—An Ordinance, dated 27th January, 1766, intituled, Ordonnance de Messieurs le Général et Intendant pour la vente du Poisson.

44th.—An Ordinance, dated 1st March, 1766, intituled, Ordonnance de Messieurs le Général et Intendant concernant les Nègres de Journée.

45th.—So much of an Ordinance, dated 11th February, 1767, intituled, Ordonnance de Messieurs le Général et Intendant, concernant les legs pies et liberté accordées par testament, as relates to Slaves.

46th.—A Regulation, dated 10th July, intituled, Arrêt en règlement du Conseil Souverain portant défense d'embarquer des Nègres pour outre mer sans permission du Gouvernement.

47th.—An Ordinance, dated 30th January, 1768, intituled, Ordonnance de Messieurs le Général et Intendant, concernant la Chasse.

48th.—An Ordinance, dated 5th February, 1768, intituled, Ordonnance de Messieurs le Général et Intendant, concernant les libertés données aux Esclaves sans permission du Gouvernement.

49th.—An Ordinance, dated 1st March, 1768, intituled, Déclaration du Roi sur les Jugemens portés contre les Esclaves.

50th.—A Regulation, dated 8th March, 1768, intituled, Arrêt du Conseil Souverain concernant les Nègres Justicies.

51st.—So much of an Ordinance, dated 25th February, 1769, intituled, Ordonnance de Messieurs le Général et Intendant sur les audiences de police, as relates to Slaves and people of colour not being innkeepers, bakers, butchers, workmen, mechanics, and persons of that description.

52nd.—So much of an Ordinance, dated 5th December, 1773, intituled, Ordonnance de Messieurs le Général et Intendant sur la vent du poisson à Saint Pierre et au Fort Royal, as relates to Slaves.

53rd.—An Ordinance, dated 29th December, 1774, intituled, Ordonnance de Messieurs le Général et Intendant concernant la vérification des titres de liberté des affranchis.

54th.—An Ordinance, dated 30th May, 1776, intituled, Ordonnance de Messieurs le Général et Intendant concernant la police des Esclaves aux processions.

55th.—An Order in Council, dated 8th June, 1776, intituled, Arrêt du Conseil d'Etat du Roi sur les affranchissemens.

56th.—An Ordinance dated 9th August, 1777, intituled, Declaration du Roi qui défend l'entrée du Royaume à tous noirs et autres gens de couleur, et qui fixe les mesures à observer pour le retour dans les Colonies de ceux qui ont accompagné leurs Maitres en France pour les servir pendant la traversée.

57th.—So much of an Ordinance, dated 11th March, 1778, intituled, Ordonnance de Messieurs le Général et Intendant concernant la piche et la vente des poissons, as relates to Slaves.

58th.—An Order in Council, dated 1st May, intituled, Arrêt du Conseil d'Etat qui ordonne que à l'avenir le prix des Esclaves supplicies et tués en maronnage à la Martinique et dependances sera remboursé à leurs maitres au prix commun de treize cents livres pour les Nègres, et à douze cents livres pour les Nègresses le tout argent des îles.

59th.—So much of an Ordinance, dated 31st August, intituled, Ordonnance de Messieurs le Général et Intendant concernant l'administration des Fabriques des Paroisses, la reformation entière des registres de baptemes, mariages, sepulture, et portant règlement sur ce qui doit être fourni aux religieux desservant les cures des Iles de Martinique et Saint Lucie, as relates to the baptism of the children of Slaves.

60th.—A Regulation, dated 2nd March, 1779, intituled, Arrêt du Conseil Souverain concernant les prises des Nègres.

61st.—A Regulation, dated 8th November, 1781, intituled, Arrêt du conseil Souverain qui interdit aux Gens de Couleur le port des Armes.

62nd.—An Ordinance, dated 25th February, 1783, intituled, Ordonnance de Messieurs le Général et Intendant pour la police des Nègres à la journée.

63rd.—So much of an Ordinance dated 25th December, 1783, intituled, Ordonnance de Messieurs le Général et Intendant concernant la police générale des Nègres et gens de couleur libres, as relates to Slaves.

64th.—So much of an Ordinance, dated 5th May, 1784, intituled, Ordonnance de Messieurs le Général et Intendant concernant l'Establissement des Halles pour la vent du Poisson à St. Pierre et au Fort Royal.

65th.—So much of a Regulation dated 8th September, 1784, intituled, Arrêt du Conseil Souverain, concernant les femmes et filles qui celent leurs grossesses et détruisent leurs enfans, as directs that foundlings of colour shall be sold into slavery.

66th.—A Regulation dated 9th November, 1785, intituled, Arrêt du Conseil Souverain concernant les chasses des Nègres marrons et les déclarations des Nègres tués.

67th.—So much of an Ordinance, dated 15th October, 1786, and intituled, Ordonnance du Roi concernant les Procureurs et Economes géraus

des habitations situées aux Iles de Vent, as inserted in the first, second, third, fourth, fifth, and sixth, chapters of the same.

68th.—An Ordinance, dated 10th September, 1789, intituled, Ordonnance de Messieurs le Général et Intendant concernant les soidisant libres et les libertés non ernégistrées.

69th.—A Regulation, dated 5th October, 1807, intituled, Arrêt de la Cour d'Appel de l'île St. Lucie concernant la caissé des Nègres justiciés de la dite île.

70th.—A Proclamation of General Alexander Wood, dated 4th January, 1808, respecting the revisal of deeds of manumission.

71st.—A Regulation, dated 2nd July, 1810, intituled, Arrêt de la Cour d'Appal de l'île St. Lucie concernant les libertés et les affranchissemens.

72nd.—An Ordinance, dated 7th October, 1812, intituled, Ordonnance de Son Excellence le Major Général Alexander Wood, Commandant de l'île St. Lucie portant qu'il ne sera plus accordé de patente aux gens de couleur soidisant libres et qui remet en vigueur les anciennes Ordonnances sur le fait des libertés.

73rd.—A Proclamation, dated 5th October, 1801, intituled, Proclamation de Son Excellence le Major Général Prevost, Commandant de l'île St. Lucie, portant établissement d'une chaîne pour les Esclaves des deux sexes qui seront pris dans les grands bois.

74th.—A Regulation 3rd October, 1803, intituled, Arrêt de la Cour d'Appel de l'île St. Lucie, concernant les Nègres marrons et les denombremens des Esclaves.

75th.—A Proclamation, dated 17th April, 1804, intituled, Proclamation de Son Excellence le Brigadier Général Brereton, Commandant en Chef de l'île St. Lucie contre les empoisonneurs.

76th.—A Proclamation, dated 10th December, 1804, intituled, Proclamation de Son Excellence le Lieut. Général William Myers, Commandant en Chef les Forces de Sa Majesté aux Iles de Vent, concernant les châtimens extraordinaires infligés aux Esclaves par leurs Maitres.

77th.—So much of an Order in Council, issued by Major-General Seymour, dated 8th January, 1817, and intituled, Ordre en Conseil portant établissement d'une Chaîne de Police, as authorizes slave-owners to send their slaves to work at the condemned chain, provided they obtain the Procureur du Roi's permission.

78th.—An Order in Council, issued by Major-General Seymour, dated 21st January, 1817, intituled, Ordonnance portant defenses à toutes personnes d'enlever aucun Esclave de la Colonie pour les porter dans un autre.

79th.—An Order, dated 28th August, 1817, intituled, Ordonnance concernant les affranchissemens des Esclaves.

80th.—So much of an Ordinance, issued by Major-General Sir John Keane, dated 18th October, 1818, intituled, An Ordinance establishing a positive and defined mode of conducting the business of Government, and certain other rules, orders, and regulations, connected therewith, as relates to Slaves and to acts of manumission, and to the fees payable upon drawing up, proving, registering, signing, or legalizing acts of manumission.

81st.—An Ordinance, issued by Governor Sir John Keane, dated 12th November, 1818, intituled, An Ordinance requiring certain forms to be complied with, to render legal manumissions granted in other colonies in favour of persons, natives, or inhabitants of St. Lucia, and directing the immediate enfranchisement of all persons who by will or otherwise have acquired a claim to their liberty.

82nd.—An Order in Council, issued by Major-General Sir John Keane, dated 10th June, 1819, intituled, An Ordinance relative to the freedom of

persons enfranchised by will, and the illegality of acts of liberty passed in any other colony in favour of Slaves, natives, or inhabitants, of St. Lucia.

83rd.—So much of an Order in Council, issued by Major-General Sir John Keane, dated 10th January, 1820, and intituled, An Ordinance for the better regulating the office of Colonial Secretary, and for the amending of so much of the Ordinance of the 18th October, 1818, intituled, An Ordinance establishing a positive and defined mode of conducting the business of Government, &c., as affixed certain duties and emoluments to the situation of Government Secretary, as relates to acts of manumission, and to the fees payable upon drawing up, proving, registering, signing, or legalizing the same.

84th.—An Order in Council, issued by Major-General Sir John Keane, dated 11th January, 1820, and intituled, An Ordinance establishing certain regulations with respect to the removal of Slaves from one British Colony to another.

And it is further ordered, that the several laws, ordinances, and regulations, and parts of the same before recited and set forth, shall be, and they are hereby accordingly repealed, except so far as they or any of them repeal any former laws, ordinances, and regulations, which latter shall notwithstanding continue repealed.

And the Right Honourable Earl Bathurst, one of His Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

MARTINIQUE CODE,

VOL. I.

No. 16, March, 1685.—Ordinance of the King, concerning the Discipline of the Church, and the Condition of Slaves in the West-India Colonies.

Art. II.—All slaves to be baptized according to the Roman-catholic religion.

Art. IV.—No person but a Roman-catholic to have the charge of slaves.

Art. VI.—Forbidding the working of slaves on the sabbath or the holidays of the Roman-catholic religion from one midnight to the next.

Art. VII.—Forbidding the holding of market on the above days.

Art. VIII.—Every person, not of the Roman-catholic religion, incapable of contracting marriage.

Art. IX.—Free persons who beget children with slaves, as well as the owners of such slaves permitting it, subject to a penalty of 2000lbs. of sugar. If the master of the slave be father of the children, he is deprived of slave and children, who become confiscated for the good of the hospital, and lose the right of ever being freed. If, however, the father be unmarried, by marriage with his slave (if his property), she becomes free, and the children legitimate.

Art. X.—The formalities prescribed by the Ordinance of Blois, as well as by the Declaration of 1639, respecting marriages, to be observed as well with regard to free persons as to Slaves, with this exception, that the consent of the father and mother of the Slave is not necessary, but only that of the Master.

Art. XI.—Forbidding all curés to marry Slaves without the permission of their Masters. Forbidding, likewise, Masters to force their Slaves to marry.

Art. XII.—Children born of Slaves, although married, are still considered Slaves, and belong to the Master of the female Slave, should they have different Masters.

Art. XIII.—If the slave-husband marries a free woman, the children, whether males or females, are of the condition of the mother, and considered free, notwithstanding the father be a Slave. If the father is free, and the Mother a Slave, the children are Slaves.

Art. XIV.—Owners bound to inter their Slaves in consecrated ground, and places destined for that purpose, should the Slave be baptised. If a Slave dies without having received baptism, to be interred during the night in some contiguous spot.

Art. XV.—Forbidding Slaves to carry arms or large sticks, under pain of flogging, and confiscation of the arms: excepted, those who are sent out shooting by their Masters, and are bearers of their permission.

Art. XVI.—Forbidding Slaves, belonging to different Masters, to assemble together at night, at the dwelling of either Master or elsewhere, under pretext of weddings, or otherwise, nor in the high roads or by-ways, under pain of corporal punishment, which cannot be less than flogging and the fleur-de-lis; and in case of frequent repetitions, and under aggravated circumstances, they can be punished with death, at the discretion of the Judges.

Art. XVII.—Masters, convicted of having permitted or tolerated such assemblies, composed of others than their own Slaves, shall be condemned to repair any injury caused by such assembly, to pay a fine of ten livres for the first offence, and double in case of repetition.

Art. XVIII.—Forbidding Slaves to sell sugar canes, even with their Master's permission, under pain of flogging for the Slaves; a fine of ten livres tournois against the Master; and the like sum against the buyer.

Art. XIX.—Forbidding Slaves to expose for sale either in the market or at private houses any kind of produce, not even fruits, vegetables, or grass, for feeding cattle, without a written permission from their Masters. Articles so sold to be reclaimed by masters without repayment, and a fine of six livres against the buyer.

Art. XX.—Ordering that two persons shall be appointed for each market, for the purpose of examining the produce and merchandize which shall be exposed for sale by Slaves; as also the permission granted by their Masters.

Art. XXI.—Authorising all persons to seize articles which shall be found in the possession of Slaves who have not their Master's permission.

Art. XXII.—Masters to allow to their Slaves, from ten years of age and upwards, the following rations of provisions weekly:—two and a half pots (Paris measure) of farine manioc, or three cavassa, each weighing two pounds and a half at least, or its equivalent, with two pounds salt beef, or three pounds fish, or other things in proportion; and to infants, from the time of being weaned, until they shall have attained ten years, half of the above allowance.

XXIII.—Forbidding the allowance of spirituous liquors to Slaves, in lieu of the subsistence allowed in the preceding article.

Art. XXIV.—Forbidding Masters from allowing their Slaves certain days in the week to work in lieu of subsistence.

Art. XXV.—Masters to allow to each Slave yearly two suits of clothes, or four ells of linen.

Art. XXVI.—Slaves, not clothed and fed by their Masters, as laid down by foregoing clauses, to make their complaint to the Procureur du Roi, who acts in their behalf, and prosecutes the Masters ex officio, without expense. Procureur du Roi to act in a similar manner in all cases of improper treatment of Slaves by their Masters.

Art. XXVII.—Slaves, infirm either from age, sickness, or otherwise,

whether the disorder may be incurable or not, shall be fed and maintained by their Masters; and, in the event of their being abandoned, the said Slaves shall be sent to the hospital, and the Masters obliged to pay ten sols per diem for the maintenance of each Slave.

Art. XXVIII.—Slaves can possess nothing independent of their Masters. All that they may acquire by industry, or through the liberality of other persons, or otherwise, belong in full right to their Masters, without the children of such Slaves, their fathers, mothers, or their families, or others, pretending any right to the same, either by succession, gift, or otherwise; declaring all gifts, promises, or obligations, made by Slaves, to be null and void, and as having been made by persons incapable of acting or contracting and disposing for themselves.

Art. XXIX.—Masters held responsible for what their Slaves may do by their orders; also for their engagements in commerce, undertaken with Master's consent. Should their Masters have given no orders, they shall be bound only in as far as they may have reaped any profit, and in case of no profit arising to the Master, the peculium of the Slaves, which their Masters might have permitted them to possess, shall be answerable; the Master first paying himself out of this peculium whatever the Slave may owe him; excepting the peculium consist of merchandise, which the Slave had been allowed to make a traffic of, in which case the Master has no more claim than the other creditors.

Art. XXX.—Slaves not allowed to be appointed to office, nor to any public situation, nor to be appointed agents to others than their Masters, nor to be concerned in commerce, nor act as arbitrators or witnesses, either in civil or criminal matters; and, in the event of their being called upon as witnesses, their depositions can only serve to assist the Judge, without being considered as a presumption or admission of proof.

Art. XXXI.—Slaves cannot be parties in civil matters, either as plaintiffs or defendants, nor be civil parties in criminal matters, reserving, however, to their Masters to act for and defend them, and to demand in their behalf, in criminal matters, reparation for any ill-treatment received by their Slaves.

XXXII.—Slaves can be prosecuted criminally, without their Masters becoming parties, unless they be accomplices, and they are judged, in first instance, by the ordinary Judges, and in appeal by the Sovereign Council (Conseil Souverain), with the same formalities as are observed in the cases of free persons.

Art. XXXIII.—The Slave who strikes his Master, or the wife of his Master, his mistress, or the husband of his mistress, or their children, and causes a contusion, or effusion of blood, to suffer death.

Art. XXXIV.—Slaves guilty of ill-treating and striking free persons to be severely punished, even with death, as the case may be.

Art. XXXV.—Qualified thefts (vols qualifiés), even those of horses, mules, or horned cattle, committed by Slaves, or persons enfranchised, to be severely punished, even with death, if the case require it.

Art. XXXVI.—Thefts of sheep, goats, hogs, fowls, sugar-canes, peas, corn, manioc, and other vegetables, committed by Slaves, to be punished according to the nature of the theft, even by flogging, by the public executioner, and stamping with a fleur-de-lis.

Art. XXXVII.—Masters, whose Slaves have been guilty of robbery, or other injuries, independent of the corporal punishment of the Slaves, to be compelled to repair the injury done by such Slaves; they are at liberty, however, to abandon their Slaves to the person injured, provided the same be done within three days after condemnation.

Art. XXXVIII.—A Slave who shall have absented himself for one month from the day in which his Master shall have denounced him to justice, shall have his ears cut, and be stamped with a fleur-de-lis in one

shoulder. If he absents himself a second time for a month, counting also from the day of his being denounced, he shall have his hams cut, and be marked with a fleur-de-lis on the other shoulder. For the third offence, to suffer death.

Art. XXXIX.—Persons enfranchised, who afford retreat to fugitive Slaves, to pay (par corps) 3000 lbs. sugar to the Master, for each day of retention of the Slave, and other free persons affording such retreat, to pay ten livres tournois, for each day's retention.

Art. XL.—The Slave, who suffers death on denunciation of his Master, not an accomplice in his crime, to be estimated before his execution by two principal inhabitants named by the Judge, and the price of estimation to be paid to the Master, out of a fund to be levied upon all negroes liable to duty.

Art. XLI.—The Judge, procureurs, and greffiers, are prohibited demanding any fees in criminal procedures against Slaves.

Art. XLII.—Masters, when they consider their Slaves deserve punishment, permitted only to chain them, and flog them with rods or cords. They are prohibited putting them to torture, or mutilating their limbs, under pain of confiscation of the Slaves, and of the Master being proceeded against extraordinarily.

Art. XLIII.—Masters or Commandeurs, (Drivers), who kill a Slave under their orders or protection, to be prosecuted criminally, and punished according to the nature of the offence.

Art. XLIV.—Slaves considered moveables, and as such liable to mortgage.

Art. XLV.—May be stipulated, "propres," as is the custom in the case of sums of money, and other moveables.

Art. XLVI.—The same forms to be observed in the seizure of Slaves, as of moveable property,—the proceeds arising from the sale, to be distributed in the order of seizure, "au Sol la livre," after the payment of privileged debts.—The condition of Slaves to be assimilated in all things to other moveables with the following exceptions.

Art. XLVII.—Husband and wife, together with their children, under the age of puberty, cannot, if belonging to the same owner, be sold separately; all sales of this description declared to be null and void, whether voluntary or otherwise. Any Slaves so illegally retained, to be adjudged to, and to belong to the purchaser of the other member of the family, without any additional sum being required.

Art. XLVIII.—Slaves from the age of fourteen to sixty years, working upon plantations, cannot be seized for debts, except for the sum due for their purchase, or except the estate be under real seizure, in which case, all such Slaves to be included in the seizure, and be sold together with the estate.

Art. XLIX.—Children (Slaves,) born while an estate is under real seizure, not to be considered as fruits belonging to the judicial tenant.

Art. L.—Such children to form a part of the property seized, and to be disposed of accordingly.

Art. LI.—In the distribution of the proceeds of the sale of a property seized really, the price of land and Slaves to be considered as one.

Art. LII.—The *Retrait Ligangée*, (*i. e.* re-purchase of an estate by a relation of the person who sold it,) and Feudal claims on fiefs, cannot be exercised against the land, separately from the Slaves.

Art. LIII.—Guardians and others, in occupation of estates to which Slaves are attached, ordered to treat them with humanity; they are not obliged after their administration, to account for Slaves who may have died or have decreased in value from sickness, or otherwise. Children born, to be considered belonging to the owner of the Slaves.

Art. LIV.—Masters who shall have attained twenty-years, can free their Slaves, without being obliged to give an account thereof.

Art. LV.—Slaves universal legatees to their Masters, executors to their wills, or tutors to their children, reputed and declared free.

Art. LVI.—Slaves manumitted in the colonies, the same as if they had been born free, do not require letters of naturalization, to enjoy the advantages of other subjects of the government, although they may have been born in a foreign colony.

Art. LVII.—Slaves who have been manumitted, are desired to be singularly respectful to their ancient Masters, their wives, and children, so that any injury done to them will be more severely punished, than if done to other persons ;—they are otherwise declared to be free of all other obligations to their former owners.

Art. LIX.—Slaves manumitted, to enjoy the same rights, privileges, and immunities as are enjoyed by persons born free.

Ordinance of the King, respecting Guardians, &c.

20th April, 1711.

No. 28.—Notwithstanding fifty-fourth article of Code Noir, a private agreement, making the tenant answerable for the deaths of Slaves, and giving him the benefit of births to be binding.

No. 29.—Regulation of the king, respecting the competency of the ordinary judges, with regard to punishments inflicted upon Slaves, by Ordinance of March, 1685.

20th April, 1781.

Derogates from thirty-second Article of Code Noir, and admits appeal in criminal prosecution of Slaves, in case of capital punishment, and l'arrêt coupé only.

No. 32.—Ordinance of the king respecting the feeding and punishment of Slaves.

30th December, 1712.

Slaves to be fed and clothed agreeable to the regulations laid down on that subject, and expressly forbidding all persons, under penalty of 500 livres, from inflicting the torture on Slaves of their own authority.

No. 34.—Arrêt of the Council of State of the king, concerning the freedom of Slaves.

24th October, 1713.

Derogates from thirty-fifth article of Code Noir, and renders approval of Governor necessary to make affranchisements legal.

No. 49.—Ordinance of the General and Intendant on poisoning the rivers.

2nd April, 1718.

Slaves detected of the above, subject to be exposed to the pillory during three market days, and one month's imprisonment for the first offence, and for a repetition, to be flogged and marked.

No. 60.—Local regulations on the dress of Slaves.

4th June, 1720.

Art. I.—All Mulattoes and Indians of either sex, Slaves, who work at the cultivation of the ground, to dress in conformity with the Ordinance of 1685, and wear linen de vitré or morlaix, for shirts and trowsers, or petticoats of Indienne or Ginga, and not to wear any other dress, on pain of imprisonment and confiscation of their clothes.

Art. II.—All Mulattoes, Indians, or Negroes of either sex; also Slaves who serve their Masters or Mistresses, as domestics, to wear linen de vitré, or morlaix, or old clothes, equivalents belonging only to the Masters or mistresses, with necklace and earrings of silver, &c., according to the quality of the Master or mistress, &c., under the same penalty as by the above Art.

No. 67.—Declaration of the King, regulating the appointment of tuteurs and curateurs to children, &c., and which prohibits those who are emancipated from selling their Negroes.

15th December, 1721.

Art. IV.—Minors, although emancipated, cannot dispose of their Negroes who work on their estates, until they shall have attained twenty-five,—the said Slaves, however, still considered as moveables.

No. 83.—Ordinance of the King, respecting the planting of Manioc.

6th December, 1723.

Art. I.—All plantations to have 500 fosses of manioc planted for each Slave, under penalty of fifty livres fine, for each 500 fosse deficient.

Art. II.—The Captain of Militia of each quarter, accompanied by four inhabitants, in the month of December of each year, to visit every estate, to take an account of the number of domestics, as well as quantities of 500 fosses of manioc.

Art. VIII.—Persons convicted of not having executed Articles 22, 23, 24, 25, 26, and 27, of the Letters Patent, in form of Edict of March, 1685, respecting the subsistence and dress of Slaves, condemned to pay a fine of 500 livres.

No. 87.—Extract from an Ordinance of the General and Intendant on the police of butchers, bakers, fishermen, and sellers of vegetables and milk for the supply of the towns.

January, 1724.

Slaves liable to be flogged and imprisoned, for going on the high roads, to meet sellers of vegetables, and other articles destined for the use of towns.—To be flogged, if detected mixing water with milk offered for sale.

No. 110.—Arrêt of the Sovereign Council of Martinique, on the subject of Slaves seized, épaves, or criminals.

13th September, 1726.

Art. I.—Inhabitants are allowed to send their Slaves to prison, accused or suspected of crimes.

Art. II.—The Master of the Slaves to give, in twenty-four hours after their imprisonment, a charge against them.

Art. III.—If the Masters do not give in the charge or complain within the twenty-four hours, they are to support the expenses of Jail and feeding,

from the day of the Slave's confinement, to the day of the presentation of the requête.

Art. IV.—In the event of the Slave's being condemned and punished for the crime, the Masters are bound to release them on the day, or the day following the execution of the sentence, in the same manner, as if the Slaves were acquitted, under pain of paying for the feeding and jail fees of the Slaves, during the time they are left in prison, counting from the day after the execution of the judgment which acquits them, except in the case of torture, when Slaves who have suffered can be kept in prison nine days at the king's expense.

Art. V.—The substitutes of the Procureur-General are to employ themselves immediately, and without delay, in the criminal procedures against the Slaves, prisoners.

Art. VI.—Slaves épaves, (*i. e.* unclaimed) to be also confined in prison, in charge of the jailor. Jailors to keep a register, signed in the margin by the substitute of the Procureur-General, of each negro imprisoned, and within twenty-four hours after their imprisonment, under a penalty.

Art. VII.—Slaves épaves, to be sold every three months, *viz.*: in the months of January, April, July, and October, at the diligence of the substitute of the Procureur-General; the said Slaves to be publicly cried three Sundays successively, at the door of the court-house in each jurisdiction, and on each of those days to be exposed to be recognised by their Masters.

Art. VIII.—Masters permitted to go to prison, to recognise their Slaves, and to release them.

Art. IX.—Masters on releasing their Slaves, to pay all expenses of imprisonment, feeding, &c.

Art. X.—After the expiration of the three months, these Slaves to be sold by the judge of the district, to the highest bidder, and after the sale of such Slaves, they cannot be reclaimed by their Masters. The purchase money, if claimed by the Master within twelve months after sale, will be paid to him, on proving the Slaves sold to be their property.

Declaration of the King, respecting the levy of the Capitation Taxes in the Colonies, and of those exempted from payment of taxes.

3rd October, 1730.

Art. XXI.—Negroes upon plantations, not liable to seizure for payment of Capitation Tax.

No. 133.—Arrêt of the King, respecting Slaves keeping houses.

3rd November, 1733.

Prohibiting Masters to suffer their Slaves to go astray, or to keep private houses, under pain of confiscation of the Slaves, and the effects found in their possession.

No. 134.—Ordinance of the Intendant which forbids jailors of their own authority, to release Negroes confined in jail, as runaways.

27th November, 1733.

Prohibiting jailors from discharging Slaves confined in jail, as runaways, without an order in writing from the Procureur du Roi.

No. 135.—Ordinance of the General and Intendant, prohibiting Masters from sending their Slaves to sell coffee.

7th January, 1734.

Art. I.—Masters sending their Slaves from their estates with coffee, to give a note signed by them, specifying the quantity delivered.

Art. II.—Negroes found with coffee, without a billet from their Masters, to be imprisoned, and the coffee confiscated.

Art. III.—Prohibiting Planters, under any pretext, from selling coffee by their Slaves.

Art. IV.—Forbidding Slaves from selling coffee, even by order of their Masters, under pain of being flogged, and the coffee confiscated.

Art. V.—Forbidding persons of all descriptions from buying coffee of Slaves, even should they have their Master's permission.

Art. VI.—Ordering all public officers to cause to be arrested all Negroes who shall be found with coffee in their possession, and conducted to prison.

Mem. By an ordinance of the above officers, dated 15th April, 1735, the dispositions of this Ordinance were extended to the sale of cotton by Negroes.

No. 142.—Ordinance of the King, concerning the manumission of Slaves in French Colonies.

15th June, 1736.

No person, of whatever rank or condition, can free their Slaves, without having first obtained the Governor and Intendant's permission in writing to that effect. All freedoms given without the above permission are declared null, and the Slaves so manumitted declared incapable of enjoying the right of freedom, shall be reputed Slaves, and sold for the profit of the King, and the Master condemned to pay a fine.

Forbidding all curés, and other religious persons, from baptizing as free, any children, unless the freedom of the mothers shall have been previously proved, by their acts of liberty, approved by the Governor and Intendant.

Ordering that all children who shall be baptized as free, and their mother's Slaves, shall be considered and reputed Slaves; their Masters shall be deprived of them, and they shall be sold on account of the crown.

No. 143.—Ordinance of the Governor and Intendant, respecting the planting of plantains.

1st September, 1736.

Art. I.—Independently of the quantities of manioc ordered by the preceding Ordinances, each inhabitant shall plant twenty-five plantain trees for each Negro, and after the first crop 50 for each.

Art. II.—The Captain of the Militia of the quarter, accompanied by four inhabitants, to visit the plantations in the month of December of each year, agreeably to Ordinance of 6th December, 1723.

Art. III.—The said Captains of Militia to give into the General and Intendant, at the latest in the month of March, a procès verbal of their visits, signed by them, together with the four inhabitants.

Art. V.—The judges, in naming arbitrators to estimate the Negroes killed as runaways, as well as the Negroes justiciers, will at the same time order the said two arbitrators, or two others, to visit the provision grounds for the Negroes on the estates, and the Negroes cannot be paid for unless the arbitrators affirm upon oath, that they found on the estate the quantity of provisions ordered.

Art. VI.—If an inhabitant is unable from circumstances to plant the quantity of provisions ordered, he will report the same to the General and Intendant within three months after the publication of this Ordinance,

and will also apprise them of the measures which have been adopted to supply the Negroes with the necessary provisions.

Art. VII.—Inhabitants who shall be convicted of not having the quantity of manioc required by preceding Ordinances, shall be condemned to the payment of a fine; and those who have not the number of plantains before ordered, shall be condemned to pay a fine of ten livres for each plantain tree deficient.

Art. VIII.—The inhabitants residing in the neighbourhood of the one acting in contravention to the Ordinances who did not give notice thereof, agreeably to Art. IV. of the present Ordinance, shall be condemned to a fine arbitraire.

No. 148.—Ordinance of the King, on the Evidence of Negroes against Whites.

15th July, 1738.

Notwithstanding the 30th Article of the Ordinance of March, 1685, it is ordered, that in default of whites, the Evidence of Slaves shall be taken in all cases, except against their Masters.

No. 156.—Ordinance of the General and Intendant, concerning the planting of potatoes and rices.

10th March, 1740.

Art. I.—Exclusive of the plantains and manioc prescribed by law, each inhabitant shall plant a quarré of ground in potatoes for every 30 Negroes.

Art. II.—Those who are unable from the quality or situation of their grounds to plant plantains or manioc, shall be obliged to substitute for them the necessary quantity of potatoes or rice, or other provisions fit for subsistence.

Art. III.—Those who are convicted of not having obeyed the orders laid down, shall be subject to the penalties prescribed by former Ordinances.

Art. IV.—Captains of Militia are ordered to visit the estates in the month of June, and to transmit a procès verbal thereof in the form prescribed.

No. 164.—Declaration of the King, respecting the composing of Medicines for Negroes.

1st February, 1743.

Forbidding all Slaves of either sex from composing or distributing remedies made up in powders, or in any other manner, or to undertake the cure of any description of disorder, with the exception of the bite of serpents, under pain of corporal punishment; even death, if the case require it. Slaves, who under pretext of preparing remedies for bite of serpents, should apply them to other purposes, shall be condemned to the penalties hereby laid down.

No. 165.—Ordinance of the King, prohibiting Slaves from carrying arms.

1st February, 1743.

Art. I.—Slaves taken as runaways, with fire-arms, shall be punished with death; those taken with knives, other than knives called jambettes, shall receive corporal punishment, even be punished with death if the case require it.

Art. II.—All thefts committed by Slaves of small or fire-arms, shall be considered as qualified thefts, and subject them to corporal punishment, or even death if necessary, as by 35th Article of Ordinance of 1685.

Art. III.—Taking possession of pirogues, boats, canoes, or other vessels by Slaves, considered qualified thefts, and as such punishable agreeably to said Art. 35.

Art. IV.—Slaves convicted of having plotted the taking away of a pirogue, boat, canoe, or other vessel, and taken in the attempt, shall be condemned to suffer the same punishment as if they had succeeded in their attempt.

Art. V.—A Slave taken passing from one vessel to another to escape from the colony, shall have his hams cut, if he be not condemned to death.

No. 171.—Regulation of the General and Intendant respecting Butchers' Shops.

11th July, 1744.

Art. IV.—Forbidding Slaves of either sex from commercing or purchasing cattle, either in country or town, or on board of vessels, either on their own account, or on that of their Masters.

Art. V.—Forbidding equally Masters thus to employ their Slaves on their own account, or on account of others, under pain of confiscation of the Slaves and cattle which they may have purchased, and a fine of 500 livres against the Master.

No. 179.—Ordinance of the Intendant, prohibiting the galloping of Horses in the Streets.

1st September, 1745.

Negroes and Mulattos Slaves forbid not only to gallop horses through the streets, but also to mount them; they are to lead them by the bridle or cord, under pain of flogging and the fleur-de-lis.

No. 184.—Ordinance of the General and Intendant concerning the Police of Negroes.

6th April, 1747.

Art. I.—Agreeably to Article 19 of the Ordinance of 1685, Masters who send their Slaves to town to sell poultry, fruit, vegetables, &c., shall be obliged to give them a written authority to that effect, whether the Slaves go on their own account, or on account of their Masters, under pain of confiscation of the effects, and imprisonment of the Slaves.

Art. II.—Officers of the Police to make regular visits at the market-places on Sundays and holidays, and other places where daily markets are kept, to examine the tickets in possession of the Slaves, and to arrest those who are without.

Art. III.—Agreeably to the before-recited Ordinance, all other persons are permitted to arrest Slaves found in possession of articles for sale without the requisite permission.

Art. IV.—Forbidding Masters from sending their Slaves beyond a league from their dwelling, without giving them a ticket containing the name of the Slave and the Master, under penalty of twelve livres against the Master, and imprisonment of the Slave.

Art. V.—Forbidding all patrons of pirogues to afford retreat or passage to Slaves of either sex, without a certificate from or accompanying their Masters, under pain of eight days' imprisonment at the expense of the master or proprietor of the pirogue or passage-boat.

No. 206.—Regulations and General Tariff of the General and Intendant.

24th December, 1753.

Art. XXXVI.—All procedures and judgments against Slaves in criminal matters gratis, unless the Master undertake the cause.

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VOL. II.

No. 224.—Arrêt of the Conseil Souverain, respecting Slaves keeping Houses.

7th November, 1757.

Slaves who hire themselves, and found acting in contravention to the dispositions of the Arrêt and Regulations of 1733 and 1749, to be confiscated; half of value to be paid to the informer, other half to the public.

All proprietors of houses convicted of having hired their houses or chambers to Slaves, condemned to pay a fine of 500 livres.

Keepers of public-houses, as well as free Negroes and Mulattoes, are forbid to give lodging or shelter to Slaves, even with their Master's permission, excepting Slaves bearers of their Master's orders, under penalty of 5000 livres.

No. 226.—Arrêt du Conseil Souverain, concerning the Registers of Baptism, Marriages, Interments, &c.

13th May, 1758.

Art. VI.—Two registers to be kept in each parish, in which to be inserted the baptism and marriages of Slaves.

No. 241.—Ordinance of the General and Intendant concerning Persons affranchised.

1st September, 1761.

Art. I.—All Mamelukes, Mestees, Mulattoes, Negroes, and generally all persons of colour of either sex, who pretend to be free, and live as such, to deliver in their titles of liberty within three months.

Art. V.—All those who enjoy freedom without titles agreeable to the Ordinances of the King, shall be confiscated and sold as Slaves, for the profit of the King, reserving, however, the right of confirming the freedoms of such as by good conduct shall have merited the same.

Art. VI.—The sale of Slaves who do not enjoy the right of freedom, to be at the diligence of the Director General of the King's domain.

Art. VII.—Captains of Militia to deliver to the Intendant exact returns of all Mamelukes, Mestees, Mulattoes, Negroes, and others of colour, serving in their companies, together with their ages, number of children, sex, and place of residence.

Art. IX.—Registers after completion to be deposited with the Director General of the domains, who is, in future, to insert thereon the names of those who are affranchised; and those who may be affranchised by the General and Intendant, or their successors, are to be likewise communicated to the Directeur des domaines.

Art. X.—After the three months allowed, those who do not deliver

their titles of freedom, to be considered as not having any, and as usurpers of liberty, and as such to be sold for the profit of the King.

Art. XI.—Persons of religious orders to observe strictly the Ordinances of 24th October, 1713, and 15th June, 1736, and to be careful not to baptize as free, any children whose mothers cannot prove their title to freedom.

No. 266.—Ordinance of the General and Intendant concerning Butchers.

1st September, 1763.

Art. III.—Forbidding Slaves from following the trade of butchers, or re-selling meet bought by them of butchers, under pain of being flogged and pilloried, and also confiscation of the Slaves to the benefit of the King, if it shall be proved that the Master authorized them to do so. Slaves, however, allowed to sell pork as usual.

No. 277.—Ordinance of the General and Intendant respecting the Duties of the Marechaussee.

18th October, 1763.

Art. X.—Slaves arrested in town of the domicile of their Masters, or in the neighbourhood thereof, either by day or night, not to be considered as runaways, should they not have been denounced previously. Masters who make a false declaration respecting their Slaves, to be fined 300 livres.

Art. XI.—Slaves arrested in town at night, three leagues from their Masters' domicile, shall be taken as runaways, and twelve livres paid for their capture. Slaves taken after nine o'clock, without a billet from their Masters, specifying the mission on which sent, to be likewise taken up.

Art. XII.—White Officers of the Marechaussee, who meet Slaves out of the town with produce or merchandise for sale, without a permission from their Masters' to that effect, to arrest and conduct them to prison.

Art. XIV.—All Slaves found after nine o'clock at night from their Masters' dwellings, without permission, to be arrested, and conducted to prison.

No. 288.—Ordinance of the General and Intendant, respecting the Commutation of Capital Punishment.

Art. I.—The punishment of death, in cases of marronage, for the third offence; and those to the galleys, whether limited or for life, to be commuted to condemnation to the chain, unless otherwise ordered by the King. Slaves to be chained by twos, and to be employed in the King's works, or in repairs of the high roads.

Art. II.—Slaves to be condemned to the chain in perpetuity, in all cases of marronage, for the third offence, or of other crimes, which agreeably to the laws can be punished by the galleys, either for a limited period, or for life.

Art. III.—Slaves condemned to the chain to be paid for to their Masters, who have denounced them, according to their appraisement, out of the funds appropriated to that purpose.

Art. IV.—Slaves thus condemned to the chain, to be fed at the public expense, with the exception of the time they shall be employed on the public works of the colony, in which case they are to be provided for at the expense of the parties who are obliged to contribute to the expense of the work.

Art. V.—These chain Slaves, when employed on the works of the colony, are to be placed under the charge of a soldier, serjeant, or other men of that description; and the guardian of such Slaves to be paid four livres per day, without other allowance.

Art. VI.—Slaves considered bad subjects can be put to work in the chain without being, however, marked—cannot be done, however, without the Masters' consent.

Art. VII.—Slaves condemned to the chain to be marked with a fleur-de-lis on the left cheek, for the purpose of being recognised in case of escape.

No. 293.—Ordinance of the King, establishing Regulations for the Practice of Surgery in the French Colonies in the West Indies.

30th April, 1764.

Art. XVI.—Forbidding all Negroes and Mulattoes, whether free or Slaves, from exercising the profession of physician or surgeon, or from visiting the sick, under any pretext whatever, under the penalty of 500 livres, or corporal punishment, according to the nature of the case.

No. 309.—Memoire of the King, to serve as Instructions to the Count D'Ennery, Governor, and to the Sieur De Pernier, Intendant of Martinique.

25th January, 1765.

Recommending to the Count D'Ennery, and the Sieur De Pernier, the greatest attention to the feeding of Slaves by their Masters. Prohibiting the giving of Saturday to Slaves to work in lieu of granting them the allowance ordered by law.

No. 311.—Ordinance of the General and Intendant concerning Persons of Colour, free as well as Slaves.

9th February, 1765.

Art. II.—Slaves belonging to different Masters, who under any pretext whatever meet together in assemblies, to be flogged, and marked for the first offence, and to be more severely punished in the event of repetition.

Art. III.—Masters, or others convicted, having permitted or tolerated, at their own houses, meetings of Slaves, or having lent or hired their houses to Slaves for the purpose of dancing, to be condemned, *viz.* Masters for the first offence 100 livres, and double in case of repetition; and other persons who shall lend or hire their houses to Slaves for the purpose of dancing, or otherwise, to be condemned 500 livres for first offence, and to be more severely punished in the event of a repetition.

Art. IV.—Slaves arrested in the streets, masked or disguised, to be flogged, marked, and placed in the pillory three hours for the first offence, and to be more severely punished for the second; and if found masked or disguised with arms of any kind, to suffer death.

Art. V.—Forbidding merchants and others from selling to Slaves the arms mentioned in the preceding Article, even with their Masters' permission, under pain of being punished according to the Ordinances and Regulations already issued to this effect.

Art. VI.—Masters ordered to see that the orders laid down in this Ordinance be duly observed by their Slaves.

No. 315.—Arrêt du Conseil Souverain respecting the feeding of Slaves passed on the demand *ex officio* of the Procureur General.

6th May, 1765.

Inhabitants of the Colonies to conform exactly to Articles XXII. and XXIV. of the Edict of 1685, under pain of 500 livres' fine.

No. 321.—Arrêt en Reglement du Conseil Souverain, respecting the planting of Manioc and other Provisions for the subsistence of Slaves.

2nd July, 1765.

Inhabitants are desired to keep planted in their plantations the quantity of manioc prescribed by law, or other produce equivalent thereto, under penalty of 500 livres.

No. 325.—Ordinance of the General and Intendant, concerning Slaves employed as Workmen.

1st August, 1765.

Art. I.—Masters forbid suffering their Slaves to straggle about, or to keep private houses, under the pretext of commerce, or otherwise, under pain of confiscation of the Slaves, as well as of the effects found in their possession.

Art. II.—Proprietors of, or persons having houses, are forbid letting out chambers or shops to Slaves of either sex, and all persons are forbid lending their names to Slaves, either directly or indirectly, under penalty of 500 livres for the first offence, and severe punishment for the second.

Art. III.—Slaves permitted to be employed as workmen at their Masters' houses, and under their inspection; they are also permitted to be hired out to free persons, being handicraftsmen.

No. 328.—Ordinance of the General and Intendant respecting the suppression of Hawking.

12th August, 1765.

Art. I.—Forbidding persons of colour, of either sex, whether free or Slave, from carrying in trunks, bales, or baskets, merchandise for sale, from plantation to plantation, and in the towns. Forbidding them likewise from carrying poultry, fruits, vegetables, and other produce; the said articles to be sold in the markets of the towns only, under penalty of 300 livres against the Master for the first offence, and of confiscation of the goods, &c.

Art. III.—Persons of colour, whether free or Slaves, allowed to carry to market, poultry, fruit, vegetables, &c., for sale; the Slaves to have their Masters' permission, otherwise the poultry, fruit, &c., to be confiscated, and the Slaves subject to the penalties laid down in former ordinances.

No. 347.—Ordinance of the General and Intendant, respecting the sale of Fish.

27th January, 1766.

Art. II.—Negroes working out, prohibited going on the bays to buy fish, on any pretext whatever, under penalty of confiscation of the fish, and eight days' imprisonment for the first offence, and in case of repetition, to be flogged and pilloried during three days successively, even subject to greater penalties if judged necessary.

No. 350.—Ordinance of the General and Intendant, respecting Slaves working out on Hire.

1st March, 1766.

Art. I.—Owners of Slaves working out on hire, to give in to the Commis à la Police of their quarters, the number and names of such Slaves, within

fifteen days after publication of the Ordinance; the Commis of Police to keep a register, on which to be inserted their names, under penalty of 300 livres against the Masters, &c.

Art. II.—Slaves intended for hire to be presented by their Masters to the Commis à la Police of their quarters, who will deliver to each Slave, gratis, a brass bracelet, to be soldered on the left arm, and to contain the number of each Negro, as inserted in the register of the Commis à la Police.

Art. III.—After 1st of May, no Slave to be permitted to go on hire, without the bracelet numbered agreeably to foregoing article, under penalty of eight days' imprisonment against the Negro, and 300 livres' fine against the person who shall have hired the Negro.

Art. IV.—Slaves not permitted to work out of the place in which their names may have been inscribed, unless it may be to go on errands which, however, cannot be done without a ticket from their Masters.

Art. V.—Slaves forbid exchanging their numbers, or lending them to others, under pain of flogging, and eight days' imprisonment.

Art. VI.—Masters desirous of recalling their Slaves from hire, or of selling them, shall be compelled, under pain of the penalties mentioned in the first Article, to return the numbered bracelet which they had received into the hands of the Commis à la Police, who will take note thereof.

Art. VIII.—Slaves, in whose dwellings runaways are taken, to receive thirty lashes by the hands of the hangman, and to suffer eight days' imprisonment.

Art. IX.—Forbidding Proprietors of Slaves from leaving their Slaves at liberty to work at their pleasure, by means of hire, under penalty of 300 livres for the first offence, and in the case of repetition the confiscation of the Negro.

Art. X.—Proprietors forbid, likewise, to let out their Slaves to others but whites or resident free persons.

No. 367.—Ordinance of the General and Intendant concerning pious Legacies and Freedoms left by Will.

11th February, 1767.

Art. I.—Extracts of Testaments, containing gifts of liberty to Slaves, to be presented to the Governor, accompanied by a requête for obtention of liberty of the Slave, to be presented within three months after opening of the will, by the heirs, or executors, the will or requête to be deposited in the Greffe of the Intendance, whether the same be accorded or not, by way of reference.

Art. II.—All wills since 1757, containing legacies of freedom, ordered to be presented to Governor, by the heirs, executors, or others. If the same be not presented within three months, the Slaves destined to be freed, authorized to present requêtes for that purpose.

Art. III.—Executors, legatees, or curateurs des biens vacans, who do not conform to the articles before cited, at the expiration of the period, to be fined 500 livres for the benefit of the King, and to pay the expenses of the affranchisement.

Art. IV.—For the security of pious legacies, and to provide for the Slaves who come within the meaning of the foregoing Articles. Notaries receiving wills are ordered to send extracts to the Procureur du Roi, in cases of affranchisement, for the purpose of his acting thereon, as well as of his recovering the fine of 500 livres against those who may have acted in opposition to the Ordinance.

No. 386.—Ordinance of the General and Intendant concerning sporting.

30th January, 1768.

Art. I.—Persons of all descriptions forbid to sport with guns, or otherwise, from the 1st March to the end of July, or to catch turtle ashore, or to take their eggs, or to take birds' nests under penalty, for Slaves, if without their Masters' permission, of flogging and pillory during three days, for the first offence, and a more heavy punishment in case of repetition.

Art. II.—Slaves found with fire-arms during the period prohibited by the foregoing Article, to be imprisoned, their arms confiscated, and to suffer, besides, the penalties laid down in Article I., and be placed in the chain of Fort Royal during three months.

Art. III.—Slaves surprised with, or who sell birds during the period prohibited, to suffer the penalty imposed by Article II.

No. 389.—Ordinance of the General and Intendant concerning Freedom given to Slaves without the Permission of Governor.

5th February, 1768.

Art. II.—Forbidding Notaries from receiving Acts of freedom for Slaves without a permission, in writing, from the General and Intendant, under penalty of 1000 livres against the Notary.

Art. III.—Forbidding persons of all conditions from sending their Slaves to foreign Colonies to be manumitted, under pain of the penalty laid down by the Ordinances of the King, of 24th October, 1713, and 15th June, 1736.

Art. IV.—Navigators and masters of vessels forbid receiving on board Slaves, even with their Owners' permission, without an authority, in writing, from the Intendant, under a penalty against the said navigators or masters of vessels of 500 livres for each Slave, and six months' imprisonment.

Priests, and other religious persons, forbid baptizing as free, any children, unless the Act of liberty, in due form of the mother, shall be produced, under the penalty laid down in the said Ordinance of June, 1736.

No. 391.—Declaration of the King on Judgments given against Slaves.

1st March, 1768.

Art. I.—Governors, Lieutenant-Governors, and Intendants of Martinique are authorized, in the case of Slaves, to commute the punishment of the galleys, and that of death, against runaway Slaves, for the punishment hereafter mentioned.

Art. II.—Slaves who shall have been guilty of a crime liable to the punishment of the galleys, to be marked with a fleur-de-lis on the cheek, one ear cut off, and to be attached to the chain, in perpetuity, for the first evasion to lose the remaining ear, and to be hanged in the event of a second; the penalty of death to be inflicted on the first evasion by force.

Art. III.—Slaves who have merited death, as runaways, to be marked with a fleur-de-lis on the cheek, to have both ears cut, and to be attached to the chain for life—to be hanged for the first evasion.

No. 398.—Ordinance of the General and Intendant respecting fishing.

4th May, 1768.

Art. I.—Forbidding all persons, whether whites, free, or Slaves, from

poisoning the rivers, or marigots, under penalty, against Slaves, of being sentenced to the galleys for life.

Art. II.—Forbidding also the turning of the course of rivers for the purpose of taking fish in larger quantities, under penalty of flogging for Slaves, and of the pillory during three days, and of greater punishment in case of repetition.

Art. III.—All whites, free persons of colour, or Slaves, who shall place cloth in the rivers for the purpose of taking small fish called Tritri, to be subject to the same penalties as pronounced by Art. II. of this Ordinance.

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No. 426.—Arrêt du Conseil Souverain concerning Surgeons, Apothecaries, Druggists, and other Distributors of Drugs.

5th September, 1769.

Forbidding surgeons, apothecaries, and others from employing Slaves or free persons of colour in the sale, distribution, or composition of drugs. Slaves or other coloured persons employed to carry medicines, to have a label attached to the phials or packages, under pain, against the surgeon or apothecary, of being deprived of his license.

No. 491.—Ordinance of the General and Intendant concerning the Verification of the Titles of Liberty of Persons affranchised.

29th December, 1774.

Art. V.—Owners who have given their Slaves permission to work for the means of procuring their liberties, to make their declaration within three months to the committee of the department, under penalty of five hundred livres.

Art. VI.—Persons having bought Slaves with the peculium of the Slaves themselves, and who, consequently, leave the Slaves at liberty to work for their own profit to obtain their liberty, are likewise ordered to make their declaration within three months to the committee of the department, under a penalty of 500 livres.

Art. IX.—Such as within three months shall not have given in their titles, to be reputed as having none, and to be in consequence considered as usurpers of liberty, and sold for the profit of the King, unless they be able to prove their inability to present them within the prescribed period.

Art. XI.—Parish priests to furnish annually to the Director General du Domaine, a list, by them certified, of the number of children they may have baptized as free, in order that the fact of their being free may be verified.

Art. XII.—Notaries receiving testaments, in which are contained grants of liberty to Slaves, are to furnish to the Procureur du Roi, a month after the decease of the Testator, an extract of the nature of the legacy, under a penalty against the notaries Greffiers, and other public officers, of 500 livres, in order that the Procureur du Roi may demand this freedom in behalf of the Slave.

No. 505.—Ordinance of the General and Intendant concerning the Police of Slaves at Processions.

30th May, 1776.

Slaves of either sex not allowed to assist at processions, or to follow

them, unless clothed agreeable to their situation, under penalty of flogging and pillory, and fifty livres fine against the Masters, should they have authorized them.

No. 552.—Ordinance of the General and Intendant concerning the Administration of the Church Establishment in the Parishes, and the keeping of Registers, of Baptisms, Marriages, and Burials, &c., &c., &c.

31st August, 1778.

Art. V.—Each Curé ordered to keep two registers, in which to be inserted the baptisms and marriages of Slaves.

The registers to contain at least six cahiers (say six quires) large paper, for the purpose of serving several years, and to be less exposed to the risk of being lost.

Curés not allowed to baptize children of colour, without having previously examined the acts of liberty of their fathers and mothers, as is prescribed by the Edict of 1736, which orders, that the children of Slaves baptized as free, shall be confiscated to the crown and sold, and the Masters condemned to the payment of a fine.

Art. XIV.—Curés ordered in the month of January of each year to deposit in the greffe of the tribunal of their parishes, duplicates of the registers of baptisms and marriages of Slaves.

No. 590.—Arrêt du Conseil Souverain interdicting Persons of Colour from carrying Arms.

8th November, 1781.

The Art. XV., of the edict of the King of 1685, to be executed agreeably to its form and tenor. Negroes found on Sundays and holidays in the towns or environs, or on the high roads, armed with clubs, cutlasses, or other arms, without a ticket from their Master mentioning the same, to be arrested and conducted to the nearest gaol, and to be condemned by a simple order of the seneschal within the twenty-four hours to receive nineteen lashes.

No. 591.—Ordinance of the King concerning Ecclesiastical Missions in the French Colonies of America.

24th November, 1781.

Art. X.—The Prefets Apostoliques desired to see that the Negroes in each quarter receive the necessary instructions, as well as that sacrament be administered to them, and in the event of Masters being negligent of, or preventing the same, report thereof to be made to the Governor and Intendant.

No. 592.—Edict of the King concerning vacant Successions in the French Colonies in America, Curateurs in office, Executors and Legatees.

24th November, 1781.

Art. XXVII.—Under the head of articles considered as perishable, and consequently necessary to be sold, Negroes, cattle, and moveable utensils are never to be comprised.

Art. XXVIII.—Negroes, cattle, and moveable utensils can, however, be sold separately from the estate to which they are attached, provided that the land and buildings do not remain unsold, and that the sale be ordered by the judge.

Art. XXIX.—In the event of the judges giving an order for the sale,

the sentence cannot be put into execution until after having been viséed by the Procureur General, who may even appeal if he think proper.

No. 627.—Ordinance of the General and Intendant concerning the Police of Negroes, and free persons of Colour.

25th December, 1783.

Art. VI.—No Negro or coloured person, whether free or Slave, permitted to exercise the profession of physician or surgeon, nor to prepare medicines under any pretext whatever, not even for the bite of serpents, under pain of condemnation to the chain of Slaves.

Art. VII.—All persons enjoined to denounce all Negroes or other Slaves, supposed to be empoisonneurs or distributors of drugs.

Forbidding all whites, free persons of colour, or Slaves, to poison rivers, under pain of condemnation to the galleys for life, of the free coloured and Slaves.

Art. IX.—Forbidding also the turning the course of rivers for the purpose of taking fish under pain of flogging, if Slaves, and the pillory during three days.

Art. X.—Slaves deserving punishment, may be chained and flogged with rods or cords by their Masters; not, however, to exceed twenty-nine lashes for each offence.

Forbidding Slaves being put to the torture under pain of confiscation of the Slaves, and prosecution of the Masters.

Art. XI.—A Slave who strikes a white or free man, to receive corporal punishment.

If a Slave strikes his Master, Mistress, or their children with contusion or effusion of blood, to be punished with death.

Art. XII.—Slaves of ten years and upwards, to receive weekly two and a half pots of farine, Paris measure, or its equivalent two and a half pounds of beef, or three pounds salt-fish, or other things in proportion. Children, from the time of their being weaned, until they shall have attained ten years, half of the above allowance. Each Slave to be allowed two linen jackets, or four ells of cloth, and to be well under pain of prosecution of the Master, by the Procureur du Roi, who acts *ex officio*, and on public reports only if necessary.

Art. XIII.—Forbidding Masters from granting their Negroes Saturday's to work in lieu of their allowance under penalty of 500 livres on pain of prosecution as above.

Art. XIV.—Forbidding Masters from abandoning their Slaves superannuated, or infirm from sickness, age, or otherwise. Slaves found begging away from their Master's estate to be conducted to the Hospital, and fed at the Master's expense, who will pay thirty sols a day so long as he allows the Slave to remain there.

Art. XV.—Slaves employed in fishing to have their Master's permission in writing.

Masters who cannot write to apply to their neighbours to give the necessary ticket in their behalf.

Art. XVII.—Slaves fishing two leagues from the towns of Fort Royal and St. Pierre cannot sell their fish at the sea-side, unless to known and neighbouring inhabitants, and for their subsistence only. Fish to be carried to the towns for sale on pain of pillory of the Slave buying or selling, and 100 livres fine against the buyer, if free.

Art. XVIII.—Forbidding all masters of droghers, pirogues, and canoes, to give Slaves a passage or retreat without a ticket from their Masters or accompanying them, under pain, should it be Slaves who afford such retreat, of being flogged and pilloried; if free, of thirty days' prison and damages.

Art. XIX.—Slaves detected taking possession of a vessel for the purpose of escaping or favouring the escape of any white or black person, shall be considered as having committed a qualified theft, and as such condemned to a punishment according to circumstances.

Art. XX.—Forbidding Masters to allow their Slaves to straggle from their dwellings, or to send them beyond a league without a ticket containing the name of the Masters as well as of the Slaves. In cases of necessity during the night, it will be sufficient that the Slaves should have a lantern after ten o'clock.

Art. XXI.—Forbidding Masters from suffering their Slaves to keep private houses under pretext of working, trading, or otherwise, under pain of confiscation of the Slaves and of the effects found in their possession.

Art. XXII.—Forbidding Masters or others hiring Slaves to permit their Slaves to work on hire on their own account, that is paying to the Master a certain sum monthly, excepting Slaves who are called *Negrès de Journée* and are bearers of the marks hereinafter mentioned, under penalty of 500 livres for the first offence, and confiscation of the Slaves for the second.

Art. XXIII.—Proprietors of Slaves called *Negrès de Journée* to give in within a fortnight to the *Commis à la Police* of their Quarter the number and names of such Slaves, and the *Commis à la Police* will inscribe their names on a register to be kept for that purpose, under penalty of 300 livres against the Masters of such Slaves as shall not have conformed to the present Article.

Art. XXIV.—Masters having Slaves on hire to present them to the *Commis à la Police* of their Quarter, who will deliver to each of the Slaves gratis a strip of copper, to be soldered as a bracelet on the left wrist, and to contain the No. destined for each Slave, which will be also inserted on the registers of the *Commis à la Police* with the Slave's name.

Art. XXV.—Forbidding Slaves going out to work on hire without having one of the bracelets numbered agreeably to preceding Article under pain of flogging of the Slave and eight days' imprisonment, and a fine of 300 livres against the person for whom he was found working.

Art. XXVI.—Slaves numbered as before-mentioned not allowed to work but at the place where they are inscribed unless sent on errands, when a ticket from the Master is necessary.

Art. XXVII.—Masters desirous of withdrawing their Slaves from hire, or of selling them, obliged under the penalties laid down by Art. XXIII, to return into the hands of the *Commis à la Police* the numbered bracelets which they had received, of which note to be inserted in the register.

Art. XXVIII.—Forbidding Slaves to exchange their numbers or to lend them to others under pain of flogging and eight days' imprisonment against both parties.

Art. XXIX.—The bracelets intended for Slaves to be furnished at the expense of the Crown; in the event of the Slaves losing them, they are to be replaced by the Masters.

Art. XXXI.—Forbidding Slaves to sell produce, such as wood, vegetables, fruits, and grass, either in town or country, for their own account or on account of their Masters, without a written permission. Slaves may be sent by their Masters to sell or to convey to their agents, coffee, sugar, cocoa, indigo, cotton, farine, and syrup, provided they are bearers of a ticket specifying the quantity of each article under penalty of 500 livres against the Master, and twenty-nine lashes to the Slave selling without the said permission. Slaves on their return to have also a ticket, which is to contain the quantity of merchandise brought, or with which they are charged. The tickets good for six days only. Forbidding Slaves, under any pretext, not even with their Master's permission, from selling canes under pain of flogging.

Art. XXXII.—Forbidding likewise Slaves who bring to town for sale

fowls, game, fruits, vegetables, or other live stock, to sell the same either on the bays or high roads, unless to inhabitants known, and who reside near the road, under pain of pillory for the slave, and 100 livres penalty against the buyer.

Art. XXXIII.—A Slave convicted of stealing cattle, fowls, produce, fruits, or vegetables, to be punished according to the nature of the theft, flogged by the hangman, and stamped with a fleur-de-lis. Masters to be responsible for the mischief done by the Slave, and to pay the amount or abandon the Slave in payment.

Art. XXXIV.—Inhabitants are authorized to seize all articles found in the possession of Slaves who are not bearers of their Master's permission.

Art. XXXV.—Proprietors convicted of having hired their houses or chambers to Slaves either directly or indirectly, and those lending their names to that effect, subject to a penalty of 500 livres.

Art. XXXVI.—Forbidding Masters from suffering their Slaves (excepting Sawyers, Caulkers, and Ship Carpenters) from working out of their sight, unless they be hired to whites or free persons of colour, who will be responsible for them forbidding also from selling merchandise in town without a ticket which can only be valid for three days.

Art. XXXVII.—Forbidding all persons to permit their Slaves under any pretext whatever to carry any kinds of merchandise for sale from one estate to another, unless they be under the charge of a White or free person, who can only have one Slave with them under penalty of 500 livres and confiscation of the merchandise found in their possession.

Art. XXXVIII.—Slaves arrested as runaways, and found with side or fire-arms of any description, to be punished with death. Those found with cutlasses or knives other than those called jambette (like a garden-knife) to suffer corporal punishment, even death if necessary.

Art. XXXIX.—Slaves found on an estate to which they don't belong without the Master's permission to receive fifteen lashes, and be sent away from it.

Art. XL.—Forbidding all keepers of public-houses from admitting Slaves or giving them wine or liquors to drink, or to eat at table, under a penalty of 200 livres.

Art. XLI.—Forbidding likewise all keepers of public-houses or grog-shops, or free persons of the town, to afford lodging to country Slaves, excepting such as may be bearers of their Master's orders under penalty of 500 livres.

Art. XLII.—Slaves sent into the woods to work, also carpenters and caulkers sent to the ports of the island to be bearers of a ticket, announcing their mission, the place and time which is not to exceed a month, otherwise to be arrested and punished as runaways. One ticket to be sufficient for several persons provided they be all under the orders of one commander, which is to be specified; if they lend their tickets to others, to be flogged and pilloried.

Art. XLIII.—Slaves sent out shooting by their Masters, to be bearers of permission in writing, which are to specify the nature of the arms given to the Slaves together with the quantity of powder, which is never to exceed half a pound under penalty of one hundred livres against the Master. Forbidding also all shopkeepers from selling powder and shot to Slaves without their Master's order in writing, which is to be left in the possession of the shopkeeper who will give another to the Slave specifying the quantity of powder delivered. Forbidding Slaves from shooting between March and end of July, under pain of flogging and pillory for three days.

Art. XLIV.—Slaves found with fire-arms, powder, shot, and balls, without their Master's permission, to be arrested, conducted to prison, flogged, and pilloried.

Art. XLV.—Forbidding Slaves from keeping arms in their houses

under any pretext whatever, and if, on visiting, any should be found, the Slave to be seized and put in the pillory, the Master condemned to a fine of 100 livres.

Art. XLVI.—Slaves arrested at night out of the town without tickets, to be conducted to prison, and the amount paid as for a runaway, according to the place where they shall have been arrested; if taken in town, and belonging to an inhabitant of the town, to be punished by flogging only, and the Master fined six livres.

Art. XLVII.—Forbidding Slaves, even bearers of tickets, carrying in the streets or roads offensive arms, such as guns, swords, cutlasses, knives, excepting knives called jambettes, under pain of the pillory, during four hours for the first offence, and flogging by the hangman for the second, and ten livres fine against the Masters.—Forbidding also little shopkeepers to sell any such arms to Slaves.

Art. XLVIII.—Forbidding Slaves belonging to different Masters, from assembling on Estates, at the entrance of the towns or the high roads, and in private places, under pain of corporal punishment, which cannot be less than flogging and the fleur-de-lis, and even death in cases of an aggravated nature, in which cases the Master who shall have permitted it, to lose the value of the Slaves, and the persons on whose lands the disorder shall have been committed, condemned to a fine of 300 livres.

Art. XLIX.—Masters who shall be convicted of having permitted assemblies of Slaves, or having lent their dwellings for that purpose, without a commission from the Commandant visadé by the Procureur du Roi, (which is not to be permitted but seldom even during carnival, from the disorders which ensue,) to be condemned as follows:—Masters who shall have given permission, to a fine of 100 livres, and those who shall have lent or hired their houses, to 300 livres.

Art. L.—Slaves arrested, masked or disguised in the towns, either day or night, to be flogged, marked with a fleur-de-lis, and placed in the pillory during an hour; if found at night disguised and armed, to be condemned to more severe punishment, even death, according to the nature of the case.

Art. LI.—Forbidding Slaves at all times from gambling, or assembling on the bay side or otherwise, under pain of corporal punishment—all persons authorized in this case to arrest and imprison them.

Art. LII.—Forbidding Slaves to gallop horses through the streets or quays of the town, or even to mount them on pain of receiving at the jail 29 lashes, and severer punishment in case of accidental damages, to be recovered from the Masters, reserved to the parties aggrieved.

Art. LIII.—Forbidding whites, free persons or Slaves, to travel on the high roads, more particularly on the private roads, with lighted flambeaux, or passing cane fields with lighted segars, under penalty against the whites and free, of 100 livres, and against Slaves of twenty-nine lashes, and pillory during three hours.

Art. LIV.—Slaves working in their grounds, and setting them on fire without their Master's permission, to be flogged by the hangman, and put in the pillory during three days.

Art. LV.—Forbidding owners from allotting to their Slaves grounds for gardens, bordering on their neighbours' unless particular care be taken to keep in proper order an open space of twenty paces' distance, under pain of being responsible for all injuries sustained.

No. 671.—Arrêt du Conseil Souverain, concerning the capture of runaway Slaves and the declarations of Negroes killed.

9th November, 1785.

When Slaves are killed as runaways, by detachments duly authorized

declaration to be made at the Greffe of the *Sénechaussée*, by those who killed them, or were at the head of the detachment—and the orders given to that effect to be there deposited, copies of which will be joined to the requêtes presented for payment of the Slaves so killed.

No. 687.—Ordinance of the King concerning Attorneys, and Managers of Estates in the Windward Islands.

15th October, 1786.

Art. IV.—Attorneys, and managers of estates to keep six registers on the estate, to be signed by a neighbouring inhabitant, proprietor of the same description of estate, and having no interest therein.

First. A Journal, in which are to be no blanks, giving an account, day by day, of births and deaths of Slaves and animals, the numbers of field Slaves, and all accidents, or changes, relative to the administration.

Second. A Register, to contain the nature of produce, and crops raised.

Third. An Account Book to be kept of all produce sold, and disposed of out of the Colony, containing the quantities, weights, price, names, and residence of the buyers, and the name of the captain and vessel.

Fourth. A Register on one side, containing the state of all the Negroes and animals, and the purchases, and on the other, the names of the white, or coloured workmen employed on the estates, and the agreement made with them.

Fifth. A Register of receipt and expenditure.

Sixth. The hospital journal, containing a nominal list of Negroes sick, and the number of days in hospital.

Art. V.—Attorneys, or managers, to send in, every three months, to proprietors who do not reside on their estates, or oftener if necessary, an exact copy, duly certified by them, of the journals kept, on which to be inserted the name of the captain and vessel by which sent.

CHAPTER II.—FEEDING, CLOTHING, AND PUNISHMENT OF SLAVES.

Art. I.—Forbidding owners, or others, suffering their Negroes to work on Sundays, or holidays. Also in the week days from mid-day until two o'clock, or before day-light in the morning, or after sun-set, under pretext of pressing work, unless it be during the time of crop on sugar estates, or in extraordinary circumstances, or other estates which require a continuation of labour. Governor and Officers charged with the police of the different parishes, to cause these orders to be duly observed, and to direct the Procureur du Roi to prosecute when necessary.

Art. II.—A small portion of ground on the estate to be given to each Slave, to be cultivated for their profit and advantage. Owners, attorneys, and managers, to see that these Negroes' gardens are kept in proper order. Each Slave to receive weekly the quantity of provision necessary for subsistence, in salt-fish, salt-beef, farine, sirup, and vegetables, exclusive of any provisions which the Slaves may have raised in their own gardens, which are never to enter as compensation for a lesser allowance.

Art. III.—Slaves to receive two changes of clothes yearly, for the men, shirts and trowsers, for the women, shifts and petticoats, and for children, shirts.

Art. IV.—A building to be appropriated solely for an hospital, to be

situated in an airy and healthy spot, and to be cleanly kept. To be furnished with camp-beds, mats, and coarse coverlets. Forbidding Masters to suffer their Slaves to lie on the floor.

Art. V.—Forbidding Masters to suffer their female Slaves, in a state of pregnancy, or nursing, to work, unless moderately, and after the rising of the sun. Ordering that they shall leave work at eleven o'clock, a. m. and not to return to work until three o'clock in the afternoon, and to leave off work half an hour before the setting of the sun. Under no pretext whatever are they to be allowed to keep watch, or set up at night.

Art. VI.—A female Slave, mother of six children, to be exempt the first year from working in the field, one day in each week, the second year, two days per week, the third year, three days, and so on in succession, until they shall be altogether exempted from working in the field. The said exemption to be claimed by presenting to the Master, or Attorney of the estate, the six children on the first day of each year, and they cannot be debarred of the same, unless it shall be proved, that for want of care, on the mother's part, one of the children should have died before having attained ten years.

Art. VII.—The Edicts of March 1685 and 1724, to be executed according to their form and tenor. Forbidding Masters, on any pretext whatever, to give their Slaves more than fifty lashes, or to beat them with sticks, or to mutilate them, or to make them perish by any kind of death.

CHAPTER VI.—CRIMES AND PUNISHMENTS.

Art. II.—Owners, Attorneys, and Managers, convicted of having given to their Slaves more than fifty lashes, or having beat them with sticks, to be for the future condemned to a fine of 2000 livres for the first offence, and for the second, to be declared incapable of owning Slaves, and to be sent to France.

Art. III.—Independently of the fine above-mentioned, should they be convicted of having mutilated their Slaves, they shall be noted with infamy and shall suffer capital punishment, if convicted of having caused, in any way, the death of a Slave. In such cases they are to be prosecuted as murderers at the Diligence of the Procureur du Roi.

Attorneys and Managers acting in contravention to this Ordinance declared incapable, for the future, of having charge of an estate, and Proprietors and others employing them in such quality, subject to a fine of 500 livres for each month's service.

Slaves ordered to be obedient and respectful to Attorneys, Managers, and others, under whose order they may be, as much as their Masters, under the penalties laid down by the Edicts of March 1685 and 1724. Attorneys and Managers authorized, in cases of insubordination, absence, relaxation of discipline, or disobedience, to punish them as authorized by the said regulations, as also by the present Ordinance. Slaves, however, not to be considered as guilty of want of discipline, disobedience, &c. who prefer complaints of being unjustly treated and badly fed. To be understood, however, that the Slave making false complaints shall be punished.

All public Officers ordered to see that Slaves are not ill treated by their Owners, or others, especially that they are not punished for having complained of ill treatment.

CHAPTER VII.—REGARDING THE POLICE OF ESTATES.

Art. I.—The ordinary police of estates, whether on the estate itself, or from estate to estate, belongs conjointly to Governor and Intendant. In this police is to be included all “voies de fait,” such as trespass of animals, robbing of provisions, forcing of barriers and fences, intrusion by night of whites or free-coloured persons in the interior of an estate, interruption of roads of communication, disputes between gangs of Negroes, quarrels between owner and manager, complaints of Slaves for bad treatment, concealment of runaway Slaves, fêtes, assemblies, dances, and other like things which require prompt measures.

Art. II.—In circumstances such as before stated, the commandant of the parish to attend or send a militia officer for the purpose of establishing order, for which purpose he is authorized to call in assistance from the nearest guard-house, and seize the guilty persons, should they not be proprietors; in the case of such seizure, he is to draw up procès verbal, which he will sign. A copy to be given to the party interested, and the seized person will be immediately delivered over to the officer commanding the district, who will act provisionally according to his judgment, and the nature of the case waiting the Governor's orders.

Art. III.—The Governor and Intendant, after the examination of the matter, may pronounce sentence of arrest in whatever place they please, should the person be proprietor. If a hired white person, may order imprisonment—If a Slave, corporal punishment—If a repetition of the same should take place, the hired white to be sent to France, after giving sufficient time to settle with him.

Art. IV.—Forbidding the tribunals to receive any demand or action for damages &c., relative to the exercise by the Governor and Intendant of this police. The court may make representation on the subject to the Governor and Intendant, or may even, in case of necessity, address them to His Majesty.

MARTINIQUE CODE.

VOL. IV.

No. 695.—Letters patent of the King, reducing the number of Fêtes to be observed in the French Colonies.

28th January, 1787.

Independent of Sundays, fêtes to be observed, are Christmas-day, the Circumcision, the Epiphany, the Ascension, the Fête Dieu, the Annunciation, the Purification, the Assumption, and the Fêtes of the Apostles St. Pierre and St. Paul, and those of the patrons of each parish.

No. 766.—Ordinance of the General and Intendant respecting the Freedom of Persons not registered.

10th September, 1789.

Art. I.—All persons calling themselves free, who shall be recognised and seized without having a title of freedom, or being entered on any

return of Slaves, shall be reputed *épave* (that is, as being without an owner) unless declaration of their absence be made by the owner within a given time, and as such, sold for the benefit of the colony.

Art. II.—Liberties granted by Masters, present or absent from the colony, from whatever motive or cause, to be null and of no effect, if not confirmed by the Governor—and Slaves, who shall be bearers of such acts, subjected to the penalties of the preceding article.

Art. III.—All liberties granted by the Governor, and not registered, are likewise considered null and void. Persons affranchised, to register their titles within the delay above granted in the greffe of the Intendance, under pain of having the same cancelled, and of becoming subject to the full penalty of the Ordinance.

Art. IV.—Slaves born under the French Government, bearers of acts of liberty obtained in foreign colonies, not reputed free, unless the act be confirmed by the French Government, and registered in the greffe, and be subject moreover to the full penalty of this Ordinance.

MARTINIQUE CODE.

VOL. V.

No. 1474.—Proclamation of His Excellency Brigadier-General George Prevost, Commandant of the Island of St. Lucia, respecting Hawkers.

13th April, 1801.

Forbidding all persons, whether free or slaves, from retailing goods and merchandise either in town or country without a permission from the Procureur du Roi, to be presented to the Commissaries of Quarters, as well as the Commis à la Police; without such permission the goods to be seized, the persons conducted to prison in Castries, and placed under orders of the Procureur du Roi, the articles confiscated, and the proprietors condemned to a fine of five hundred livres. Permission not to be granted but to persons resident in the colony, and for one year only.

No. 1485.—Arrêt of the Court of Appeal of St. Lucia concerning runaway Slaves and returns of Slaves.

3rd October, 1803.

Art. I.—Proprietors having runaway Slaves to make their declaration eight days after publication of this arrêt, which declaration to contain the name, age, and sex of the Slaves, also the period of their absence; the declaration to be received by the Civil Commissaries of each quarter gratis. Each Commissary to keep a register signed by the Judge of the district for the purpose. Proprietors ordered in future to make their declarations within the eight days of any Slave running away, on pain of confiscation of the Slave to the crown when captured.

Art. II.—Civil Commissaries to send to the Procureur du Roi, every Monday, certified copies of the declarations received during the preceding week.

Art. III.—Proprietors ordered during the present month of October to give in to the Civil Commissary of their Quarter returns in triplicate, of the number of their Slaves, together with their colour, sex, and age. The returns, after having been signed by the Civil Commissary, as well as the proprietor, to be disposed of thus: one to be given to the proprietor, one

kept by the Civil Commissary, and the other sent to the Procureur du Roi. Notice to be given to the Civil Commissary whenever a Slave is bought or sold, who will report the same to the Procureur du Roi.

Art. IV.—Whenever a Slave shall be arrested and imprisoned, the Procureur du Roi under no pretext to suffer his release until he shall have satisfied himself that the Slave is borne on the slave-return of the person claiming him. Should the Slave not be duly returned, he will be sold as *épave*, and belonging to the crown.

No. 1489.—Proclamation of His Excellency Brigadier-General Robert Brereton, Commandant in Chief of the Island of St. Lucia, concerning persons suspected of poisoning.

17th April, 1804.

Art. I.—Slaves accused of poisoning, witchcraft, or sorcery, to be immediately arrested, and a report made to Government by the Civil Commissary, who will name at the same time four disinterested inhabitants to Government, to form a special commission which he will preside over.

Art. II.—So soon as the Civil Commissary shall have received authority from Government to that effect, he is to assemble the four inhabitants so named, and to proceed to the trial of the Slaves; the sentence, however, not to be put into execution until the proceedings shall have been submitted to and sanctioned by Government.

No. 1492.—Proclamation of His Excellency Lieutenant-General William Myers, Commander in Chief of His Majesty's Forces in the West Indies, concerning extraordinary Punishment inflicted upon Slaves by their Masters.

10th December, 1804.

Masters, mistresses, proprietors, or others, who order or permit the mutilation of a Slave, after having been convicted thereof, to pay 100*l.* sterling, and suffer an imprisonment not to exceed twelve months for each Slave mutilated. In all cases of atrocity, when Masters are convicted, the court before whom they appear can, if necessary, declare the Slaves to be discharged from all servitude, and the penalty of 100*l.* for each Slave to be appropriated to the use of the parish to which the Slave belonged, and each Slave so mutilated to receive 10*l.* sterling per annum during his life-time.

ORDINANCE by Governor Seymour respecting the Affranchisement of Slaves.

28th August, 1817.

The Ordinances of the King of 24th October, 1713, and 15th June, 1813, and the Ordinance of Governor of 5th February, 1768, respecting affranchisements to be executed according to their form and tenor. In consequence, all freedoms of Slaves in this island, without the permission of Governor, declared null and void. Slaves cannot enjoy the right of freedom unless their affranchisements be approved by the Governor.

In future all affranchisements of Slaves, without having previously obtained the Governor's permission, declared null, and the Slaves considered as *épave*, and as such sold for the profit of the King, and the Masters condemned to a penalty which shall not be less than the value of the Slaves.

Forbidding all curates and priests from baptizing as free children of colour, unless the mother's act in due form of liberty be previously produced. Should the mother be before free, the same to be proved in an authentic manner.

Forbidding Notaries from receiving acts of affranchisements with the

permission of Governor in writing, which will be mentioned in the acts under a penalty of 1000 livres, and severer punishment in the event of repetition.

ORDINANCE of Governor Sir John Keane, defining the mode of conducting the business of government.

18th October, 1818.

Civil Commissaries of Quarters, or other persons, permitted to draw up an act of liberty, provided an intention to that effect be specified, and the person named in the request to the Governor. The act to be drawn up in the presence of three credible witnesses. The party executing the same, or one of the witnesses attending the execution thereof, accompanied by the person freed, to present the act to the Colonial Secretary as soon as possible.

ORDINANCE of Governor Sir John Keane, requiring certain forms to be complied with, to render legal manumissions granted in other colonies in favour of persons, natives or inhabitants of St. Lucia, and directing the immediate enfranchisement of all persons who, by will or otherwise, have acquired a claim to their liberty.

12th November, 1818.

All manumissions of the above description granted in any other British colony, by which Slaves, natives, or inhabitants of St. Lucia, residing therein, have obtained their freedom without the sanction of the Governor of the said island of St. Lucia, considered as null and of no effect without Governor's legalization and approval; and all acts to be transmitted to the Secretary's Office within forty days, to be legalized and registered. The sum to be paid for such legalization to be from ten to fifty dollars, according to the means of the freed person, or of the former proprietor.

Within forty days after the date of present Ordinance, requests in proper form to be transmitted of Slaves free of their persons but not manumitted, in order that the necessary acts of manumission be drawn up, under penalty of 100*l.* sterling.

Should there be no person in existence to forward the necessary request, and in order that the Slave to be freed may not be prejudiced thereby, civil commissaries, or their deputies, to transmit the same, and to act as the legally constituted attorneys of the parties for the attainment of their liberty.

ORDINANCE of Governor Sir John Keane, relative to the freedom of persons enfranchised by will, and the illegality of acts of liberty passed in any other colony in favour of Slaves, natives or inhabitants of St. Lucia.

12th June, 1819.

No acts of freedom passed in any other British or foreign colony with the intent to defraud the revenue, to which the signature of the Governor be not affixed, shall be considered as null and void. Notaries and Procureurs forbid to act in behalf of persons whose title to freedom may be founded on any such act unacknowledged by the laws of the colony.

1st Commissaries of Quarters to call upon all free persons of colour other than those born free, or those notoriously in possession of legal acts of manumission, to produce the documents by which they have acquired a right to liberty to the Secretary of Government, that the same may be invested with the sanction of the Governor, and be registered according to law.

2d. Persons who, by will or otherwise, have contracted other obligation

to obtain the freedom of Slaves left under their charge allowed a further delay of seventy days for the execution of the trust devolved on them, under penalty of 100*l.* sterling. Notaries who shall have in their possession wills or other acts granting or promising freedom, and not carrying the same into effect, subject to a like penalty.

After the expiration of the seventy days, Procureur du Roi to prosecute all persons convicted of a breach of this Ordinance.

The foregoing is a correct abstract of all the laws, ordinances, &c., relating to Slaves to this date.

Private Secretary's Office,
St. Lucia, 24th Oct. 1825.
(Signed) H. T. SHAW,
P. Secretary.

No. 3.

Pavilion, Saint Lucia, Aug. 30th, 1825.

MY LORD,

I have the honour with reference to my dispatch, of 21st May last, and at the request of the First President, to forward to your lordship a letter from that magistrate, of 26th inst., with its enclosures, the first and second parts of the second book of the new Slave Code, and the remarks thereupon.

By Mr. Jeremie's letter, your Lordship will see that there are two more parts yet wanting to complete this law; the preamble, and a third book relative to manumissions.

I transmit the enclosed as I did the first part, without observation; reserving to myself, however, in forwarding the remaining part of this code, to make such remarks upon the whole as appear to me necessary.

I can only assure your Lordship, that my opinions, which are already before His Majesty's Government, on the two main points, Property, and Manumission, have acquired new strength from the additional experience and information I have acquired since I last addressed your Lordship on the subject.

(Signed) I have, &c.
NATH^l. BLACKWELL,
Major Gen. administering the Gov^t.

Right Honourable
The EARL BATHURST, K. G.
&c. &c. &c.

Castries, St. Lucia, 26th Aug. 1825.

SIR,

I have the honour to enclose the second book of the Slave Law, in which, as explained in page 4 of the preceding remarks, Slaves are considered as subjects. I should wish this transmitted to His Majesty's Government by the packet. The only remaining parts are the law of manumissions, (forming book 3,) and the preamble.

I am preparing a brief, but general, and I trust, satisfactory report upon the state of the judicial department in this island, which I hope to conclude in time for the same conveyance.

(Signed) I have, &c.
JOHN JEREMIE,
First President.

SLAVE LAW FOR SAINT LUCIA.

BOOK II.

CHAPTER I—SOCIAL RIGHTS.

PART FIRST.

The Right of Marriages.

* 1. Marriages among Slaves shall be subject to the same law as marriages among free persons, the same forms shall be observed with respect to both with the following exceptions.

† A marriage among Slaves may be celebrated by any christian minister, or by any public teacher of religion, approved by the government, and engaged in no other secular calling than that of a schoolmaster.

‡ The marriage may take place in the presence of two free witnesses only, but the presence of two is an essential condition.

The consent of the father and mother of the Slave is dispensed with.

The owner, his attorney, guardian, or other representative, shall give his consent to the marriage in writing. In case of refusal on the part of the owner or his representative, either of the Slaves desirous of marrying, may petition the Procureur General, who shall, under summary notice to be served on the owner or representative, requiring him to appear before him on a given day, which shall be within three weeks from the date of the Procureur General's Order, and in default of his appearing, or, if on his appearing he should assign an insufficient reason for his refusal, the Procureur General shall grant them his permission to marry without the owner's consent.

In lieu of a publication of banns the Slave may obtain a marriage license from the Commissary of the Quarter, who is authorized to grant the same on the applicant's producing the written

Le mariage entre Esclaves sera régi par les mêmes lois que le mariage entre personnes libres. Les mêmes formalités seront observées aux exceptions suivantes.

Il peut être célébré par tout ministre de la religion chrétienne et par tout autre enseignant publiquement cette religion, pourvu qu'il ait l'approbation du gouvernement et qu'il ne s'occupe d'aucun état séculier, si ce n'est celui d'Instituteur ou Maître d'école.

La présence de deux témoins libres est suffisante mais elle est de rigueur.

Le maître, son procureur, tuteur, ou autre agissant pour lui donnera son consentement par écrit. En cas de refus de sa part il sera permis à l'un ou l'autre des Esclaves d'adresser requête au Procureur Général qui fera assigner le dit maître ou son représentant a comparaître sommairement devant lui à jour fixe, dans trois semaines au plus tard, et à défaut par celui-ci de comparaître ou en cas que ses raisons soient trouvées insuffisantes, le Procureur Général permettra de passer outre à la celebration du mariage.

La publication des bans pourra être remplacée par une dispense accordée par le Commissaire Commandant du Quartier; la quelle dispense ne sera délivrée que sur l'exhibition du con-

* Code Noir.

† Lord Bathurst's Instructions.

‡ Remarks, p. 2.

consent of the owner or his representative, or a permission in writing from the Procureur General.

2. All persons celebrating marriages between Slaves shall report the same in writing to the Procureur General within a fortnight from the day of the marriage. The Report shall contain

1. The name and ages of the parties.
2. The name of the owners.
3. The date of the marriage.
4. The names of the witnesses.

It shall be signed by the witnesses if they are able to write, if not, mention shall be made thereof in the report, which shall be wholly written by the clergyman or the person officiating and signed by him.

The minister or other authorized teacher celebrating a marriage without a license or publication of bans, or failing to make the required report to the Procureur General within the time above specified, shall be fined in a sum which shall not be less than three hundred livres, nor exceed fifteen hundred livres.

* 3. The Procureur General shall insert this report in a register, which he shall keep for that purpose, and which shall be collated with the reports and signed by the first President once in six months.

sement par écrit du maître on d'une permission par écrit du Procureur Général.

Celui qui aura célébré un mariage entre Esclaves en fera son rapport au Procureur Général dans la quinzaine. Ce Rapport contiendra

- 1°. Les noms et âges des mariés.
- 2°. Les noms des propriétaires.
- 3°. La date de la célébration du mariage.
- 4°. Les noms des témoins.

Il sera signé des dits témoins s'ils peuvent écrire ; si non, il en sera fait mention dans l'acte. Il sera écrit en entier de la main de celui qui aura célébré le mariage et signé de lui.

Dans le cas où un ministre de la religion ou autre personne autorisée aurait célébré un mariage entre Esclaves sans dispense ou publication des bans et dans le cas où il aurait omis de transmettre au Procureur Général le rapport susdit dans le tems requis, le délinquant sera condamné à une amende qui ne pourra être moindre que trois cents livres, et qui n'excédera quinze cents livres.

Le Procureur Général inscrira ce rapport sur un registre qu'il tiendra à cet effet, et qui sera collationné avec les rapports et paraphé par le premier Président tous les six mois.

PART II.

PROPERTY OF SLAVES AND RIGHTS AS PARTIES TO SUE AT LAW AND GIVE EVIDENCE.

† 1. THE Peculium, is the property belonging to a Slave. It consists of the proceeds of their provision grounds ; of the produce of their industry, when exempted either by law or by permission of the owner, from working for their owners ; of such property as they may have acquired by gift or inheritance ; of the fruits and profits arising from property obtained by any of the above methods ; and of property obtained by barter or purchase for their own account with any part of the same.

LE Pécule est tout ce qui appartient à l'Esclave en propre. Il est composé du produit de son jardin, du fruit de son travail pendant qu'il est exempté soit par la loi ou par la volonté de son Maître de travailler pour son propriétaire, de ce qu'il acquiert par don ou succession, des fruits et profits provenant de propriétés acquises, par aucune des voies susdites, et des acquisitions faites par voie de troc ou d'achat pour son compte avec le produit des dites propriétés.

* Remarks p. 2. Note—In some Parishes there are Registers even for the free classes.

† Remarks, p. 22.

* 2. Any kind of property real or personal may form part of the Peculium. Slaves may also hold and possess other Slaves and bonds and bills of all kinds.

† 3. A Slave has the full and entire property of his Peculium ; he possesses it in his own name, he disposes of it at pleasure without the knowledge or consent of his owner, who can neither administer or employ it without the Slave's consent, so that a Slave may even enter into valid and effectual contracts and engagements with his owner respecting it. He may sue and be sued at law for all matters relating to it. He may dispose of the same by will ; and, in short, with respect to the administration and disposal of his private property, the Slave is to be considered as free.

‡ 4. At the Slave's death, the Peculium shall go to such persons, whether in freedom or slavery, as would by the law of the colony be entitled to the same, if the deceased had died free. The only exception to the ordinary rules of succession, being that in succession *ab intestat* of persons dying in slavery, the owners of such Slaves shall in default of heirs be preferred to the crown.

§ 5. In cases of theft, and others of a like nature, the owner is personally answerable for the injury done by his Slaves ; but he may recover the amount of the damages awarded against him from his Slave's Peculium, or he may discharge himself, by making over the offender to the injured party. In the latter case he must make known his intention within one week after sentence obtained.

|| 6. The owner being a creditor of his Slaves, is entitled to a preference over other creditors upon the Peculium, unless the said Slave shall, with his owner's permission, have engaged in

Tout espèce de propriété meuble ou immeuble peut entrer dans le Pécule. L'Esclave peut aussi posséder d'autres Esclaves, et toutes espèces de billets ou reconnaissances.

L'Esclave a toute la propriété de ce Pécule ; il en dispose à son gré sans la connaissance ou consentement de son maître, qui ne peut l'administrer ni en disposer sans le consentement de l'Esclave, de sorte qu'un Esclave peut passer avec son maître ou propriétaire des conventions à ce sujet qui ont leur effet. Il peut défendre et agir en justice pour tout ce qui en dépend. Il peut en disposer par testament. En un mot, l'Esclave est quant à l'administration et disposition de son Pécule censé libre.

A la mort d'un Esclave le Pécule descend aux personnes soit libres ou Esclaves qui y seront appelées selon l'ordre de succession établi dans la colonie pour les personnes libres. Excepté seulement que dans la succession *ab intestat* d'une personne mort dans l'esclavage le propriétaire du dit Esclave à défaut d'héritiers sera préféré au fisc.

Sera tenu le maître en cas de vol et autres dommages causés par ses Esclaves, de réparer le tort en son nom, sauf son recours contre le Pécule des Esclaves pour le montant des dommages adjugés s'il n'aime mieux abandonner l'Esclave à celui auquel le tort aura été fait. Option qu'il sera tenu de faire dans huit jours à compter du jour de la condamnation, autrement il sera déchu de ce droit.

Le propriétaire étant créancier de son Esclave primera les autres créanciers sur le Pécule du dit Esclave sinon qu'il lui ait permis de faire trafic à partcar alors il viendra seulement par contribution ou

* Remarks, p. 23.

† Code Frederick de free, cast, et quasi cast : le fils a toute la propriété de sa Pécule. Il le possède en son nom, il ne le rapporte pas à la masse de la succession des pères mais il en dispose à son gré, même sans le consentement du père de telle sorte qu'il peut passer avec le père des conventions au sujet de Pécule qui ont leur effet. En un mot, il est censé père de famille à l'égard de sa Pécule, p. 1. l. 1. t. 1. art. iv. sect. 64.

‡ Trinidad Order modified to meet remarks page

§ Code Noir, sect. 37.

| Code Noir, sect. 29.

and rule of civil law.

trade, and then the owner shall share with the remaining creditors, according to the ordinary rules of law.

*7. The owner is personally accountable for whatever the Slave may have done by his order, express or implied.

†8. Slaves contracting debts, or condemned to pay either costs or damages, shall be answerable for the same to the extent of their Peculium, but they shall not be subject to personal arrest for any debts of theirs.

‡9. The Slave has an action in his own name, where he claims his freedom as a right.

§10. On all occasions in which a Slave shall be a party to a suit at law, all the proceedings shall be submitted to the law officers of the Crown, who are required especially to protect the Slave's interests.

||11. A Slave cannot be a civil party to a criminal suit, but the Master may act in his stead.

¶12. A Slave shall not under pretence that he is a party to a judicial suit, quit his owner's service without his permission, unless required to attend by order of the President of the Court, or Law Officers of the Crown; and in all cases when his attendance shall be no longer wanted, he shall immediately return home, on pain of being punished as a runaway.

**13. Slave evidence is admissible in all cases civil and criminal, except against the Slave's Master.

But if a Slave shall present himself to any competent public officer†† and complain of having been illegally punished, and it shall appear by marks and lacerations that the said Slave has been recently punished with cruelty, or

sol la livre avec les autres créanciers d'après les règles ordinaires de droit.

Seront les Maîtres tenus personnellement de ce que les Esclaves auront fait par leur commandement soit exprès ou susentendu.

L'Esclave qui aura contracté des dettes particulières, ou qui sera condamné aux dépens de la cause, ou à des dommages intérêts envers sa partie adverse, en sera tenu jusqu'au montant de son Pécule, mais il ne pourra être saisi au corps pour aucunes de ses dettes propres.

L'Esclave peut également agir en justice pour réclamer l'état de libre.

Dans tous les cas où un Esclave sera partie, les pièces de procédure seront communiqués au ministère public qui est chargé spécialement de veiller à ce que les Esclaves ne soient lésés dans leurs droits.

L'Esclave ne pourra être partie civile en matière criminelle, sauf au Maître à agir en son lieu.

Ne pourra l'Esclave, sous prétexte qu'il est partie dans un procès quitter l'habitation ou le service de son propriétaire sans sa permission, excepté dans le cas où sa présence serait ordonnée par le Président de la cour saisie de l'affaire, ou par le ministère public. Et doit en pareil cas l'Esclave aussitôt que sa présence n'est plus nécessaire entrer chez son maître à peine d'être saisi et puni comme marron.

Le témoignage des Esclaves est admis en justice dans tous les cas soit civils soit criminels, hormis contre leur Maîtres.

Si cependant un Esclave se présente à un fonctionnaire public competent, et qu'il paraisse par des marques ou meurtrissures récentes que le dit Esclave a été cruellement puni ou autrement maltraité le dit fonctionnaire en fera sur le

* Code Noir, sect. 29.

† Commissioner's and Governor's Drafts.

‡ Civil Law, see Remarks p. 19.

§ General Law of the country, see Remarks already transmitted respecting the Protector.

|| Suits of this kind are actions for battery, or defamation, the party offending may be punished at the suit of the Crown or the Master, but if it be left open to Slaves to enter their actions, there will not be a quarrel between two Slaves that will not become the subject of an action.

¶ Governor's and Commissioner's Drafts.

** Law of 1686; see Remarks p. 34.

†† The Governor; the First President; the Procureur General; the Seneschal; the Procureur du Roi; the Commissary of the Quarter and Lieutenant.

otherwise ill treated; the said public Officer shall make a note or entry thereof, and take his deposition in writing; and then transmit a certified copy of the said entry and deposition to the Procureur General, and the evidence of the said Slave, thus supported if otherwise clear and consistent, shall until the contrary can be proved, be sufficient to establish a legal presumption in favour of the said Slave, even against his Master.

* 14. Slaves are incapable of holding public offices, and public commissions, and of being arbitrators or appraisers.

champ son procès verbal et prendra par écrit la déposition du dit Esclave et seront les dites pièces transmis au Procureur Général et la dite déposition ainsi corroborée pourvu qu'elle soit d'ailleurs, claire et conséquente formera une présomption de droit en faveur de l'Esclave, même contre son Maître jusqu'à que l'accusé ait fait preuve du contraire.

Ne pourront les Esclaves être pourvu d'Offices ni de Commissions portant fonctions publique, ni être arbitres ou experts.

* Code Noir, Section 30.

Remarks upon the First Chapter of Book Second, of Slave Law.

SLAVES CONSIDERED AS SUBJECTS. CHAPTER I—SOCIAL RIGHTS.

THESE rights are the right of marriage, the right of property and of being a party to contracts and suits at law, the right of being admitted in evidence.

Part 1st.—The Right of Marriage.

Slaves were by the Code Noir, allowed to marry* ; but this permission was much limited in effect, by making it necessary to obtain the Master's consent, and requiring that all the conditions, except the consent of the parents, contained in the Ordinance of Blois should be observed.

Present state of the Law.

These conditions were, a due publication of bans in the parishes of both parties, that the marriage should be celebrated publicly by the actual curate or minister of one of the parties in presence of four witnesses.

The regulations proposed in Lord Bathurst's instructions respecting the ministry of a public teacher of religion, are adopted in the Draft, the number of witnesses are reduced to two. The Slave may either get his bans published, or take out a license from the Commissary.

Amendments.

The minister is required to report every marriage of Slaves to the Procureur General; the latter to register them, and the chief Judge to compare the register with the original reports, once in six months †.

There are in Saint Lucia, some instances of legal marriages among Slaves, though generally they are said to be averse to marrying.

Part 2d.—Remaining Rights.

The points comprised in this part of the chapter are of the greatest importance; the two first, the right of property and of being a party to suits

* Sections 10 and 11.

† This is the more necessary here from the extreme irregularity with which these Registers are kept.

at law, being novel concessions, and the third, the right of giving testimony, being equally new in the British Colonies, though it has always existed here.

Present Law
as to Property
held by Slaves.

Upon the first point, it appears that in the British Colonies an engagement entered into with a Slave, or by a Slave, is absolutely void*, a principle different from that which obtained under the Roman law, and, as I shall presently shew, which exists under the law of this country.

Nothing can be clearer than the rules laid down in the Digest. The Master had an undoubted right to enforce every contract entered into with his Slave, which he thought beneficial to the Slave or to himself †. As to onerous contracts the creditor had no action against the Slave, but against the Master he had three kinds of actions. 1st. the action, *de peculio*; 2nd. *de in rem verso*; 3rd. *quod jussu*.

By the first, the Master was bound to account for the Property which he had allowed the Slave to hold, and to that extent to pay every debt contracted by the Slave ‡. For though as between the Master and the Slave all the property possessed by the latter was considered as belonging to the former, and might be withdrawn by him at pleasure, yet as between the Master and a stranger, dealing with a Slave, the Master was bound either to pay the Slave's debts or to give up the property upon the faith of which they had been contracted. To this extent he was answerable, though he had given notice that he would not hold himself so, and cautioned the public against entering into engagements with his Slaves §.

Second. The action "*de in rem verso*," was, as the word implies, given against the Master, when he had derived a benefit from the Slave's private earnings, as where the Slave had paid any of his debts, repaired his house, &c. There he was liable, not only to the extent of the property which he had in hand belonging to his Slave, but when that was insufficient, to the amount of the property so laid out for his benefit.

Third. By the action *quod jussu*, the Master was bound *in solidum* (jointly with the Slave's peculium), for every engagement entered into by the Slave by his order, whether general or special. But where the Slave had acted merely as a domestic, the action "*quod jussu* ||," would not be; the Master was alone liable; so between husband and wife, if the latter merely assist her husband in the management of his affairs, she is taken as a clerk or servant, but if she acts as a sole trader (*femme marchande*), her contracts bind herself and her husband jointly.

The actions *institoria* and *exercitoria* were species of the *quod jussu*, the latter applied where the Master had appointed his Slave master of his ship, the former where he had authorized him to conduct his business on shore.

Law of this
Colony is the
same.

A person acquainted with these few rules of the civil law will, on reading over the 28th and 29th Sections of the *Code Noir*, see that they

* Stephen, pages 140, 141. I conclude, that by "any Court in the West Indies," the author merely means to allude to Courts in the old English Colonies, for here I will undertake to find several records of actions founded on the contracts of Slaves.

† Quodcumque stipulatur is qui in alterius potestate est, pro eo habetur de se ipse (in cujus potestate est) esset stipulatus. Nec interest pater, dominus ve sciret necne. L. 43. ff. de verb oblig. l. 62. ff. d. tit.

‡ Quod servus domino emit, si quidem voluntate ejus emit, potest *quod jussu* agi; sin vero non ex voluntate; si quidem dominus ratum habuerit; vel alioquin rem necessariam vel utilem domino emit; *de in rem verso*, actio erit; si vero nihil eorum esset de Peculio. C. 5. sect. 2. ff. de in rem verso.

§ Et quidem etiamsi prohibuerit contrahi cum servo dominus, erit in eum actio de Peculio. De Peculio l. 29. sect. 1. ff. Gaius lib. 9. ad ed. Provinc.

|| Quod si filius servusve nudum ministerium exhibuit, paterque aut dominus ipse contraxit; puto si pater vel dominus mutuam pecuniam accepturus, jusserit servo filiove numerari: nulla questio est quin ipse audiri possit. Juro, hoc casu de Jussu actio non. l. 5. ff. Lib. 15. Tit. iv. *quod jussu*.

have been entirely adopted here. The 28th section states, that all property acquired by Slaves shall belong to the Master, that they shall not be allowed to dispose of it by contract, or by will, or to contract debts, or enter into obligations, "*de leur chef.*"

Between Master and Slave.

The law as between the Master and Slave being thus settled; the 29th Section explains their obligations towards strangers, and distinguishes the three cases. The first is, "Voulons que les maitres soient tenus de ce que les Esclaves auront fait par leur commandement, ensemble ce qu'ils auront géré, &c. pour l'espèce particulière de commerce à laquelle leurs maitres les auront préposés."

Law with reference to Strangers.

This is the "*quod jussu.*" The second is, "et en cas que leurs maitres ne leur aient donné aucun ordre, &c. ils seront tenus jusques et à concurrence de ce qui aura tourné à leur profit."—(De in rem verso). And lastly, "et si rien n'a tourné au profit des maitres, le pécule des dits Esclaves qui leurs maitres leur auront permis d'avoir en sera tenu." (De Peculio.)

The article then goes on to adopt the rule of the Roman law, by which the Master had a privilege for the sums due to him, unless the Slave had engaged in trade by his consent, and in the latter case he shared with the other creditors.

Having explained the present law, the next point will be to ascertain in what manner the Slave may obtain the full benefit of the rights which it is intended to confer upon him, with the least possible change in general system. For though extensive alterations seldom work well, it is scarcely by a single clause that the law can provide for the many various questions that must arise in consequence of the recognition of this new class by law. The present concessions are, indeed, nothing less, they give the Slave a legal existence, secure to him his property, and by allowing him to purchase his liberty as a right, render the duration of his servitude chiefly dependent upon his will. The West Indian Slaves, under the proposed regulations, resemble more closely the *gens de main morte** of several European countries, than a Slave, in the sense usually attached to the word. They are, it is true, in some cases, attached to the *persons* as well as the *land*, but their right of redeeming themselves, and of marrying without the owner's consent, more than counterbalances that disadvantage. Judging by the experience of former ages of the probable effect of these alterations, it is not too much to expect to see Slaves here, as formerly in Rome, engaging in trade, receiving the benefit of a fair education, forming legitimate ties of connexion, and as they increase in wealth entering into partnership with their owners, and engaging in law-suits jointly with, and even against them. To leave it with the Magistrate to determine upon all the new cases that must then arise, without distinctly laying down some few rules by which his judgment is to be directed, would be in effect placing the Slave at his mercy, leaving it open, perhaps, to ignorance, or to prejudice, or jealousy, to defeat the purposes of the Legislature. The danger of taking a confined view of subjects so important, and the advantage of having an unerring guide at hand, will be proved in two instances, which bear closely upon the matter in discussion.

Mode of introducing the alterations proposed.

* Ces hommes de condition servile qu'on appelle en Allemagne Untherbauer (gens de main morte) sont par rapport à leur personne des hommes libres qui peuvent contracter et disposer de leurs actions et de leurs biens. Mais eux et leurs enfans sont attachés à certains terres de leurs Seigneurs qu'ils sont tenus de cultiver et qu'ils ne peuvent abandonner sans leur consentement. C'est pourquoi aussi les filles même ne peuvent se marier, hors de ces terres dans lesquelles elles sont obligées de demeurer et d'y servir.—Code Frederick, p. 1. l. 1. Tit. v. Sect. 7.

First, How differently are Slaves considered at this moment, by law, in the English and French Colonies?

In the former, as observed, their engagements are absolutely void, so far is this principle carried, that a contract entered into with a Slave might as well, it has been said, as to its legal value, have been entered upon with a "Horse or a Spaniel*." It seems to have been even a question, whether they could be legally acknowledged to possess feeling, and whether the same protection from ill treatment could extend to them which the law of England confers on all domestic animals †.

Here, though indeed the Slave is not a competent party to a civil suit, yet, as before explained, the Master may step forward to enforce his rights against strangers, and not only is he shielded from the cruelty of the Master, through the Procureur du Roi, but even though the property of the Slave belongs, in strict law, to the owner, yet, where the owner has entered into engagements with the Slave respecting the price of his own freedom, "liberali causâ," the Courts, through the Procureur du Roi, will enforce the engagement, as appears by the following instance:—

A Slave complained to the Government that his owner agreed to sell him his freedom, and had received from himself one-third of the stipulated price, twenty-seven pounds sterling, but now denied the agreement. The Procureur du Roi, having ascertained that the Slave's statement was true, brought the case before the Sénéchaussée, where the Master admitted the fact, and the Court confirmed the agreement. A short time afterwards, the Slave, not having paid the remainder of the purchase-money, was seized for a debt of the owner. The Procureur du Roi again interfered in behalf of the Slave, and the attachment was confirmed by the Court, and a sale decreed upon the express condition only, that the purchaser should have no further interest in him than the preceding owner, that he should fulfil that owner's engagements, and the Slave continue at liberty to redeem himself on payment of the remaining fifty-four pounds sterling ‡. And yet the word Slave was supposed to convey the same meaning throughout the Colonies, and yet the complaints against the alterations in the Slave law were as loud here as anywhere, though all these alterations together were not equal to the difference now existing in that law between the different Colonies, and though so prudent were some of these measures, that one point, the admitting Slaves to give evidence, which has existed here in favour of Slaves for nearly two centuries, was considered by Government too great a concession.

The mildness of the French Slave system has been attributed by Adam Smith §, to the genius of their government, and of arbitrary governments generally. May it not much more justly be ascribed to the early influence of the French Slave law; to the single circumstance that a few plain rules of law were laid down at the outset, for the guidance of the French Courts, whilst in the British Plantations the local Courts were left to themselves, and being influenced at first in their decisions by those circumstances which usually have weight in the decision of every isolated case, then by misapplying these precedents they gradually established a system, which being now, by long usage, familiar both to the Master and Slave, it will require much management and caution to reform, with safety to the former, or benefit to the latter.

The next instance is found in the laws now in force respecting free persons of colour.

* Stephen, 140.

† Stephen.—Appendix No. 1.—The case at St. Christopher's.

‡ Medeni's case.—May 1825.—Sénéchaussée.

§ Wealth of Nations.—Vol. II, Book 4, chap. 7th of Colonies, Part 2d.

An Individual born in slavery, though afterwards emancipated, has in most countries been considered unfit to exercise all the rights of a free-born subject. "Affranchis," "libertini," or freed men have been considered in a sort of middle state, exempt from the duties of Slaves, but deprived of the municipal privileges of free-men. Considered much in the light of aliens.—Birth seems to have been the ground of distinction in both cases. Nor, considering that the Slaves first emancipated in the West Indies, had been originally imported from Africa, can it be supposed that they themselves attached any further value to their manumissions than as they served to exempt them from labour. It was therefore, both natural and proper to keep up a distinction between free-born subjects and manumitted Slaves, and the regulations framed at Martinique with that intention, seem well calculated for a period when the designation of "a person of colour," was used as synonymous or nearly so with that of an "emancipated Slave." But it did not follow that their descendants were to remain for ever in the same state of ignorance and degradation. By intermarrying and intermixing with whites, their very complexions are so far changed, that it requires some experience or some knowledge of families, to be assured that many individuals said to be of that class are so in fact. Others have in the course of time become possessed of good properties, or are now reputable tradesmen and merchants. And the extending to them distinctions and regulations introduced for other purposes—and only justified by policy, when restricted to the cases originally intended to be met by the framers, has been productive of greater enmity and mutual ill-will, than any other subject of Colonial policy. To this may be attributed, in great part, the fatal issue of the struggle in Saint Domingo, and to this cause alone are owing the late convulsions at Martinique. The remedy it may be very difficult to find; the most simple, the most effectual, and probably the most palatable, would be by a general declaratory law, to state that most of these regulations were intended to apply, and should in future apply, to emancipated Slaves alone.

The necessity for laying down a few distinct rules for the decision of cases that may arise from these alterations in the law, and the great caution to be used in framing them, being thus established, it may be observed that we are fortunate in having a guide at hand. The Roman law is the basis of our civil law, the rules relating to contracts and all other civil obligations are taken from it; the present law, with respect to the legal state of Slaves, is exactly a transcript of theirs, and it will be found upon examination that the proposed improvements may be taken from the same source.

Under this law the wife, children, and domestics of a citizen, were originally upon the same footing. They were nothing more or less than his Slaves. The wife first acquired independent rights. Marriage became a civil contract. The husband and wife were understood to have formed a partnership, they continued after marriage owners of the estates which previously belonged to them severally, the husband retaining the administration only; and from this source are derived many of the rules, and the very name still applied to this portion of the French law; the law and contract of "Communaute."

Children next obtained protection, first in their persons, then in their property. With respect to the latter, a law was at length passed, allowing them to hold the property they had acquired in war independently of their fathers. This portion, under the name of *Peculium Castrense*, the "filius familias" was to hold, administer, dispose of, sue for, &c., as fully and independently, as a "Pater familias*;" and this favour was gradually

* Filius, familias plenissimum jus habet in Peculium castrense reque de pater familias in res suas. Ergo, actionem persecutionemque castrensiarum rerum etiam invito patre habet, ff. l. 4. sect. 1. de Peculio.

extended to the emoluments of all civil professions, and salaries of appointments; in short, to their private earnings of every description; under the name of *Peculium Quasi Castrense**." Slaves were not so fortunate, but their situation had improved much, their lives were under the protection of the magistrate; they were also shielded by him from cruelty. The rules relating to their property have been explained, and in all legal cases in which they claimed their freedom as a right, "*actionibus præ judicialibus*†," a Slave was a competent party to the suit, and if at liberty when claimed, continued so to the end of it.

The progress of the law upon this head, will shew how gradually and nearly imperceptibly they were merging into the same state as free domestics.

At first a Slave was not allowed to defend himself or to be heard except through an "Assertor" or Patron. But as the Master might have sufficient influence to prevent his finding one in the neighbourhood, the next step was to permit him to leave his Master's service, for the purpose of seeking out throughout the province‡; then Slaves were received as parties in three cases§; and at length Justinian annulled the use of an assertor in all cases||.

Now, all that need be done in this case is to substitute for the rules which applied to the *Peculium Paganicum*, (the present law,) those which applied to the *Peculia Castrense* and *Quasi Castrense*, and to adopt that rule relating to Slaves by which they were competent parties to suits concerning their freedom. The following is the method in which this is explained in the draft.

It was necessary first to lay down a rule so defining the Slave's private property, as to be able to distinguish between that and his owner's. The *Peculium*, it is stated, consists of the proceeds of their provision grounds, of the produce of their industry when exempted either by law or by permission of the Master from working for him, of property obtained by gift or inheritance, of the fruits and profits of property so acquired and of property obtained by barter or purchase on their own account.

The second clause enacts that the Slave may hold as part of his *Peculium*, property, whether personal or real, or other Slaves and debts, or *choses* in action. This is word for word. Ulpian's definition of the *Peculium* ¶.

In the third are explained the Slave's rights. It in substance declares him to possess the same power as if he were free, and is nearly copied from Coccejus's definition of the *Peculia Castrense*, and *Quasi Castrense*, in the Code Frederick**.

The Governor in his draft had confined Slaves to the holding of personal property, and objected to their being allowed to purchase land; he is still of that opinion, as are most of the colonists with whom I have conversed, even those most inclined generally to encourage and protect their Slaves, but I confess I cannot see the weight of their objections, and do believe

* *Quæcunque de Peculio Castrensi dicta sunt de Peculio Quasi Castrensi dicenda sunt.*—Pothieri Pandecto.

† *Ipse qui in possessione servitutis constitutus ad libertatem proclamare vult, hac actio competit; ita tamen ut jure veteri non posset ipse per se agi sed per assertorem.*—Poth. Pand.

‡ Temp. Constantini.

§ Temp. Theodosii.

|| *Denique Justinianus usum assertorum penitus abrogavit permisitque sive quis ad libertatem proclamaret sive in servitutum peteretur, posset ipse liberali judicio agere aut defendere.*—Poth. Pandecto.

¶ *In Peculio res autem esse possunt omnes et mobiles et soli. Vicarios quoque in Peculium potest habere (et vicariorum Peculium); hoc amplius, et nomina debitorum ff. l. 7 sect. 4.*—It is not unusual here for a Slave to have other Slaves, such as for a mother to buy her child, a father his son, &c.

** Part 1. lib. 1. tit. ix. art. i. sect. 64.

after the most mature and repeated consideration, that this advantage should be conceded.

It is a general subject of complaint, that the free Negro becomes lazy and indolent, and particularly averse to every kind of agricultural labour, and though a manumitted carpenter, smith, or other mechanic will continue to employ himself in his art, a labourer will not; the very reverse of the general European feeling in favour of agriculture. It has been observed, too, that Slaves are extremely careful of their provision-grounds, they cultivate them with assiduity, guard them night and day, and will never forgive a theft committed in them; that nothing is more likely to keep them at home than the cultivating their gardens. This is a fact so generally acknowledged, that a Master had rather be robbed of his own property, than that his Slaves should be of theirs. What then can be the cause of this extraordinary change in the feelings of the same individuals? Nothing more, I should think, than that when manumitted, they lose the land which it had cost them so much trouble to cultivate; that they are compelled to look out for another spot and to begin anew: they thus become indolent, and the easy means of obtaining a living, confirm them in their indolence,—or perhaps something may be attributed to the universal excuse, the much exaggerated enervating effects of the climate. But let them remove from the owner's hut, to one already belonging to them; or let them continue to hold, when free, the same spot of land; will persons as shrewd as Slaves are said to be, by habit abstemious and frugal, fond of hoarding their earnings, become less solicitous about money and wealth, when they can devote some time to amassing it, and when they hold it by a safer tenure? So far from being opposed to Slaves purchasing land, I should wish it to be a condition, that every able-bodied male Slave should, before he is emancipated, have learnt a trade, or purchased and brought into cultivation a given portion of land.

The emancipated Negroes have been taxed with laziness, but scarcely is a road opened in any part of the country, but the borders are occupied by free settlers. Ten years since, when there were still the means of passing by land between this and Anse des Roseaux, (a small village scarce three leagues distance,) there were seven or eight small plantations upon it now necessarily abandoned. The remaining objections which I have heard, seem quite untenable. They dislike land!—Then you need not prohibit their purchasing it. The care of their property would take up too much of their time! They now occupy as much of their Master's land as they please, for their own benefit.—The question is not whether they shall employ themselves in tillage, but whether they shall till their own land or another's! They'll employ runaways!—The same answer will apply here—They'll runaway themselves! Quite the reverse: can better means be desired of keeping an individual to the same spot, than giving him an interest in remaining there? or worse, than allowing him to hold such property as he can easily remove? They'll neglect their land: the Negro's character is such that he'll wander miles from home, and spend his nights in debauchery, rather than work! Even so, it will matter little with the Master, whether he is deprived of his Slaves services by the consequences of a debauch, or from their working for themselves, though it will make an essential difference to all others.

That, as has been observed, is a dreadful state where punishment is the sole stimulus to exertion; when, as one of the Governors of Martinique says, the *galleys* are no longer punishment*: and, indeed, there is not a Slave owner who does not admit that a Slave, without his garden or some little

* Le Roi ayant considéré que la condamnation aux galères soit à tems, soit à perpétuité, ne pourroit pas être envisagée comme une peine pour les Nègres Esclaves, &c.—Code de la Martinique, Vol. ii. p. 283.

prospect serving as an encouragement, is scarce worth having, even confinement then produces a double effect.

Yielding at first to the very general feeling against my opinion, a feeling which I am bound to acknowledge, I had consented so to frame the draft, that Slaves should not be allowed to purchase land without their Master's consent; but this will only be an additional source of dispute between them, Is the consent to be revocable or irrevocable, written or verbal, &c.? Upon the whole, as the reasons given against it, seem to me, wanting in weight, I have adhered closely to the Trinidad Order.

Succession.

By the 25th clause of the Commissioner's draft, the property of Slaves dying intestate, is to be disposed of in favour of the persons, who would, by the law of England, under the Act of Parliament for the distribution of intestate's estates, be entitled to it. But the laws of succession, with respect to Slaves, can scarcely be different from those which rule free persons—what is to become of landed property under these circumstances, sometimes propre, sometimes acquit? It may perhaps be advisable to alter the law of succession generally, but that two different persons in the same community should hold the same perhaps undivided estate, by a different law, the one being governed by the laws of England, the other by the laws of France, is scarcely desirable. So the clause, however was left by the commissioners, but with this amendment, "that illegitimate children should be preferred to collaterals even where the deceased had expressed no such intention." A regulation which might have been barely borne with when every impediment was opposed to Slave marriages; but which seems to me now, as in the case already noticed in the preceding remarks, to be bending before, instead of endeavouring to check an evil; or in the words of Earl Bathurst, upon the 13th clause of the Trinidad Order, "protecting an adulterous connexion," for Slaves will probably continue averse to marrying, as long as they derive no immediate benefit from it.

The sole end and purpose of these regulations is to improve the Slaves' moral and civil condition, to render them better members of society, and raise them gradually, and as it were, imperceptibly to the rank of free servants. Every thing, therefore, that tends to keep up, and still more to introduce distinctions between these classes, is against the spirit of the law, and should be avoided. The laws of succession, of all others, should be uniform—the great advantage of these laws, is their *certainty*, whilst the effects of distinctions on this point will be permanent, time will perpetuate instead of removing them.

Evidence of Slaves.

When the French settled in the colonies, they admitted Slave evidence as a matter of course; it was afterwards, by the law of 1685, declared to be inadmissible*, but the chief court of Martinique (Conseil Souverain) immediately remonstrated against this part of the Ordinance, and upon their representation †, it was so modified, as to allow of Slaves bearing testimony against all but their Masters; so it has continued to this day, and I verily believe, that if any colonist were asked whether it would be expedient to assimilate this to the British colonial law, he would ask in return; How justice could be administered under such a system? How it was possible to enforce order in a state where three fourths of the inhabitants were with respect to the conduct of the remainder, supposed incapable of seeing,

* Section 30th. Ne peuvent les Esclaves être témoins et en cas qu'ils soient ouïs en témoignage leur déposition ne servira que de mémoire pour ouïr les juges à s'éclairer d'ailleurs sans qu'on puisse en tirer aucun conjecture, présomption ni adminicule de preuve.

† Annales de la Martinique; upon which, on the 13th October, 1686, the following Edict was registered—Vu de S. M. étant en un conseil sans d'arrêtes en 30th Article de l'administration de 1685, a ordonné que les Nègres seront reçus en témoignage au défaut de blancs hommes contre leurs Maitres ainsi qu'il écrit pratique ad. l. dite Ord. Vol. i. p. 254.

hearing, or feeling? The question was put to the legal officers of the colony by the Commissioners, the Procureur General had been thirty-six years in the colonies, the Sénéchal or Judge about thirty years, the Procureur du Roi about ten, and they, from their own experience, declared that the present laws ought to continue.

The very exception in favour of the Master is seldom attended to. In practice, the evidence of Slaves is often taken both for and against the Master, without inconvenience. Their state is allowed rather to affect their credit, than their admissibility.

The Commissioners thought it still necessary so to modify the law, as to declare that no person should be condemned to death upon Slave evidence alone. But there can be little use in seeking out a remedy for defects, which, in the course of an experience of 150 years, have never been felt. Indeed, Slave evidence, when strongly supported by circumstances, may be as capable of producing conviction in the minds of Judges, as any other, and the Governor will always be able to recommend the prisoner to mercy—I have therefore omitted this clause as making a needless distinction.

In this part of the law, I have introduced the clause, by which a Slave, complaining of ill treatment, and proving by the marks still upon him, that he has been recently punished, is, if his deposition be otherwise clear and consistent, to be believed, until the charge is disproved. It will be observed, that this law can only take effect against the Master, or where the court would wish to adhere too closely to the old civil-law maxim of “*testis unus, testis nullus.*” In the preceding draft it was proposed, that the Master should be allowed to clear himself by his own oath, that the Slave should swear first, and the Master next. This system of admitting oath upon oath, of swearing and counter-swearing in penal cases, is a perfect novelty. It has appeared to me, that if the clause requiring the presence of a free person at punishment be attended to, there will be no difficulty in finding evidence to rebut the charge; this latter clause, indeed, though so much objected to, seems to have been introduced in favour of the Master, but if he will not take this precaution, the presumption is already against him, and the evidence of the Slave serves only to confirm it.

But where the Slave has not been touched by his Master, or by his order? Where the whole charge is a fabrication?—This is scarcely conceivable—But the famous Trinidad case proves it to be possible; and proves also, that a fabrication so gross can be easily detected.

The law now stands as follows:—

The Slave may hold any kind of property—he may dispose of it fully and independently; at his death it descends to his heirs or legatees in the same manner as if he were a free subject, but in default of heirs, the owner is preferred to the crown.

The Master is responsible for the injury done by a Slave; but has a privilege for all debts due to him by his Slaves, except they have engaged with his consent. The Master is also liable for every thing done by his Slave, by his order.

Slaves are not subject to personal detention for their debts.

They may act for themselves in all cases where their right to freedom is in question, and wherever Slaves are parties, they can have the gratuitous assistance of the Procureur General.

Slave evidence is admissible in all cases, except against the Master, and if a Slave proves by marks or lacerations still remaining upon him that he has been recently punished, his deposition will be received even against his Master, and is to be believed until disproved.

Castries St. Lucia, 10th August, 1825.

(Signed)

J. JEREMIE,
First President.

Summary of
proposed law.

BOOK II.

SLAVES AS SUBJECTS.

CHAPTER SECOND—POLICE OF SLAVES.

PART FIRST—PENALTIES.

1. SLAVES shall not prepare or distribute drugs or medicines, nor undertake the cure of sick persons on pain of severe corporal punishment, which may under circumstances of aggravation even extend to two hundred lashes.

2. A Slave striking a free person shall suffer corporal punishment at the discretion of the court.

3. A fugitive Slave, after an absence from his owner's plantation of one month, shall suffer, at the utmost, forty lashes, and one month's solitary confinement for the first offence, two months solitary confinement and one hundred lashes for the second, two hundred lashes and three years hard labour in the chain gang for the third, and death for the fourth offence.

4. Every free person guilty of harbouring or concealing a Slave, shall forfeit and pay two pounds sterling to the Master for every day that the Slave shall have been concealed or harboured by him, and if the offender should not pay and satisfy the same within one month, the punishment may be commuted by the court to twenty-five lashes, or one month solitary confinement.

5. Every Slave in whose hut shall be found a fugitive Slave, shall suffer corporal punishment for the first offence, which shall not exceed fifty lashes, and

(a)—IL est défendu à tout Esclave de composer ou distribuer aucun remède, et d'entreprendre la guérison d'aucun malade, à peine d'un severe correction corporelle même de deux cents coups de fouet si le cas presente des circonstances aggravantes.

(b)—L'Esclave qui aura frappé une personne libre sera puni corporellement à la discrétion de la cour.

(c)—L'Esclave pris en marronage après une absence d'un mois subira un châtement qui n'excédera point quarante coups de fouet et un mois de reclusion pour la première fois. Il encourra cent coups de fouet et deux mois de reclusion la seconde fois, deux cents coups de fouet et trois ans de chaîne la troisième fois, et pourra être puni de mort la quatrième.

(d)—Toutes personnes libres qui auront donné gîte ou retraite à un Esclave fugitif seront condamnés envers le Maître à deux livres sterling de dédommagement pour chaque jour que les dites personnes libres auront gardé le dit Esclave et à défaut de paiement dans un mois le débiteur pourra être condamné à subir un châtement qui n'excédera vingt cinq coups de fouet ou un mois d'emprisonnement.

* Les Esclaves dans les cases des quels on trouvera un Esclave fugitif seront condamnés à une peine dont le maximum sera cinquante coups de fouet, et son

(a)—By the law of 23rd December, 1783, Chain-gang.

(b)—By the law of 1685, Death.

(c)—The former law is explained in the Remarks.

(d)—By the law of 5th February, 1728, the person, if a white, was fined, if of colour, deprived of his liberty. The fine for whites was ten livres, about five shillings per day, for persons of colour 300 pounds of sugar, and in default of payment, deprivation of their freedom.

* The penalty is in this case increased, it was previously thirty lashes and one week's imprisonment, 1 March, 1766.

his owner shall forfeit five pounds sterling. The penalties shall in both cases be doubled upon a second conviction, and every Slave assisting or abetting another in escaping or attempting to escape from the colony, shall suffer two hundred lashes and three years hard labour in the chain-gang.

6. Slaves apprehended passing in any boat or vessel out of the colony, without their Master's permission shall suffer corporal punishment to the extent of one hundred and fifty lashes and imprisonment and hard labour at the discretion of the Court, and every free person aiding or abetting them therein, shall be fined two hundred pounds sterling, and if the offender shall not pay or satisfy the same within three months, the punishment may be commuted by the Court to one hundred lashes or six months solitary confinement.

7. All thefts of steel arms, or fire-arms, committed by Slaves shall be deemed felonies.

8. Fugitive Slaves carrying steel arms, or fire-arms of any description, when apprehended, shall be taken and deemed felons and in case of resistance shall suffer death.

9. A Slave striking or inflicting a bruise upon his owner's wife, or husband, or children, or his Master, shall be guilty of felony and in cases of aggravation shall suffer death.

10. Slaves attending meetings of Slaves, belonging to different Masters, held without sanction of a public officer*.

Slaves taken up masked or disguised.

Slaves keeping house, trading, or hawking without their Masters' permission.

Slaves selling sugar canes, coffee,

propriétaire payera une amende de cinq livres sterling, et le double en cas de récidive, et tout Esclave aidant un autre à s'évader de la colonie sera condamné à deux cents coups de fouet et trois ans de chaîne.

(e)—Dans le cas où un Esclave sera surpris passant dans un barque ou bâtiment de mer quelconque, pour s'évader de la colonie il sera condamné à une peine qui n'excédera cent cinquante coups de fouet et subira un emprisonnement avec les travaux forcés à la discretion de la cour, et tout personne libre qui aurait donné de l'assistance à cet effet, subira une amende de deux cents livres sterling, et en cas que la dite amende ne soit payée dans trois mois elle pourra être commué par la cour en cent coups de fouet ou six mois de reclusion.

(g)—Tout vol d'armes blanches ou à feu, de quelque espèce qu'elles soient, commis par des Esclaves sera réputé vol qualifié.

(h)—Les Esclaves pris en marronage avec des armes blanches ou à feu, de quelque espèce qu'elles soient, seront punis de peines afflictives, et de mort en cas de resistance.

(i)—L'Esclave qui aura frappé et meurtri son propriétaire, le mari, la femme, ou les enfans, de son propriétaire ou son Maître, sera puni de peines afflictives, même de mort si le cas est grave.

(j)—Les Esclaves qui appartenant à des Maîtres différents, se réuniront et s'attrouperont sans la permission d'un officier public.

Tous Esclaves courant les rues masqués ou déguisés.

Tous Esclaves tenant maison particulière faisant le commerce ou colportant sans permission de leur Maître.

Tous ceux qui vendront des cannes à

(e)—By the law of 5th of February 1726, if the Person offending was a white he was fined ten livres ; and if a person of colour, he was fined 300lbs. of sugar, or deprived of his liberty, and by the law of 1st February 1743, the Slave was to be hamstrung.

(g)—By the law of 1st February, 1743, Death.

(h)—By the law 1st February, 1743, Death.

(i)—By the Code Noir, and law of 1783, December 25th, Death. *Sans remission si avec un effusir de sang.*

(j)—The last and most comprehensive of the present Police laws is that of 25th December 1783.

(k)—See Remarks.

* Procureur du Roi, Commissaries of Quarters, Lieutenants, Commissaries.

cocoa, indigo, or cotton, without their Master's permission.

Slaves offering for sale either gold, silver or jewellery.

Slaves found straggling without a passport.

Slaves purchasing or carrying muskets, swords, or any other offensive weapons, or gunpowder without permission.

Slaves setting fire to their gardens without permission, and generally all Slaves guilty of police offences, together with all persons whether free or in slavery, who shall abet or countenance them therein, shall be subject to the penalties which shall be provided in the various police ordinances or regulations which may from time to time be enacted by the Governor in Council, provided the said penalties and punishments do not in any case exceed one hundred and fifty lashes, and three years hard labour in the chain-gang against Slaves, and provided that nothing therein contained shall prevent Slaves from carrying on trade with their owner's or Master's consent.

11. The punishment for misdemeanors committed by Slaves not specified by this order in Council, nor in the police ordinances, to be hereafter enacted, shall not in any case exceed forty lashes for the first offence, and one hundred for the second, and every subsequent offence of the same description, and three years hard labour in the chain-gang.

12. Slaves charged with crimes not herein specified shall be subject to the same pains and penalties as free persons.

sucre, du café, du cacao, de l'indigo, ou du coton, sans permission de leur Maître.

Tous Esclaves qui offreraient de vendre des épices d'argenterie ou d'orfèverie.

Tous Esclaves rencontrés dans l'île sans un billet de leur Maître.

Tous ceux qui portèrent ou achèteront des fusils de la poudre et toute espèce d'armes offensives sans permission.

Tous Esclaves qui mettront le feu dans leur jardin sans le consentement de leur Maître, et généralement les Esclaves coupable de délits de simple Police, aussi bien que tous leurs fauteurs ou tous autres, soit libres soit Esclaves, qui les auraient assistée ou encouragée, seront assujettis aux peines qui détermineront les ordonnances ou réglemens de police qui seront rendues de tems à autre par le Gouverneur en Conseil, lesquelles peines, ne pourront en aucun cas excéder cent coups de fouet, ou trois ans de chaîne contre les Esclaves, et ne pourra le dit Gouverneur en Conseil faire de règlement au moyen du quel il ne serait point permis aux Esclaves de faire le commerce avec la permission de leurs Maîtres.

(k)—Dans tous les cas où il s'agira de délits commis par un Esclave, non prévu par le présent ordre en Conseil ni par les dits réglemens de police le nombre de coups de fouet ne pourra excéder quarante ni cent en cas de récidive et trois ans de chaîne.

(l)—Les Esclaves poursuivis pour tout crime non spécifié dans les articles ci-dessous seront assujettis aux mêmes peines que les personnes libres.

CHAPTER II.
POLICE OF SLAVES.

PART II.

Criminal Proceedings.

1. THE owners of fugitive Slaves are required within a week to denounce them to the Commissaries of their Quarters. The denunciation shall contain the presumed cause of the Slave's escape, the Slave's name, age, sex, and the distinguishing marks, if any, on the penalty of forfeiting three hundred livres and losing their eventual claim upon the condemned Slave's Fund.

2. The Commissaries shall on the first Monday of every month, send a certified copy of the informations lodged in the course of the preceding month to the Procureur du Roi.

3. The reward for capturing Slaves shall be settled from time to time by the Governor in Council.

4. Every Master having reason to suspect any of his Slaves of crimes, shall immediately cause them to be arrested, and shall within twenty-four hours present a petition of complaint or lodge an information in writing against them to the Procureur du Roi. In default of the Master's presenting said petition or lodging said information within the said time, he shall bear the expense of the Slave's nourishment, detention, and jail expenses, and further forfeit the sum of fifty livres at the least, and one hundred at the most, for every day's delay beyond the twenty-four hours.

5. Slaves, when acquitted or condemned to any other punishment than death and the chain-gang for life, shall be withdrawn from prison by their own-

(a) LES propriétaires ayant des Esclaves marrons seront tenus d'en faire la déclaration dans huit jours aux Commissaires commandants dans leurs Quartiers respectifs. La dite déclaration contiendra la cause presulée de la fuite, l'âge, le nom, le sexe, et les signes particuliers, s'il en existe des dits Esclaves marrons, à peine contre les dits propriétaires de trois cent livres d'amende, outre la déchéance des droits qui pourraient leur échouer sur la Caisse des Nègres justiciés.

(b)—Les Commissaires des Quartiers enverront au Procureur du Roi, chaque premier Lundi du mois pour le moins une copie certifié par eux des déclarations qu'ils auront reçues.

(c) Le prix de la capture des Esclaves marrons sera réglé de tems à autre par le Gouverneur en Conseil Privé.

(d) Il est enjoint aux Maitres d'envoyer à la prison publique leurs Esclaves prevenus ou soupçonnés de crimes; le géolier sera tenu de recevoir les dites Esclaves, et les Maitres devront adresser au Procureur du Roi dans les vingt-quatre heures leur requête en plainte ou leur dénonciation par écrit contre les dits Esclaves. Faute par les Maitres d'avoir donné leurs requêtes ou fait leurs dénonciations dans le dit tems ils supporteront les frais de la nourriture, gîte et géolage, et en outre seront condamnés à une amende de cinquante livres au moins, et de cent livres au plus, pour chaque jour de retard après les premières vingt-quatre heures.

(e) En cas que les Esclaves prisonniers soient condamnés à toute autre peine que la mort ou la chaîne à perpétuité, ou en cas qu'ils soient déclarés absous,

(a)—Renewal of the law of 3d October 1803, with a few trifling modifications.

(b)—Ditto ditto ditto.

(c)—The present usage.

(d)—Law of 13th September, 1726, but penalty increased.

(e)—Law of 13th September, 1726, but penalty increased.

ers the day after the punishment shall have been inflicted, notice whereof should be given to the said owner by the Jailor, or after their acquittal. Every Master letting his Slave remain in jail beyond the said time, shall pay for the nourishment, detention, and jail expenses of said Slave, and further forfeit one pound sterling per day.

6. The Jailor shall not set any Slave at liberty without a written permission from the Procureur du Roi on the penalty of forfeiting three hundred livres.

7. The Procureur du Roi shall not permit a Slave to be set at liberty without previously ascertaining that the said Slave is included in the Registrar's return as belonging to the person claiming him, and if the Slave be not included in the said return he shall be confiscated.

8. The Procureur du Roi and Commissaries of Quarters may decide summarily, and without appeal upon all misdemeanors committed by Slaves where the punishment by law awarded does not exceed forty lashes, or one month imprisonment and hard labour on the plantation.

9. Slaves charged with crimes which would subject them to suffer corporal punishment to the extent of one hundred lashes and three years hard labour in the chain-gang shall not be allowed to appeal from the sentence of the senechaussée, but the proceedings shall be submitted to the Procureur General, who may appeal either in the interest of the crown or of the Slave.

10. The Procureur du Roi and Commissaries of Quarters are expressly required upon receiving information of any crimes or misdemeanors committed by Slaves, the punishment for which would exceed their authority, to give immediate notice thereof to the public authorities, and to cause the offenders to be apprehended.

11. In all other respects criminal proceedings against Slaves shall be conducted according to the rules observed where the offender is free.

les Maitres seront tenus de les retirer le lendemain du jour où ils auront subi leur peine ou le lendemain du jour où ils auront été absous dont ils seront avertis par le géolier, à peine de payer la nourriture, gîte et géolage de leurs Esclaves, pendant le tems qu'ils les laisseront en prison, à compter du lendemain du dit jour, et à peine d'une livre sterling d'amende par jour à compter de la même date.

(f) Le Géolier n'élargira aucun des Esclaves conduits en prison sans en avoir reçu par écrit l'ordre du Procureur du Roi, sur trois cents livres d'amende.

(g) Le Procureur du Roi ne pourra ordonner l'élargissement d'aucun Esclave qu'au préalable il n'ait vérifié que cet Esclave est porté sur le dénombrement de la personne qui le reclame; et si l'Esclave n'y est pas porté, il sera mis à la disposition du Roi.

(h) Le Procureur du Roi et les Commissaires des Quartiers pourront juger sommairement et sans appel de tous délits d'Esclaves qui n'entraînent point une peine plus grave que quarante coups de fouet et d'un mois de reclusion chez son maitre.

(i) L'Esclave qui aura encourue la peine de fouet au nombre de deux cents coups et trois ans de chaine, sera condamné au dernier ressort par le Sénéchal. Seront cependant les procédures soumises à l'examen du Procureur Général qui pourra former appel d'office, soit dans l'intérêt de la société, soit dans celui de l'Esclave.

(k) Le Procureur du Roi et les Commissaires de Quartier sont expressement requis, aussitôt qu'ils auront été informés d'un crime ou délit d'Esclave dont la connaissance excéderait les limites de leurs attributions de faire saisir les délinquants ou les coupables, et d'en donner immédiatement avis aux autorités supérieures.

(l) Au surplus l'instruction criminelle contre les Esclaves se fera d'après les mêmes règles et dans les mêmes formes que contre les personnes libres.

(f)—Law of 27th November, 1733, for runaways, now extended to all cases.

(g)—Ditto 3rd October, 1803.

(h)—See Remarks, p. 10.

(i)—The former law gave the Seneschal jurisdiction to the extent of

and admitted no appeal

Remarks on Chapter the Second, Book the Second.

POLICE.

THE law upon this, more than any other head, required to be revised. So many Police regulations of different dates but upon the same subject were heaped in confusion together, that it was difficult to ascertain what laws continued in force, or had been subsequently repealed. The penalties were in many others disproportionate to the offence, and in some both disproportionate and brutal. Of disproportionate punishments the following are instances:—

Code Noir, Sect. 16.—Slaves are not to assemble or collect together on pretence of celebrating marriages or for any other cause, on pain of severe corporal punishment, of being further branded with a hot iron, and (in case of a frequent repetition of the offence) of death.

Sect. 34.—A Slave striking a free person, (though not the Master, &c., which is provided for by the subsequent section) may be adjudged to suffer death.

1734, January 7.—Slaves are prohibited from selling coffee, even by order of their owners, on pain of being flogged; a regulation afterwards extended to sugar, cocoa, &c.

So that if the Slave did not obey his owner, he ran the risk of being flogged by him, and if he did, by the Police.

* Instances of barbarous punishment.

Code Noir, Sect. 38.—Fugitives for the first offence, are to lose both ears. and to be branded on the shoulder with a hot iron, they are for the second offence to be hamstrung and branded on the shoulder, and for the third were mercifully put to death, but this was by the law of 3rd January 1764, commuted to the chain-gang for life.

1st February, 1743.—Slaves attempting to escape from the colony, to be hamstrung or suffer death.

Most of, indeed I may say all, the laws of the last description had become obsolete, and, I must question, or rather, though the point has never been decided, it can scarcely be called a question, whether punishment so repugnant to the spirit of the laws of England, could ever be inflicted under British Government. The magistrate must have strong nerves, who would attempt to execute them against an Englishman, and a difference in the place of an accused's birth, would be an extraordinary ground for a tribunal's meting out for the same offence, an unequal measure of punishment. However by far the simplest and most effectual way is, at once to repeal them.

After having described the law, as taken from the books, it is but just to observe, that nothing can be more lenient generally, than the sentences of the Courts. Even the restriction in the law, by which Slaves are not to suffer upwards of twenty-nine lashes, had been extended to them, and however great the offence, a Slave was never condemned to bear more than that number, nor could I in a case in which I would without hesitation have awarded 100 †, convince them that they had misinterpreted the law, and might increase the punishment.

* Every white man was with respect to Slaves, a police officer, and however West Indians may differ in other respects, they all agree that the worst description of inhabitants are the lower whites.

† Gloddon, a Slave of Mr. Joyes.

The consequence of this mistaken lenity was, that Slaves were seldom brought to trial, except for capital offences; for on other occasions they only remained in idleness for some weeks to the owner's detriment, and were not ultimately punished more severely, than they might have been on the spot; or if they were condemned to the chain, the Master's loss was increased, in proportion to the extent of punishment.

It would be needless to repeat even the substance of the various police regulations in the Martinique collection, I shall therefore proceed to explain the principles upon which the proposed enactments are framed, and then to consider the enactments themselves.

Principles upon which the law has been modified.

It seems but common justice to open the doors of the Courts to all men, whatever their rank or station; that the complaints of no one should remain unheard. But, as has often been remarked, a literal equality of punishment, without consideration of the rank, habits, and fortune of the delinquents would be actually and in effect the grossest inequality. Fifty lashes to a man of education would be worse than death, whilst a fine of ten pounds to a poor but hardened criminal would be heavier than fifty lashes. This distinction has been admitted, in the laws of every country; in England a multitude of Acts of Parliament contain the alternative of fine or imprisonment. Another distinct species of offences, arise from the civil or political state of individuals, as long as man continues the property of another, so long is the owner justified in securing to himself the fair advantages of his services. Hence the laws against runaways, or carrying fire-arms, or a Slave striking his Master, &c., &c. These comprise the present chapter, the first part of which contains the penalties, the second lays down the mode of proceeding against Slaves, on those points on which the law differs with reference to them from the general law of the country. The whole being thus composed of the exceptions to the rules laid down in sect. 12. p. 1. and sect. 11. p. 2. by the first of which it is declared that the penal laws, and by the second that criminal proceedings, are, in all cases not thus specially provided for, the same for Slaves as for free persons. The first of these penalties is provided against Slaves distributing drugs or undertaking cures; a necessary regulation where the crime of poisoning is not unfrequent.

Proposed Law

Sect. 1.

Sect. 2 and 9.

Sect. 3, 6, 8.

Sect. 4, 5.

Sect. 10.

Sect. 11, 12.

Slaves striking free persons are to suffer corporal punishment, and if the person struck be their owner, or any of his family, they may be adjudged to suffer death.

Fugitives, are to suffer corporal punishment for the three first offences. If found passing out of the colony, or bearing arms, the penalty is increased, and for the fourth offence, or if when armed they attempt to resist, they are to suffer death.

Persons aiding and abetting fugitives, are subjected to punishment according to the circumstances of the case.

The Governor in Council, is authorized to frame police regulations, inflicting a limited punishment only of 150 lashes and three years hard labour. A provision introduced to prevent the renewal of excessive and inadequate penalties. He is not to prevent a Slave's carrying on trade with his owner's consent, for where they are both agreed, I see no reason that others can have to interfere, such regulations are in fact merely the result of the usual mercantile jealousy and spirit of monopoly.

For all misdemeanors not specially provided for, the punishment is not to exceed forty lashes, and three years hard labour; and for all crimes, Slaves are subjected to the penalties of free persons.

Part 2nd.—The three first clauses of part second provide for obtaining regular returns of fugitives; the returns are to mention the presumed cause of the Slave's escape, which is intended to enable the Protector to get at the truth, and may, if adhered to, be of service.

Sect. 4.

The next clause is intended to check the practice, in the Masters, of con-

cealing, instead even the most heinous crimes. The next provides for Sect. 5.
Slaves being withdrawn immediately from prison, at the expiration of the
period limited by the sentence, or their acquittal: so as to prevent their
suffering indirectly a heavier punishment than was actually awarded. The Sect. 7
Procureur du Roi, is however first to ascertain that they are duly regis-
tered.

By sect. 8th the Procureur du Roi, and Commissaries of Quarters, are
allowed jurisdiction in all cases for which the punishment does not exceed
forty lashes. If it is advisable to have a judge in every out quarter at
Trinidad, as was felt by Sir R. Woodford*, how much more necessary must
it be here. The owner's unwillingness to denounce his Slaves, may be
owing, in some degree, to the very great expense and inconvenience at-
tending a removal to Castries.

The Court of Sénéchausée, is to have jurisdiction over all cases, for Sect. 9.
which the punishment does not exceed 100 lashes, and three years at the
chain, but on such occasions the judgment is to be submitted to the Pro-
cureur General, who may appeal in behalf of the crown or the prisoner.
Whilst on this point, I must again observe upon the necessity of keeping
the two offices of Procureur General and Protector united; in Trinidad
they have been severed; and to the Protector's having (unless I greatly
misunderstand the subject) mistaken the nature of his situation, I attribute
most of the complaints against the Order in Council. The office of Pro-
tector is merely a branch of the Procureur General's. It is partly minis-
terial, and partly magisterial. His is not the presumed duty of any ordi-
nary advocate, to wade through every case and defend his client, whether
right or wrong, but to obtain substantial justice for him, to remove the dis-
advantages which the latter labours under from his not being a free agent,
to raise him in the courts to his proper level, but not above his fellow
subjects. To shield the innocent, not to screen the guilty. He ought to
satisfy himself that a Slave is not in the wrong, before he gives him his
support; where oppressed he should relieve, where injured obtain redress
for him, but he should not countenance him in openly defying his owner,
still less encourage him in his disobedience.

The remarks are called for by the case, as lately reported, of Judith
Brush, a Slave whom the protector endeavoured to get manumitted though
she was at that time a *fugitive*; where it was asserted by the Owner, ap-
parently without contradiction, that whilst she succeeded in avoiding her
Master, she corresponded with the protector, and had deposited, through
his means, the amount of the purchase-money. The chief Judge, by rather
a strained construction of the order refused to manumit. But the chief
error lay with the protector, who, as the Slave's *guardian*, (if I may use the
expression,) ought to have taught her, that her first duty was obedience to
her Master, applying to this case the maxim of the Courts, he should have
made her understand, that when *she wanted equity, she should do, equity*;
when she wanted justice, she should do justice. And, in reserving to
himself the right of afterwards applying for her freedom, he should have
begun by giving her up to her Owner.

I have entered very fully upon this point from the conviction that the
regulations in that order are in substance good; that much of the prejudice
against it arises from its having been alike misunderstood by the over-
zealous partisans of the colonial system and of an immediate abolition.

The last Section merely contains the general proposition that proceed-
ings against Slaves are in other respects the same as against free persons.

Castries, St. Lucia, 25th Aug. 1825.

(Signed)

JOHN JEREMIE,
First President.

* Proclamation 23d June, 1824.

No. 4.

Extract from Major-General Blackwell's Despatch to Earl Bathurst, dated St. Lucia, 26th October, 1825.

“ I have the honour to forward to your Lordship, the remainder of the
“ Slave Law prepared by the First President. The Enclosures consist of
“ the 3rd Book, Preamble, and the concluding Sections, with the Remarks
“ thereupon.”

St. Lucia, 9th Nov. 1825.

SIR,

I have the honour to submit the following remarks in addition to the preceding, upon the Slave Law, and to beg that the present letter be forwarded (together with the papers already transmitted to your Excellency) by the next mail to His Majesty's Government.

The Slave Owners continue to attach much importance to the regulations respecting the discipline of their gangs ; I confess I consider the point as, comparatively, of very little consequence ; the points which I should insist upon, and which nothing that I have heard could induce me to give up, are

The right of self-purchase
The right of holding property
The right of giving evidence
The right of being parties to suits
The regulating the hours of labour.

All such provisions can be easily enforced, whilst those which require an incessant interference with the internal management of plantations, will almost inevitably promote an inimical feeling between Master and Slave, and may be too easily evaded.

Coupled with a law, declaring that the presumption is in favour of natural liberty, and with measures for instructing Slaves in their moral duties, these concessions will render British West-Indian Slavery the mildest on record, and it will in time disappear altogether.

Upon consideration, I should wish to reduce the period during which the Judge will be at liberty to delay granting a Slave's application for freedom to *two* years instead of *five*, and beg leave to subscribe myself, &c.

(Signed)

JOHN JEREMIE,

First President of the Royal Court.

H. E. Major-General Blackwell, C. B.
&c. &c. &c.

SLAVE LAW FOR THE ISLAND OF ST. LUCIA,

CONTAINING

THE PREAMBLE AND THE CONCLUDING SECTIONS,

WITH

REMARKS.

PREAMBLE.

WHEREAS His Majesty by his Order in Council of this day's date was pleased to order that most of the laws, regulations, and ordinances, relating to Slaves in the island of Saint Lucia should, as far as concerns the said island of Saint Lucia, be repealed, and that the purposes for which they have from time to time been enacted should be secured, as far as it is desirable that they should be secured, by new regulations. And that by such new regulations further provision should be made for the religious instruction of said Slaves, and for the improvement of their condition.

His Majesty is therefore pleased, by and with the advice of His most excellent Privy Council, to order, and it is hereby ordered, with a view of securing such of the said purposes as ought to be secured, and also with a view of making further provision for the religious instruction of said Slaves, and for the improvement of their condition, that from and after the day of the following regulations relating to Slaves as property, to Slaves as subjects, and to manumissions, together with the introductory and concluding Sections, shall have force of law in Saint Lucia.

ATTENDU qu'il a plu à Sa Majesté d'abroger pour ce qui concerne l'isle de Sainte Lucie par son Ordre en Conseil en date ce jour, la plupart des lois, ordonnances et réglemens qui ont rapport aux Esclaves dans le dite île et d'ordonner que les fins dans lesquelles les dites lois, ordonnances, et réglemens furent rédigées, seraient assurées dans le cas où il conviendrait d'y pourvoir de nouveau par d'autres réglemens et que tels réglemens contiendraient de nouvelles dispositions sur l'instruction religieuse des dits Esclaves, et pour l'amélioration de leur sort.

Pour ces causes il a plu à Sa Majesté de et par l'avis de son très-excellent Conseil Privé d'ordonner et elle ordonne par ces présentes à fin de pourvoir aux dites fins et d'assurer par de nouvelles dispositions l'instruction religieuse des dites Esclaves et l'amélioration de leur sort qu'à dater du prochain les réglemens suivantes lesquels ont rapport à l'état des Esclaves comme propriété à l'état des Esclaves comme sujets et aux affranchissemens ainsi que les articles préliminaires et les dispositions finales, auront force et autorité de loi à Sainte Lucie.

N. B. I have, in treating of the Police of Slaves, made use of the word felony as synonymous with the French designation "peines afflictives." It was the nearest to my meaning, but is not as correct as I could wish it, and should prefer the simple translation of the French "afflictive punishments," which implies every punishment short of death, affecting not only the body, (or corporal punishment) but the liberty of the criminal, and therefore includes transportation, banishment, and incarceration.

Among the police regulations which may be prepared by the local Council, is an Ordinance forbidding the sale of sugar, coffee, cotton, indigo, &c., by Slaves without the Owner's permission. I should, upon consideration, wish to limit the prohibition to coffee and sugar; upon these two points I am clear, the right of property, and the facilities to manumission, will be powerful inducements to thefts, and the Master has an undoubted right to protection. Such regulations may have been of questionable policy when the Slave's earnings belonged to the Owner; but now they seem absolutely necessary.

CONCLUDING SECTIONS.

THE fines not otherwise specially disposed of belong to the colony, but one-third of the amount shall be deducted therefrom for the benefit of the informer.

Any complaint in which the Commissary of the Quarter*, his relatives in a direct line, or in the first collateral degree are parties, shall be heard by the neighbouring Commissary, or if in the quarter of Castries, by the Procureur du Roi.

(a)—All Slaves are required to respect, and implicitly to obey, their Masters, owners, and others, placed in authority over them.

In all cases of insubordination, neglect, or disobedience, the Master may cause such punishments to be inflicted as are sanctioned by law, but they are not to consider as acts of insubordination and disobedience the complaints of Slaves to the lawful authorities, on account of any alleged cruel or illegal treatment. All such complaints are hereby expressly authorized, and if groundless †, the Slave making them, is to be punished only by order of the court tribunal, or person in authority, who, upon hearing the complaint, shall so declare it.

LES amendes qui n'ont point de destination particulière sont déclarées appartenir à la colonie, néanmoins distraction sera faite du tiers au profit des denonciateurs.

Toute affaire où le Commissaire civil du Quartier, ses ascendans ou descendans ou collatéraux au premier degré seront parties intéressées, sera renvoyée au Commissaire du Quartier voisin ou au Procureur du Roi s'il s'agit du Commissaire de Castries.

Il est ordonné aux Esclaves de porter respect et obeissance entière à leurs Maitres, et aux personnes préposées sous leur autorité.

En cas d'insubordination, relâchement de discipline ou désobéissance, les propriétaires, leurs procureurs ou économes gérans, ou les personnes préposées sous leur autorité devront faire infliger aux Esclaves les châtimens autorisés par la loi ; sans toutefois qu'ils puissent sous aucun prétexte regarder comme acte d'insubordination, relâchement de discipline ou désobéissance les réclamations des Esclaves à l'égard desquels ils se seraient écartés des dispositions de la loi ; les quelles réclamations sont expressément autorisées aux dits cas, sauf la correction des Esclaves, si leurs plaintes sont jugées injustes par ordre du tribunal ou de l'autorité qui ayant connu de la plainte l'aura ainsi jugée.

* As the Lieutenant Commissary is chosen by the Commissary, I have preferred referring the complaints to another quarter.

(a)—Law of 1786, Code de la Martinique, Vol. iii. p. 711.

† Sir R. Woodford's Proclamation.

REMARKS IN CONCLUSION.

This part of my labours being brought nearly to a close, it may be proper in conclusion, to explain distinctly, the purpose which I have had throughout in view.

My object has been :—

To render the law as mild as is consistent with a state of compulsory service, so as to put an end to alterations, and even to proposals of alterations, which contribute more to diminish the value of property than the alterations themselves.

And therefore,

To repeal all those cruel enactments which even the existence of the Slave trade could not excuse, under pretence of their being necessary to reduce to submission the untamed African, but which, since the abolition had become a needless disgrace to the penal code. Yet, as the two chief incentives to exertion are the hopes of rewards, and dread of punishments, feeling that in every stage of society the happiness of inferiors will necessarily continue in the hands of those above them, to leave the owner in legal possession of sufficient power; to interfere, as already remarked, only where cruelty commences; to compile a system rather practically useful than theoretically pleasing; and,

Having constantly in recollection the resolutions of the House of Commons, Earl Bathurst's instructions, and Mr. Canning's speech, with a scrupulous, and I trust proper regard, to the very great value of the properties at stake, "to frame such effectual and decisive regulations for meliorating the condition of the Slaves, as will gradually prepare them for a participation of the rights and privileges enjoyed by all other classes of His Majesty's subjects."

Before any reasonable hope could be entertained of succeeding, it became necessary to view this as a mere question of expediency and policy, and not in a religious light. For if slavery be contrary to Christianity in this sense, that it is opposed to the express dictates of revelation, all such labours are useless, it should be abolished at once without consideration of the consequences; but if it be merely contrary, *from its presumed injurious tendency to the spirit of Christianity*, then the propriety of abolishing slavery, and more especially the mode in which the abolition is to be effected, becomes a simple question of expediency; where it is our duty to balance evils and to act upon the universal system of general utility.

It has been equally my endeavour to guard against the strong colonial bias in favour of slavery, counter-balanced by a feeling equally unpromising, entertained by many in England against it. The most indifferent observer must have noticed the contradictions into which both parties have fallen. With the one, every concession of privileges (that of holding property for instance) is met with remarks upon the extreme stupidity of Negroes—"they don't understand their own interest;" but, propose any additional protection, and they become "the most shrewd, keen, and quicksighted of beings." With the other party this is fairly reversed. If it be objected that some rights ought to be withheld, in consideration of the present ignorance of Slaves generally, "they are very well informed," "some are absolutely *learned*," but, if their crimes be in question, the Demarara insurrection, for instance, "what could be expected from a benighted Negro?"

This seems to extend to the distortion of plain facts. And here I cannot but observe, that very erroneous conclusions concerning the general treat-

ment of West Indian Slaves are sometimes drawn from some cases of cruelty, often first reported with indignation by West Indians themselves. Take one example. It is asserted, that lately at Demarara, "a poor Slave could not be allowed to call even a bible his own," all that I can say is, had the same been said of this place for the purpose of conveying an idea of the usual state of Slaves here, I should, without hesitation, call it a very gross misrepresentation. There are, no doubt, instances of cruelty; where is the state of society? where the manufactory? in which there are none—laws are, as undoubtedly necessary. Mr. Wilberforce's remark in the debates of 1791, will apply still more strongly now—"If the condition of Slaves was always excellent, how comes it that it is continually *mending*?" But these cruelties are very far from general, and I know not a planter who does not respect his Slave's property, and who would not, as I have known and seen, as willingly step forward to protect him in the enjoyment of it, as he would defend his own. It was my original opinion, and that is confirmed by actual observation, that all exceptions proceeding upon the assumption that the Negro was naturally possessed of any superior or inferior degree of intelligence, or any other moral quality, would be without foundation; that laws, which, *under similar circumstances*, would suit an European, will suit quite as well the descendant of an African; but that all fanciful schemes, such as the emancipating by lot a given number of Slaves, or all Slaves above or under a given age, or all or any of the Slaves of persons dying without issue, which last is little else than offering a premium to a domestic for the destruction of his Master, ought to be rejected. And that on this as on all other occasions, due regard should be had to established institutions, "qu'il y a toujours quelque bien qui s'y trouve caché; qu'il y a des changements qui dépendent plutôt du tems que du législateur." That the only safe course was that middle course prescribed by His Majesty's Government.

The basis of the present draft is the actual law; the amendments, as far as they could be supplied from that source, are taken from what avowedly formed the basis of the present law, the Roman law, and such enactments as could not be found in either, but were called for by His Majesty's instructions, are taken from the Trinidad Order, the additions of my own being chiefly intended to meet the defects in that Order without depriving the Slave of any of the advantages fairly contemplated. And when from the nature of the subject I have been compelled to leave the beaten road of experience, and to devise rather than to select, I have endeavoured still to keep to some known legal rules, taken from the cases which seemed to me the most apposite to the present.

The conviction is becoming general, and it is my fervent hope, that from the day of the abolition of the trade, may be dated the gradual decline of West Indian slavery, that, under British Government, like British villainage, it will imperceptibly become extinct; but with a celerity proportioned to the more general circulation of useful knowledge.

(Signed)

J. JEREMIE,

First President of the Royal Court.

Castries, October 25th, 1825.

SLAVE LAW.

BOOK III.—LAW OF MANUMISSIONS.

1. (a)—Manumissions obtained in Saint Lucia, produce the same effect as if the party were born there ; and emancipated Slaves, though natives of foreign countries, need not, therefore, obtain letters of naturalization to entitle them to the prerogatives of natural born subjects.

2. (b)—The emancipated Slave is expected to pay the greatest respect to his late owner, and his owner's wife, or widow, and children: an offence against them will be more severely visited, than if committed against a stranger; but the Slave is entirely exempted from all duties, claims, or services, which his former owner might pretend to, as his patron, over his person and property.

3. (c)—In every deed of manumission, shall be fully set forth, the owner's name, his title, and the name of the Slave. The deed, when thus duly framed, shall be laid before the Procureur General, together with the documents in support of the owner's title; and if the title be sufficient, and the deed approved, the Procureur General shall add his certificate of the same thereto, after which, it shall be executed in presence of the Colonial Secretary, or Government Notary, and two witnesses, or in presence of two witnesses only, in which latter case, it shall be proved before the said Colonial Secretary in the usual form.

The said Secretary shall within one month after execution or probate of the said deed, cause the same to be enrolled in a book, to be kept by him for that

L'affranchissement opéré à Sainte Lucie tiendra lieu de naissance dans cette île, et les Esclaves affranchis, encore qu'ils soient nés en pays étranger, n'auront besoin de lettres de naturalité pour exercer dans la dite île les prérogatives des sujets naturels du royaume.

L'affranchi portera un respect singulier à son ancien propriétaire, à la femme ou à la veuve, et aux enfants de son ancien propriétaire: en sorte que l'injure qu'il leur aura faite soit punie plus sévèrement que si elle eût été faite à une autre personne. Toutefois l'affranchi est entièrement quitté de toutes autres charges, services, et droits utiles, que ses anciens Maîtres voudraient prétendre, tant sur sa personne que sur ses biens, en qualité de patrons.

Dans chaque acte d'affranchissement seront exprimés le nom et les titres du propriétaire. L'Acte ainsir edigé sera soumis au Procureur Général, avec les titres du propriétaire, et si cet Officier juge les droits du dernier suffisant, et approuve la rédaction de l'acte, il y ajoutera son apostelle à cet effet. L'acte sera alors exécuté en présence du Secrétaire Colonial ou Notaire du Gouvernement et deux témoins, ou en présence de deux témoins seulement, mais dans le dernier cas l'acte sera authentiqué dans les formes ordinaires par le Secrétaire.

Dans un mois à dater du jour où le dit acte aura été exécuté ou authentiqué le Secrétaire le fera enroller dans un livre qu'il tiendra à cet effet appellé le livre

(a) Code Noir Sect. 57.

(b) Code Noir Sect. 58.

(c) Framed from the Code Noir Sect. 55.—The Trinidad Order, and Sir John Keane's Regulation, 1818.—See remarks, p. 6, et 7.

purpose, called the book of manumissions, and then certify upon the deed to its having been thus duly registered, inscribing in the margin the number of the page of said book of manumissions, where it is to be found.

The Colonial Secretary shall receive twenty shillings sterling for witnessing the said execution, or for the probate of the same, and registering said deed of manumission.

4. (d)—*No fee, tax, or impost whatever, beyond the said twenty shillings, and the fee to the individual framing the deed, shall be levied or received upon manumissions, by any public officer whatever, either for his own use or for the benefit of the colony, on penalty of refunding thrice the amount of the sum received, and of immediate dismissal from his office.

5. (e)—In case a Slave shall be desirous of purchasing his liberty, or that of his wife or children, and his owner shall be unwilling to effect the manumission, the said Slave may apply to the Procureur General, who is hereby required to present a petition to the first President, praying that the person to be manumitted be valued by appraisers. The first President shall, thereupon, direct a summons or notice in the usual form, to be served upon the owner, requiring him to appear before him on an early day therein specified; and if the said owner shall fail to appear, or if he shall refuse to effect the manumission, or the parties should not agree as to the value of the Slave, the said Slave shall be appraised by two persons duly sworn, to be named the one by the Procureur General, the second by the owner, or in the absence of either of them, by the First President. The said appraisers having proceeded to value the Slave, shall certify their appraisal to the First President within eight days; and in case their joint certificate shall not be delivered in within the said time, or in case they shall not agree, the First Pre-

des affranchissemens, et certifiera sur l'acte même qu'il a été dument enrégistré en ajoutant en marge le numéro du feuillet du dit livre où le dit acte se trouve.

Le Secrétaire Colonial recevra vingt schellings sterling pour l'exécution du dit acte ou pour l'avoir authentiqué ainsi que pour l'enrégistrement.

Aucun droit, taxe ou impôt ne sera reçu ni accepté outre les dits vingt schellings et la rétribution à celui qui aura redigé l'acte par aucun fonctionnaire public sur les affranchissemens, soit à titre de rétribution à son profit personnel, soit à titre d'impôt au bénéfice de la colonie, à peine contre les délinquans d'être contraint à rendre trois fois le montant de la somme reçue, et d'être immédiatement destituées de leurs charges.

L'Esclave désirant acheter sa liberté, celle de sa femme ou de ses enfants, et dont le Maître refuserait de la lui rendre, pourra s'adresser au Procureur Général, qui présentera au Premier Président une requête tendant à ce que le dit Esclave soit estimé par expert; le Premier Président fixera un jour pour y être fait droit sommairement, et ordonnera d'assigner le propriétaire à bref délai; et sera le dit propriétaire tenu de comparaître sur l'assignation, faute de quoi, ou en cas qu'il se refusât à effectuer le dit affranchissement, ou que les parties ne fussent point d'accord sur le prix, l'Esclave sera estimé par deux experts dûment assermentés, commis, l'un par le Procureur Général, l'autre par le propriétaire, ou en l'absence de l'un ou l'autre par le Premier Président. Les experts conviendront d'un prix, et en feront conjointement leur rapport au Premier Président sous huit jours, et en cas qu'ils n'aient pas fait leur rapport dans le dit tems, ou qu'ils ne soient point d'accord sur le prix le Premier Président nommera un autre expert qui procédera seul à l'évalu-

* 2nd.—And Stamp Duty of Seventeen Shillings not to be increased.

(d) Trinidad Order modified to meet Remarks, p. 7.

(e) Trinidad Order modified and divided to meet Remarks, p. 11.

sident shall name another appraiser, who shall proceed alone, to set a value upon the said Slave, and shall certify his own valuation; and in either case, the valuation shall be final and irrevocable.

The Procureur General shall then obtain acts of manumission in the usual form; and if the owner should refuse to take the estimated price, it shall be deposited in the colonial chest, whence he may, at any time, withdraw it, on obtaining an order to that effect from the First President.

6. (f)—In case any Slave shall be desirous of purchasing his liberty, or that of his wife or children, brother or sister, and his owner, from any cause whatever, shall be unable, legally, to effect the manumission, as when he is under guardianship, or absent from the colony, without having left a sufficient power of attorney (or in cases where the Slave belongs to an unclaimed succession, or where the title to the said Slave, or right to his services, is in controversy), the forms provided in the last section shall be observed (with the following exceptions). First, that notice of the day appointed by the First President to decide upon the petition, shall be published three several times in the Gazette of Saint Lucia, or in such other way as the First President may point out, that all parties claiming an interest in the said Slave, may have an opportunity of being heard thereon. Second,—The notice shall be served upon the guardian, or other representatives of the owner, or upon the supposed owner himself, according to the ordinary rules of law; Third,—The colony shall allow an interest of five per cent. upon the deposit; and Fourth,—The First President's order authorizing the withdrawing the price from the colonial chest, shall state the manner in which the same is to be applied.

The owner of a property under mortgage shall observe the above forms in manumitting his Plantation Slaves, on pain of incurring the penalties or punishments provided against persons guilty of the fraudulent transfer of real property.

7. (g)—In both the above cases, the expenses incurred shall be paid as fol-

ation; et sera dans l'un et l'autre cas l'estimation finale et irrévocable.

Le Procureur Général obtiendra alors des titres d'affranchissement pour l'Esclave, dans les formes ordinaires; et le prix sera versé, en cas de non acceptation par le propriétaire, dans la caisse coloniale d'où il pourra le retirer en tout tems en vertu d'un ordre du Premier Président.

L'Esclave désirant acheter sa liberté, celle de sa femme ou de ses enfans ou de ses frère ou sœur, et dont le Maître ne pourrait la lui vendre (soit parce que le dit Maître serait sous tutèle ou curatèle ou absent sans avoir laissé de procuration suffisante, soit parce que l'Esclave serait compris dans une succession vacante soit parce qu'il y aurait à son sujet contestation de propriété, soit enfin pour toute autre cause;) pourra y parvenir en remplissant les formalités ci-dessus aux exceptions suivantes. 1° Le jour fixé par le Premier Président pour faire droit sur la requête sera annoncé trois fois dans un journal à Sainte Lucie, afin que les créanciers ou autres intéressés puissent être entendus. 2° La Somme sera faite alors au tuteur, curateur ou autre représentant, ou au Propriétaire presomptif d'après les règles ordinaires du droit; et sera la caisse coloniale tenu de payer l'intérêt du prix de l'Esclave au taux de cinq pour cent par an; et l'ordre du Premier Président en vertu du quel ce prix sera retiré de la caisse annoncera la manière dont il en sera disposé.

Il est défendu à tous ceux dont les habitations seront grevées d'hypothèques d'affranchir leurs Esclaves d'habitation sans avoir observé les formalités ci-dessus à peine d'être poursuivis comme stellionataires.

Dans l'un et l'autre cas les frais de l'estimation seront payés moitié à moitié,

(f) Trinidad Order modified, see last sect.

(g)

lows; one half by the Slave, and the remaining half shall be deducted from the valuation.

8. (*h*)—And it shall be lawful for the First President to postpone granting the prayer of the Procureur General's petition in either of the cases set forth in the two preceding Sections, the forms therein recited having been duly observed, only in the event of the owner or his representative proving that the said Slave has, for the purpose of obtaining the price of his purchase, been guilty of fraudulent and dishonest practices, or that he has been a willing party to any species of fraud, committed with the express view of obtaining his freedom at a reduced price.

The period of postponement shall not, in any case, exceed five years, it shall be limited by the judgment, which judgment shall also set forth the grounds of decision, and copies of the proceedings shall be forwarded to the Governor.

9. (*i*)—Slaves, when manumitted, shall take a surname, but not their owner's, except they have his permission, on the penalty of twenty pounds sterling.

10. (*j*)—Slaves having attained their fiftieth year, or labouring under any permanent or habitual infirmity, shall, if manumitted without a valuable consideration, furnish bail in the usual form, to the amount of two hundred pounds sterling, that they shall not become hereafter a charge to the Colony.

11. (*k*)—An owner or patron desirous to manumit a Slave under six years of age, shall previously furnish bail to the amount of two hundred pounds sterling, that the Slave manumitted shall be properly clothed and maintained until the age of fourteen years.

12. (*l*)—A Slave marrying a free owner becomes free; and the issue of said Slave and owner, though born before marriage, become free and legitimate, provided they are not the issue of an adulterous connexion.

savoir une moitié par l'Esclave, et l'autre déduite sur le prix de sa liberté.

Quand les formalités indiquées aux deux derniers articles auront été dûment observées le Premier Président sera tenu d'adjudger sur le champ les fins de la requête du Procureur-Général excepté dans le cas où le Propriétaire ou représentant auroit vérifié que l'Esclave dans la vue d'obtenir le prix de son affranchissement se serait rendu coupable de fraude ou de vol, ou qu'il aurait été volontairement partie à quelque fraude commis dans le but exprès de lui procurer son affranchissement à sous prix.

Même en pareil cas le Premier Président ne pourra surséoir à prononcer définitivement que pour cinq ans, le jugement de surséance sera motivé et fera mention du terre fixé et une expédition des procédures sera transmise au Gouverneur.

Les affranchis prendront un nom propre, mais ne porteront le nom de leur ancien Maître sans sa permission sous une pénalité de vingt livres sterling.

L'Esclave âgé de cinquante ans, ou atteint d'une maladie permanente que l'on voudrait affranchir gratuitement, sera tenu de fournir, dans la forme ordinaire, caution de deux cents livres sterling qu'il ne tombera point à la charge de la Caisse.

Nul Esclave au dessous de six ans ne pourra être affranchi, sans que le propriétaire ou patron ait fourni préalablement la caution ci-dessus, pour garantie du vêtement et de l'entretien du dit Esclave, jusqu'à ce qu'il atteint l'âge de quatorze ans.

L'Esclave qui épouse son Propriétaire libre, devient libre, et leurs enfants nés même avant le mariage quoiqu'autrement Esclaves, deviennent libres et légitimes, pourvu qu'ils ne soient enfans adultérins.

(*h*) Addition to Trinidad Order. See Remarks, p. 14.

(*i*) Modification of Law of 10th of November, 1786.

(*j*) Trinidad Order.

(*k*) Ditto ditto.

(*l*) Code Noir, Sect. 9, ad finem. This was better enacted in Book I. chap. 1.

13. (m)—British-born Slaves, obtaining their manumissions in a foreign country, shall not be considered free in Saint Lucia, unless the manumission be confirmed by the proper authorities in a British country, or unless the same shall have taken place with the full consent of the proper and lawful owner.

14 (n).—Persons of colour, who shall have resided in Saint Lucia in an unmolested state of freedom for sixteen years together, shall not, on any pretence, be required to produce their deeds of manumission; nor shall their right to freedom, from the expiration of said period of sixteen years, be called in question. And in all cases, he who affirms that a person is his Slave, is bound, except he be in actual possession of the property in said person, to prove his allegation, the presumption being in favour of natural liberty.

15. (o).—Persons in holy orders may baptize as free, children under the age of one year, though born of mothers in a state of slavery, provided the owner of the mother consent thereto. Mention shall be made of his consent in the register of baptism, and the register shall be signed by the officiating Minister and the owner.

A certificate of baptism in the above form shall have in favour of the child the effect of a deed of manumission.

The Minister shall transmit all such certificates of baptism, which are to be written and signed by himself, to the Procureur General, that the latter may be enabled to require the bail mentioned in Section 11; and to inscribe the certificate upon a register, which he shall keep for this purpose, and which shall be collated and signed by the First President in the manner prescribed for marriages.

(p) 16.—Persons in holy orders shall not, on the penalty of one hundred pounds sterling, baptize as free a child of colour, without the permission of the mother's owner, unless the mother be generally reputed free, or unless her

Les Esclaves nés dans une île Anglaise, qui auraient obtenus leur liberté dans une île étrangère, ne seront regardés à Ste. Lucie comme affranchis, que lorsque leur affranchissement aura été reconnu et confirmé par les autorités d'un pays Anglais ou que l'affranchissement aura eu lieu du plein consentement du véritable propriétaire.

Aucune personne de couleur qui aura résidé et joui paisiblement à Ste. Lucie de l'état de personne libre pendant seize ans consécutifs, ne pourra, sous aucun prétexte, être requise de produire des titres d'affranchissement, et, le dit période de tems expiré, l'état de libre ne sera plus mis en question, et en tout cas, celui qui affirme qu'une personne est son Esclave, est tenu, excepté qu'il ne soit en possession de la propriété de cette personne, de le prouver, car on presume en faveur de la liberté naturelle.

Il est permis aux Prêtres de baptiser comme libres les enfants au dessous d'un an, quoique nés de mères reconnues Esclaves, pourvu que le propriétaire de la mère y consente; et sera ce consentement inscrit sur le registre de baptême, et le dit registre signé tant du propriétaire que du Prêtre.

Vaudra tout extrait baptistaire, revêtu des formes ci-dessus, de titre d'affranchissement pour l'enfant.

Sera le Prêtre tenu de transmettre un extrait baptistaire écrit et signé par lui-même au Procureur-Général, afin qu'il puisse exiger la caution requise par l'article 11, et l'inscrire sur un registre qu'il tiendra à cet effet, et qui sera visé et paraphé par le Premier Président de la manière prescrite pour les mariages.

Il est défendu, sous peine de cent livres sterling d'amende, à tout Prêtre de baptiser comme libre aucun enfant de couleur sans la permission du Maître de la mère, à moins que la liberté de la mère ne soit notoire, ou que son af-

(m) Modification of present law.

(n) Roman law introduced for the express purpose of meeting remarks, p. 17, et seq.

(o) Modification of present law. — Code de la Martinique, p. vi. Law of 30th December, 1712.

(p) Modification of same law as referred to in the last Section.

freedom be proved by an act of manumission in due form, or a declaration upon oath, made before the Civil Commissary by two respectable inhabitants, other than the father of the child.

17. (*q*)—The clauses of all wills, containing a grant to a Slave of his freedom, shall be laid before the Governor by the heir, the executor, or the party interested in the will, within three months from the day on which the will shall first have been opened, and the said wills shall within the said time be registered at the Greffe, or Register Office of the Sénéchaussée, on the penalty of one hundred pounds sterling, one half for the benefit of the Colony, and the remainder for the benefit of the Slave.

18. (*r*)—In case the said extracts should not be presented within the above time, the Slave, or any person for him, may apply to the Procureur-General, who shall cause an action to be entered for the recovery of his liberty; or the Slave may, at his option, enter an action to the same effect in his own name. But, in either case, the Procureur du Roi shall be bound to prosecute the delinquents for the fine.

19. (*s*)—All Notaries and Greffiers, who shall have received wills, containing clauses of manumission, shall extract copies of said clauses, and forward the said copies, within one month from the day on which the said will shall have been opened, to the Procureur General, on the penalty of fifty pounds sterling, and three months' interdiction.

20. (*t*) No authority whatever, whether administrative or judicial, shall deprive of his liberty, and reduce to a state of slavery, a person, free either by birth or by manumission, or by fifteen years' prescription.

franchissement ne soit prouvé par des actes de liberté revêtus des formes prescrites ou par la déclaration du serment devant la Commissaire Civil de deux inhabitants notables du quartier, autres que le Père de l'enfant.

Les dispositions testamentaires donnant la liberté aux Esclaves seront présentées par extrait au Gouvernement par l'exécuteur testamentaire, l'héritier, ou les parties intéressées, et ce dans trois mois du jour de l'ouverture du testament, et seront les testaments déposés au Greffe de la Sénéchaussée dans le dit tems: à peine de cent livres sterling d'amende, moitié au bénéfice de la Colonie, moitié au profit de l'Esclave.

En cas que les dits extraits ne soient pas présentés dans le dit tems, l'Esclave, ou tout autre pour lui, pourra s'adresser au Procureur-Général qui actionnera d'office pour lui faire obtenir sa liberté ou l'Esclave lui-même à son choix pourra procéder seul par voie d'action; et sera dans l'un ou l'autre cas le Procureur du Roi tenu de poursuivre en outre les délinquans pour l'amende.

Tous Notaires et Greffiers qui auront reçu des testaments portant dispositions d'affranchissement, en enverront des extraits au Procureur-Général, en ce qui concerne les dites dispositions; et ce dans un mois à dater du jour de l'ouverture des dits testaments, à peine de cinquante livres sterling d'amende, et d'interdiction pour trois mois.

Nulle autorité, soit administrative, soit judiciaire, ne pourra destituer de sa liberté et faire rentrer dans l'Esclavage la personne libre par naissance, affranchissement, ou par quinze ans de prescription.

(*q*) Code de Martinique, v. 3d. p. 1.—Law of 11th February, 1767.

(*r*) Added more fully to secure the Slave's rights.

(*s*) Same as two last.

(*t*) Inserted to meet remarks, p. 22.

SLAVE LAW.

BOOK THIRD.

REMARKS UPON THE LAW OF MANUMISSIONS.

IT was a maxim with the French government that manumissions should be granted very sparingly, and only in reward of faithful services. That the Owner should not be allowed to sell, still less to confer them from baser motives, and therefore the facilities conceded by the 55th* Section of the Code Noir were considerably limited by the Order of 24th October, 1713, requiring that Owners should first obtain the joint consent of the Governor and Intendant, which these latter were directed not to grant unless the reasons given by the Master were satisfactory (légitimes.) “La couleur est vouée à la servitude, rien ne la peut rendre égale à son Maître.” Such is the maxim laid down in the instructions to the Governor of Martinique †. Manumissions were therefore considered a necessary evil.

In 1777, still to reduce the number, the Governor and Intendant were ordered to take the opinion of the senior Judge and Attorney General upon the Owner's *petition*, and as an additional preventative a tax was levied upon them to be increased or reduced at the Governor's pleasure. With respect to the propriety and policy of this measure, I shall quote the author of the *Annales*, in whose sentiments upon this point I fully concur.

“ Cette taxe a été imposée sans ordre apparent de Sa Majesté ; elle n'a été approuvée dans aucuns tems ; elle est nulle, injuste, et par conséquent abusive. Quel est le but que se proposait le Gouvernement en imposant ces sortes de taxes sur les libertés ? C'était assurément de diminuer le nombre des affranchissemens, par le prix imposée à la permission d'affranchir : or, il est prouvé que ses taxes sont nulles ‡, parceque si quelqu'un veut affranchir son Esclave pour services qu'il lui a rendu, cette taxe ne l'empêchera pas de faire une action généreuse, s'il veut affranchir sa concubine, ou son enfant mulâtre, il ne balancera pas à faire à sa passion un sacrifice de plus ; si enfin son Nègre se paye, il exigera de lui un rançon plus considérable. Voila donc cette taxe inutile ; j'ai dit qu'elle était des plus injustes en ce qu'elle est arbitraire.” &c.

The only consequence of all these regulations has been that at Martinique another class, that of *Patronés*, has sprung up. These are persons who possess property, and manage it under the name of another, by whom they are returned as Slaves paying the capitation tax : it is useless to observe what temptations this must hold out to every kind of fraud, and how much this precarious possession must tend to damp their industry.

* Les Maîtres âgés de 20 ans pourront affranchir leurs Esclaves par tous actes entrevifs ou à cause de mort, sans qu'ils soient tenus rendre raison de l'affranchissement, ou qu'ils aient besoin d'avoir de parens, encore qu'ils soient mineurs de 25 ans.

† Code de la Martinique, vol. iii. p. 295.

‡ They are completely *nulles*, for the individual is equally free though not manumitted.

In this island, the principles as to manumissions and the forms observed, though much relaxed in practice, were the same until the year 1819. The Governor, upon petition, granted his permit; the act was then drawn out and registered, there was also a tax upon them. In that year the regulations now observed were introduced. The tax then amounted to nineteen hundred and eighty livres, about forty-two pounds sterling, in addition to which the manumittor was called upon for the expenses attending the following forms:—

1st. The Owner or Patron presents a request to the Governor praying for leave to manumit.		
2d. Leave being granted, the deed is drawn out on stamped paper	stamp	40
Price of deed as per Schedule of Colonial Secretary		30
3d. The deed is executed in presence of three witnesses, one of whom is to accompany the Slave to prove the deed of the Colonial Secretary's Probate		20
4th. The act duly proved is submitted to the Governor again and signed; private Secretary's fee for Governor's Signature		5
5th. It is then to be registered—fee to the Colonial Secretary		30
6th. It is lastly put under the great seal—fee		40
Original duty		2980

livres 3145

or at 235 per cent., though the exchange was then lower, about forty-five pounds thirteen shillings sterling. The result was the same as at Martinique, many negro families continued for years free in fact, though not of right.

At present the tax is withdrawn, but the stamp, forty livres, about seventeen shillings sterling, continues; and so do these forms which have not the advantage of affording the Slave a secure title, for it will be observed, that there is no provision for the documents being invariably examined by a legal person, though when the Colonial Secretary expresses a doubt, the papers are submitted gratuitously to the Procureur General.

By a return of the Colonial Secretary's fees for 1824, I find he has ceased to charge the legalization and countersigning, they are however still legally due, and there is nothing to prevent the demand being renewed.

It therefore seems advisable to adopt the simple plan, with a few slight modifications, so clearly traced out in the Trinidad Order, and less distinctly in the Code Noir. The mode I should propose would be, that the Act be prepared by the party, examined and approved gratuitously by the Procureur General, then executed like all other deeds and registered. With respect to official fees, the only one need be, the fee for registering, which I consider very ample at twenty shillings. The Colonial Secretary will thus at the rate at which manumissions have gone for the last two years, receive about one hundred and fifty pounds sterling, per annum, from a single item in his schedule.

Having endeavoured to reduce the expense to the lowest scale, I have ventured to differ from the terms of the Trinidad Order, though not, I think, substantially, from the instructions of His Majesty's Government, as to the party upon whom these expenses should fall. The order provides that the deed shall be drawn out by the Protector, and the colony shall pay the registration. It seems that if manumissions are not to be a source of revenue to the Government, there can be no sound reason for going to an opposite extreme, and rendering them a burden to the state. A deed of manumission is nothing more than the transfer or sale of a valuable service; a matter no longer of favour but of right; and should, I conceive, be at the expense of the person wishing to make the purchase. Reduce and regulate these as all other legal fees; render them as moderate as possible; let

the public adviser assist a Slave, as he would a widow or an orphan; but what exclusive favour are Slaves entitled to, beyond widows and orphans? If they are carried to the level of the most favoured and privileged classes, they surely can have no cause to complain. The sum of twenty or thirty shillings sterling, is trifling when weighed against the benefits and advantages of liberty; for, if liberty be not worth that sacrifice, there is an end to the bitterness and miseries of Slavery, but an annual charge of nearly two hundred pounds is a great consideration with a small, poor, and rather burdened Colony. When Slaves were allowed to possess property, and usually owed their enfranchisement to the liberality of their owners, this regulation might have been advisable, though now how can so trifling a portion of their earnings be better applied?

Whether the present small stamp duty ought not to remain to meet the increase of salary, which must be allowed to the Procureur General, is a question which with all due deference I submit to the consideration of Government; it seems but fair that persons acquiring their freedom, should contribute towards affording protection to the class they are leaving, to their former companions and their own relations. The boon they obtain is sufficient; and this stamp does not equal the duties levied upon sentences and other legal documents; to provide a fund for the payment of the Seneschal's and Procureur du Roi's salaries. But as this would be contrary to the letter of His Majesty's Instructions, I have omitted it from the Draft.

A duty is still levied upon Slaves from Martinique, coming here to obtain their manumission; this, in my opinion, should be done away with immediately: it seems to me little short of practising a deception upon the Slave, for either the Slave will remain here, and then he will not require a manumission; coming from a foreign colony he is free by law; or he means to return to Martinique, and there, the deed he has paid so dearly for, will, I have reason to believe, be of no service to him.

It has been questioned, whether the Order of 1713, requiring the Governor's permission to manumit, should continue. The Code Noir, the Roman Law, and Trinidad Order, are against it. These are mighty authorities, and I am of opinion that they have argument with them. The purpose for which the Governor's consent was required, has been explained. This purpose has ceased. The maxims and principles of Government have changed. Manumissions are no longer considered an evil. *Slavery* is the evil, *manumissions* the corrective. They are not conceded as matter of favour, and upon *special* grounds, but become a right which belongs to every Slave with sufficient means, and a legal right implies that the permission of the Executive is unnecessary to its exercise. A very great practical evil also attends this formality, for upon it and the loss of the tax, were grounded the objections to the legality of manumissions effected *out of the Island*.

The questions arising upon voluntary manumissions being thus disposed of, I shall proceed to manumissions made, *volente domino*, the propriety of which measure can scarcely be disputed; all the arguments used against it confirm me in this opinion. Manumissions, it is said, should be the rewards of virtue! they are often anything else; but are not industry, frugality, and temperance, great public virtues? Again, and this is the constant objection,—the best Slaves, the most useful subjects, will be lost to Estates! The best Slaves will fetch the best prices, and the encouragement to industry consequent upon this measure, will probably make a greater difference upon the whole gang than any slight loss upon a single Slave. But the argument in other terms amounts to this—that the better the subject, the fitter for slavery. If such be now the practice, it might nearly account for the imputed indolence of enfranchised Slaves! The Master will refuse them the indulgences now granted, and prevent their working for themselves.

The hours of labour are here regulated by law, it will be the business of public officers to see that law obeyed.

The assertion that they are happier, &c., in their present state, scarce merits refutation. If *they* think so, they will remain Slaves.

One reason only, as between Master and Slave, seems worthy of consideration. The planters urge that the temptations to frauds and thefts thus held out will be irresistible. This is certainly probable, and the reports from Trinidad tend to prove that their fears are well founded. The benefit may, therefore, unless placed under regulation, become an evil to all parties. To the Master by rendering his property insecure; to the Slave as it holds out an inducement to dishonesty and indolence; to the public, as it would throw the worst characters upon the community. The mischief is evident; the proper remedy not so easily found*. Two have been proposed,—First, an increase of price. This would add to, instead of diminishing, the temptation—it would be, as to the Negro, a tax in another shape. The next is that the Slave should be required to produce certificates of character. This seems contrary to the spirit of the law, it tends by throwing the *onus* upon the Slave to render manumissions a favour. But from whom is he to get the certificates? Not from other Slaves undoubtedly, and from planters he never could: there cannot it is said, be a greater offence than for a Slave-owner to interfere with the Slaves of another, besides, the Slaves of every gang, form a small separate community, associating little with others of their own rank and still less known by other owners.

The only method, seems to be, to enact, that if the owner or his representative can prove in the usual judicial form to the full satisfaction of the Judge before whom the whole proceeding takes place, that the proposed price of the Slave's purchase has been obtained by fraudulent or dishonest means, or that the Slave has been a party to any species of fraud committed for the purpose of procuring him his liberty at a reduced value, the manumission shall be refused for a given length of time, not exceeding five years. These will be the only exceptions, the *onus probandi* will fall on the owner, the Protector will be present to defend the Slave, and the Judge, from his situation, must have been accustomed to sift evidence. I had thought of adding, that the applications of notoriously bad characters should be rejected, but upon reconsideration, it may be as well not to leave this opening to general and undefined charges. The remedy is not, I confess, as complete as I could wish it, but some check is necessary, and this, after much reflection, is the best I can devise. The Slave will then have every inducement to honesty and activity, and if the Master reaps the fair benefit of his services in the first instance, he will afterwards himself, obtain his reward. As to any latent prejudice in the magistrate, his in the first place is a home appointment, and in the next the objection would go to defeat every kind of regulation. Laws, however framed, must be administered; and if an individual be worthy of being intrusted with power over the lives and properties of all classes, free and in slavery, he may be relied on in this instance. However, even this distrust might be in a great measure met, by enjoining that copies of all such judgments be transmitted home.

In short, like the insolvent act, the concession now made is a modification of the right of private property upon strong public grounds; like that, it should be so regulated, that the purpose of the Legislature be not defeated, and that persons be not allowed to enter without restraint upon

* It is chiefly on this account that I think it necessary to continue the prohibition as to the sale of sugar-caues and coffee.

society at the moment, and by the very means which shew them unworthy of its advantages.

Another variation from the Trinidad Order upon the same point, will be found in the draft. By that law the unwilling owner is confounded with the owner who, whether willing or unwilling, is *unable* to manumit; and yet the distinction, it seems, is pretty obvious; for instance, the purchase money is to be deposited in the colonial chest, at an interest of five per cent. This is well where it remains as a security for creditors, minors, &c., but when it is left there through the mere obstinacy of the party, he need scarcely be indulged in his humour at the public expense, the deposit may stay in such cases without interest, until it is his pleasure to apply for it.

There are one or two slight deviations, but chiefly in point of form. Among others, the Slave is only allowed to purchase his own, his wife's, or child's freedom, against the owner's consent. The extending the indulgence to collateral relations may be viewed as interfering with private property, without any adequate reason. The broad distinction between relations collateral and direct is legal and natural. However, this in reality is of no great consequence, for, by giving the money to the party intended to be benefited, he can always obtain his own manumission. The point of importance is to concede to a Slave the right of redeeming himself.

The harsh and incomprehensible principle that "the colour was doomed to servitude," had, in the French Colonies, led to a practice which was severely and deservedly reprobated by the government at home. That of calling upon all persons of colour to produce from time to time their original deeds of manumission, on pain of being confiscated and sold as Slaves. Some Governors, on coming out, even went so far as to annul the manumissions granted by their predecessors, on pretence of inquiring into the motives upon which they were delivered.

I find, in the Martinique Code, the following instances of these general revisals.

7th July, 1720.

1st September, 1761.

29th December, 1774. This latter order was annulled by the King of France on the 8th June, 1776. It may be supposed that this would have put a stop for ever to measures of this description, but another Ordinance appeared on the 10th July, 1789, and again on the 15th March, 1803*, which latter was severely commented upon by the minister of Marine, as appears by his letter of 28th August, 1803†, and though considerably softened and much modified, was still decidedly objected to‡. Had the practice not been renewed since Saint Lucia became a British possession, I should not now have thought it necessary to enter further into the matter, but a regulation to the same effect, or rather one still more sweeping, was adopted in January 1808§, which after creating infinite confusion, and causing very heavy expense, was annulled in 1812, it being then found impossible to act upon it: and even as late as the year 1819, there was, by advice of the council, introduced another measure, which, though infinitely softened, and extending only to persons *not born free*, is the same in principle||, and therefore, in my opinion, not totally free from objection. A deed of manumission can be of service but to the Slave, nor do I see why a manumission effected at Barbadoes or St. Vincent's, or in any other British possession, though in favour of a native of St. Lucia, should not be valid here, as well as any other contract between two parties. The only

* Code de la Martinique, Vol. iv. p. 585.

† Code de la Martinique, Vol. iv. p. 621.

‡ Code de la Martinique, Vol. iv. p. 650, and Vol. v. p. 46.

§ Code de la Martinique, Vol. v. p. 251.

| Section 1st Part, 2nd, law of 16th June, 1819.

effectual way of serving the Slave, is to reduce the expense. Since the tax was, in the first place reduced, then entirely withdrawn, enfranchisements have increased in the proportion of upwards of four to one * ; and though many of the persons emancipated were in fact free before, on the other hand, the concession by which Slaves are to be allowed to purchase their freedom, will lead to the enfranchisement of many others.

To prevent, therefore, a recurrence to measures so pernicious, I propose that an uninterrupted enjoyment of freedom for sixteen years, shall be declared a sufficient bar to any future claim to a Negro's services ; this was the period limited by the civil law † : and to adopt the general maxim that in all dubious and disputed cases the presumption shall be in favour of liberty ; a maxim taken from the same source, and which in modern times will be found in the Code Frederick, and has been lately introduced into the Grenada Slave-law.

It would be naturally supposed, that as there was so much difficulty in obtaining manumissions, every endeavour had been used to give them, in the Slave's estimation, the highest value—quite the reverse: that a person of colour should be deprived of his liberty, was a very frequent penalty, even for persons *born free*. It attached to the most trivial offences, for instance, persons of colour meeting or assembling together without special permission from the police ‡, or wearing a forbidden dress §, forfeited their liberty, and in some cases the whole family shared the same fate, as where a free person had harboured a runaway ||. These laws, though still unrepealed, have not been lately acted upon, to that extent, though it is not long since a person of colour was ordered to be confiscated and sold for harbouring a runaway Slave, but Government very properly commuted.

It seems to me that a Slave should learn to consider his freedom as the greatest of blessings ; that liberty once acquired, should never be forfeited. I should, if it were matter of choice, prefer rendering the acquisition of liberty difficult, to permitting it to be easily lost. It matters not so much from how low a scale an individual begins his rise, as that he should have certain hopes and a fair prospect of advancement to stimulate and encourage him, and on that account I have inserted the last section.

Castries, St. Lucia, 22nd October, 1825.

(Signed)

J. JEREMIE,
First President.

* Manumissions 1822 about 28,
 " 1823 " 100,
 " 1824 " 150 acts of manumission, many of which will have contained the enfranchisement of several individuals, for in 1823 the number of *persons* freed amounted to 212 ; in 1825 supposed about the same.

† C. 3—Cod. Theod. Tit. de liberali causa

‡ 9th February, 1765.

§ 10th June, 1765.

|| 4th June, 1720.

Papers received from DOMINICA and GRENADA since the Papers of the present Session relative to those Colonies were laid before Parliament.

Dominica, Government House,
27th January, 1826.

MY LORD,

I AM at length enabled to transmit an Act (passed by the Legislature of this Colony) for the melioration of the condition of the Slaves; and which, though it does not comprise all the suggestions of His Majesty's Government, will, I trust, be found to contain many important amendments of former Acts.

Upon some parts of this Bill I will offer a few observations.

It would have been more satisfactory if provision had been made for the appointment of a Protector and Guardian of Slaves. It may, however, be considered that the benefits which would result from such a measure are in some degree secured by the regulations prescribed in the 4th Clause.

The total abolition of Sunday markets has ever met with great opposition in the Colonial Legislature, and I see no hope of their acceding to such a measure. It is undoubtedly highly to be desired, as affording to the Slave the whole day for rest: at the same time there is great reason to believe that, in this colony, it would diminish their attendance at divine service—for as the places of public worship for every persuasion are almost exclusively in the town of Roseau, many of the Slaves who now come in (some from a very considerable distance) for the purpose of market, take the opportunity of going to church; which I fear very few would do, had they no other inducement to walk into town.

The punishments to which Slaves were formerly subject are much lightened. Death is, by the present Act, reserved for crimes of the most heinous nature; and in all cases of capital offences, the trial must be before a jury of twelve persons, and in the same manner as with regard to other criminals.

The deserting from their masters, and quitting the island—or the aiding of others so to do—are not considered as capital offences on the part of a Slave; while a white, or free person of colour, who may assist or encourage such desertion, is liable to suffer death.

The corporal punishments, which, agreeably to the present Act, may be inflicted on Slaves, for minor offences, are supposed to be much less severe than heretofore, comparing the nature of the instrument formerly in use, with that which is now exclusively allowed.

The opinion seems universal, that to prohibit, entirely, the infliction of corporal punishment on females, would be productive of most serious evil; it having always been found, that they are much more difficult than the men to keep in any degree of subordination.

In the 16th clause it is enacted that the owner of a Slave may sue, in his own name, for monies due to his Slave. The intention of this clause is good, but it appears defective: For if, notwithstanding the verdict may be in favour of the Plaintiff, the master should withhold the money, there are no means whereby the Slave can recover it from him.

The 20th clause gives to a single magistrate the same power as to a Court: And he might, for a small offence, sentence the Slave of another person to hard labour, for several months, in chains. This appears to me extremely objectionable; and I understand the clause underwent discussion, but was carried by a majority.

There are a few other particulars in which I think the Bill might have been rendered more perfect; and in the various stages previously to its being passed, I took every opportunity in my power of making known my

ideas. As, however, the Act is not to take effect until His Majesty's pleasure shall be received, any alterations and amendments which your Lordship may point out, may still meet with attention.

I have, &c. (Signed) WILLIAM NICOLAY.

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

DOMINICA.—An Act for the further encouragement, Protection, and better Government of Slaves and for the general amelioration of their condition.

PREAMBLE.—Whereas laws for the encouragement, protection, and better government of Slaves, and for the general amelioration of their condition, have from time to time been enacted in this island, founded on the principles of policy, justice, and humanity, and it being expedient that such further provisions to that effect should now be made, as may be consistent with a due regard to the interests of the proprietors of Slaves, We, therefore, Your Majesty's dutiful, loyal, and obedient subjects, the Governor, Council and Assembly of this Your Island of Dominica, humbly pray Your most Excellent Majesty, that it may be enacted and ordained.

Clause 1st.—And be it, and it is hereby enacted and ordained, by the authority aforesaid, that every proprietor, renter, attorney, or agent of any Slave or Slaves, shall give or cause to be given to all such Slave or Slaves as shall be under his, her, or their care a sufficient quantity of good and wholesome food, and shall provide dry and comfortable lodging for them, and shall give them good clothing, that is to say, once in every year a kersey Penistone or drugget jacket, a hat, a pair of Osnaburg or Penistone trowsers, with three yards of Osnaburgs to every male adult, a kersey Penistone or drugget wrapper, a hat, an Osnaburg or Penistone petticoat with three yards of Osnaburgs to every female adult, and to children under the age of ten years, a hat or cap, and three yards of Osnaburgs, and also a blanket to each Slave once in every three years, and an iron pot to every adult Slave once in every three years. And in case of the sickness of any such Slave or Slaves, shall provide proper medical assistance and advice, and shall also provide within the boundary of his, her, or their Plantation or lot of land, comfortable lodging and wholesome food, for every old, infirm, or diseased Slave, and shall on no pretence discard any such Slave, or knowingly suffer him or her to wander about, and should such proprietor, renter, attorney or agent, neglect or refuse to comply with the aforesaid enactments or any of them, such offender shall be fined in any sum not exceeding one hundred pounds, to be recovered as hereinafter is directed.

Owners to provide good food, lodging, clothing, &c., medical attendance.

Not to discard old and infirm Slaves, or suffer them to wander about.

Clause 2nd.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that every field Slave shall, on working days, be allowed half an hour for breakfast, and two hours for dinner out of crop, and one hour and a half during crop, and no Slaves, except domestics, stock-keepers, watchmen, and sick nurses, or others who may be required in attendance on the sick, shall be compelled to do any work whatsoever on any Sunday throughout the year, on Good Friday, nor on Christmas-Day, the day following, or New Year's-day, and if either of the said last-mentioned holidays shall fall on a Sunday, the following Wednesday shall be given in lieu thereof, nor shall any Slave (except as aforesaid) be compelled to do any work whatsoever before the hour of five in the morning, nor after seven o'clock in the evening, except during crop, when it shall be lawful to keep them at work until nine o'clock at night, and no longer. Provided always, that it shall and may be lawful, in case of any accident or danger at any hour of the day or night, for the Proprietor, Renter, Attorney, or Manager, or other person in charge of any Plantation or Estate, to compel the Slaves thereto attached to afford any assistance that may be required, wheresoever

Hours allowed for breakfast and dinner.

Slaves exempt from work on Sundays and holydays. Hours of work.

such accident or danger may arise, and any person offending against the provisions of this clause shall incur the penalty of fifty pounds, to be recovered as hereinafter is directed.

PREAMBLE.—And whereas it is expedient that the Slaves should be encouraged in the cultivation or provision grounds for the subsistence of themselves and families.

Clause 3rd.—Be it and it is hereby enacted and ordained by the authority aforesaid, that every Proprietor, Renter, Attorney, or Agent, of any Slave or Slaves, shall have the option of feeding such Slave or Slaves, as directed in the first clause, or of allotting to them a sufficient portion of land for that purpose, not being less than half an acre for every such Slave, and shall appropriate one day in every week for the purpose of cultivating the same, except during crop, when it shall be lawful to withhold such day, on allowing to each adult two pounds of salted or pickled fish, and to each child under ten years one pound of the same.

Owners may at their option either feed the Slaves or allot them land to cultivate.

Provided always, that on no pretence whatsoever shall less than twenty-six days in each year be allowed to each Slave, and that in case of failure, to comply with the enactments of this clause, or any of them, such offender shall, on conviction thereof, forfeit the sum of ten pounds, to be recovered as hereinafter is directed, and on complaint of any Slave or any other person on his behalf to any magistrate, he is hereby authorized to issue a summons to be served by any constable, requiring the attendance of any witnesses in ten days from the date of such summons, for the purpose of giving evidence on such complaint; and if such witness or witnesses shall refuse to obey such summons, he, she, or they, shall forfeit the sum of ten pounds, to be recovered as hereinafter is directed, such penalty, when recovered, to be paid to the said Slave. Provided always, that if such complaint shall be found untrue, the justice is hereby authorized to order the said Slave to be punished in any number of stripes not exceeding thirty-nine.

Penalty for breach of this Clause.

Clause 4th.—And be it and it is hereby enacted and ordained by the authority aforesaid, that every Owner, Attorney, Manager, Overseer, or other person in charge of any Slave or Slaves, shall, under the penalty of fifty pounds, make oath annually before the Commissioner or Commissioners at the time of making the return of Slaves, under a certain Act passed the nineteenth day of February, one thousand eight hundred and eleven, entitled “An Act for ascertaining the Number of White Persons, Free Persons of Colour, and Slaves in this Island,” to the following effect:—“I (naming the party and his or her description) do make oath and swear, that during the last twelve months I have fully complied with the several duties and obligations imposed upon me towards the Slaves under my charge, and and by virtue of the first, second, and third clauses of an Act of the legislature of this Island made and passed the day of one thousand eight hundred and twenty entitled ‘An Act for the further Encouragement, Protection, and better Government of Slaves, and for the general Amelioration of their Condition.’ So help me God.” Which oath the said Commissioner or Commissioners is and are hereby authorized and required to administer, and to transmit a certificate of the same to the Treasurer, along with his or their returns, under the penalty of fifty pounds for every refusal or neglect; and that if such Commissioner or Commissioners be himself or themselves an Owner or Owners, Attorney, Manager, Overseer, or other person in charge of any such Slave or Slaves, he or they shall make such oath in form as aforesaid before some other Justice of the Peace, and shall duly transmit to the Treasurer a certificate of the same, under the penalty aforesaid. Provided always, that where it shall happen that the party making such return shall not have been in charge of the said Slaves during the whole of the preceding twelve months, then, and in such

Owners of Slaves to make affidavit of having complied with the duties imposed by the 1st, 2nd, & 3d clauses of this act.

case, he shall only be required to make oath that the provisions and duties imposed by the said several clauses have been truly and faithfully observed and complied with, to the best of his knowledge and belief.

PREAMBLE.—And whereas Slaves frequently sell the clothing and necessaries issued to them to the great detriment both of themselves and their Owners.

Clause 5th.—Be it and it is hereby enacted and ordained by the authority aforesaid, that should any person detain, buy, or exchange, or take as a gift of or from any Slave, his or her clothing issued as aforesaid, such person shall be deemed guilty of a misdemeanor, and upon conviction on the oath of one or more credible witness or witnesses before any two or more of His Majesty's Justices of the Peace, shall, if a white person or free person of colour, forfeit a sum not exceeding ten pounds, to be recovered as hereinafter is directed, and such offender, if a Slave, shall be punished by whipping at the discretion of any Justice of the Peace, with any number of stripes not exceeding thirty-nine.

Penalty for buying, exchanging, &c. any clothing or necessaries issued to Slaves.

Clause 6th.—And be it and it is hereby enacted and ordained by the authority aforesaid, that every Proprietor, Renter, Attorney, Manager, or person in charge of Slaves, shall encourage such Slaves to christian baptism, and shall afford every reasonable facility to them to attend divine worship on Sundays, under the penalty of five pounds for every offence, to be recovered as hereinafter is directed.

To encourage Slaves to baptism and attendance at divine worship.

PREAMBLE.—And whereas the practice hitherto prevalent of making market on Sunday during divine service is highly indecorous.

Clause 7th.—Be it and it is hereby enacted and ordained by the authority aforesaid, that no article shall be exposed on Sunday to sale in the public market, or any other place, storehouse, or house, during the time of divine service of the established church, and any person herein offending, if a white or free person of colour, shall incur the penalty of ten pounds, to be recovered as hereinafter is directed, and if a Slave, shall be punished in any number of stripes not exceeding thirty-nine, at the discretion of any Justice of the Peace.

No article to be exposed for sale on Sundays during the time of divine worship at the established church.

Clause 8th.—And be it and it is hereby enacted and ordained by the authority aforesaid, that it may be lawful for any Slave or Slaves on plantations, by and with the consent of the Proprietor, Renter, Attorney, or other person in charge thereof, to use any drums or instruments of music for the purpose of dancing, or the indulgence of any innocent amusement, and that Slaves may, in the town of Roseau, by and with the permission of the town wardens, meet for such amusement or dancing as aforesaid at the river side only, provided such amusement or dancing shall not be continued after the hour of eight o'clock in the evening.

Dancing allowed among the Slaves with the consent of the Owners under certain restrictions.

PREAMBLE.—And whereas on the different days allotted for holidays and time of recreation, Slaves may become riotous and disorderly, from the absence of the persons in charge of them.

Clause 9th.—Be it and it is hereby enacted and ordained by the authority aforesaid, that any Manager not having an Overseer under him, who shall absent himself from the plantation of which he has charge on such holidays, except for the purpose of attending divine service or militia duty, shall forfeit the sum of ten pounds; and any Overseer who shall absent himself from the estate (except as above) without the leave of his Manager or Employer, shall forfeit the sum of five pounds, to be recovered as hereinafter is directed.

Penalty for Managers and Overseers absenting themselves from the estates on holidays.

PREAMBLE.—And for the purpose of protecting from violence the lives, persons, and effects of Slaves.

Clause 10th.—Be it and it is hereby enacted and ordained by the authority aforesaid, that any person convicted of the wilful murder of any Slave, or of being accessory thereto, shall suffer death without benefit of Clergy, and that any person convicted of the manslaughter of a Slave shall suffer the punishment inflicted in such case by the laws of England.

Persons convicted of wilful murder of a Slave to suffer death—of manslaughter, the punishment inflicted by the laws of England.

Clause 11th.—And be it and it is hereby enacted and ordained by the authority aforesaid, that if any person shall mutilate, wantonly or cruelly whip or cause to be whipped, beat, bruise, cut, wound, or imprison, or keep in confinement without sufficient nourishment, any Slave or Slaves, whether belonging to himself, herself, or any other person, such person being duly convicted of the same before the Court of King's Bench, shall be punished by fine not exceeding two hundred pounds, or imprisonment not exceeding six months, or by both at the discretion of the Court; and that it shall also be lawful for the said Court in atrocious cases, where the same shall be so found by the Jury, who are hereby directed to certify on the back of the indictment whether the case has by them been found atrocious or not, to take him or her out of the power of a Master convicted of such violence as aforesaid, to order the Marshal forthwith to sell and dispose of such Slave to any other person but the Owner at public outcry for the best price that can be procured, the money arising from such sale, after payment of all expenses, to be delivered to such Owner.

Cruelty towards Slaves to be punished by fine or imprisonment, or both.

In atrocious cases the Slave may be sold by the Marshal to any other person except the Owner.

Clause 12th.—And be it and it is hereby enacted and ordained by the authority aforesaid, that if any white or free person shall be guilty of wantonly striking or beating any Slave the property of another, such offender on conviction shall forfeit any sum not exceeding fifty pounds, to be recovered as directed in the first clause of the act.

Penalty for any person wantonly beating any Slave the property of another.

Clause 13th.—And be it and it is hereby enacted and ordained by the authority aforesaid, that if any white or free person shall forcibly take away or cause to be taken away from any Slave any live-stock, ground-provisions, vegetables, or any other article of property, which by the laws, customs, and usages of this colony, such Slave is authorized to possess, or shall sell or dispose of, or destroy, or injure, any live-stock, except when the same shall be found trespassing; or if any such person, having purchased from such Slave any such article, shall refuse or neglect to pay for the same, or shall destroy or cause to be destroyed, any such article as aforesaid, such offender shall on conviction be fined in any sum not exceeding twenty pounds, to be recovered as hereinafter is directed, and when so recovered the amount to be given to the said Slave in compensation for the injury so sustained.

Penalty for taking away from Slaves live-stock, provisions, or other property which they may be legally possessed of.

PREAMBLE.—And whereas, from the inadmissibility of slave-evidence, it has been hitherto found difficult to prosecute to conviction, white or free persons for offences against Slaves, and therefore for the furtherance of justice it is deemed proper in future to receive such evidence to such an extent as may be considered safe, but under such restrictions as are rendered absolutely necessary from the imperfect knowledge yet possessed by the great majority of the Slave population respecting the true nature of an oath.

Clause 14th.—Be it and it is hereby enacted and ordained by the authority aforesaid, that in all cases, except charges against their Owners, it shall be lawful for all Courts and Magistrates to admit the evidence of any Slave having been duly baptized, and appearing to the said Courts or Magistrates, after having been minutely interrogated on the subject, thoroughly to comprehend the true nature and meaning of an oath. Provided always, that in every instance two such Slaves at least, being duly examined apart and out of the hearing of each other, depose to the same facts without materially contradicting each other; and provided also, that no one shall be convicted of any offence on the evidence of Slaves, unless

Evidence of Slaves admissible under certain restrictions.

such offence shall be prosecuted within twelve months after the commission thereof.

No Slave under 12 years of age to be sold separate from its mother, except for the purpose of manumission, or by Clause II.

Owners may sue for debts due to their Slaves and for their use.

Clause 15th.—And be it and it is hereby enacted and ordained by the authority aforesaid, that no Slave, under the age of twelve years, shall be sold separate and apart from its mother under any pretence whatever, except for the purpose of being manumitted or under a sentence of a Court as declared in the eleventh clause of this Act.

Clause 16th.—And be it and it is hereby enacted and ordained by the authority aforesaid, that it shall and may be lawful for the Proprietor, Renter, Attorney, or Agent, of any Slave, or his, her, or their representative, to have and maintain an action or actions in their own names for the recovery of any debt or debts due or owing to any Slave belonging to him, her, or them, as if the same was really due to him or herself; and the Jury in returning their verdict shall, if they find for the plaintiff, declare the same to be for the use of such Slave.

PREAMBLE.—Whereas it is judged expedient for the more perfect administration of justice, that in future all trials of Slaves for capital offences shall be by indictment in the Court of Grand Sessions, to be found by the Grand Jury and tried by a Petty Jury of twelve persons.

Repeal of part of an act authorizing the trial of Slaves for capital offences by a jury of six persons.

Clause 17th.—Be it and it is hereby enacted and ordained by the authority aforesaid, that so much of the act entitled “ An Act to establish Courts of Petty Sessions at stated times for the Trial by Jury of Run-away or other Slaves in Custody of the Provost Marshal for crimes under any of the Laws of this Island now existing or hereafter to exist for regulating and in some instances varying their Punishment as established by laws now in force for the more speedy trial of Slaves committed for misdemeanors or petty offences by Justices of the said Court without a trial by Jury, and to enable the Justices of the Courts of King’s Bench and Grand Sessions of the Peace immediately on the termination of their Sessions to hold Courts of Petty Sessions for the trial or gaol delivery of Slaves then in custody of the said Marshal, and for other purposes connected therewith,” passed the tenth day of September, one thousand eight hundred and seventeen, as directs the Provost Marshal to summon twelve Jurors, six of whom shall be sufficient to form a Jury; and also so much of the fifth Clause of the said act as authorizes the forming a Petty Jury of six persons, be, and the same are hereby repealed in so far as regards the trial of Slaves for capital offences only, and that in future all such trials shall be by indictment in the Court of Grand Sessions, to be found by a Grand Jury and to be tried by a Petty Jury in the same manner to all intents and purposes as all other criminals are by law directed in such cases to be tried.

In future capital offences to be tried by indictment and by a petty jury in the same manner as in the case of other criminals.

PREAMBLE.—And whereas although the practice of punishing Slaves by the cart-whip has for a considerable time past fallen into disuse, it is nevertheless deemed proper to prohibit the same by law.

Use of the cart-whip abolished—cat substituted as the only instrument of punishment.

Clause 18th.—Be it and it is hereby enacted and ordained by the authority aforesaid, that for the maintenance of discipline on Plantations and elsewhere, a cat such as used in the British army, and no other instrument, shall be employed for such punishments as may be lawfully inflicted, and that the whip commonly called the cart-whip shall never hereafter be employed either as an instrument of punishment or an emblem of authority.

Penalty for gaol-keeper, and employing any Slave in his custody otherwise than specified by this act.

Clause 19th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that no gaol-keeper, or any person acting under him, shall, on any pretence whatever, work, or employ any Slave or Slaves sent to his custody (except in cleansing the gaol and yard), nor hire or lend out such Slave or Slaves to any other person or persons, during the time such Slave or Slaves ought to be in his custody, or suffer any such Slave to be

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at any time without the walls thereof, except as herein provided, under the penalty of ten pounds for every offence; and that should the provost marshal, gaol-keeper, or any constable, willingly, or negligently, suffer any Slave or Slaves to escape, who shall be committed to his or their custody for any offence under this act, such provost marshal, gaol-keeper, or constable, shall, for every such offence, forfeit the sum of twenty pounds, without injury to the rights of the owner to sue for the value of such Slave, such penalties to be recovered as hereinafter is directed.

Penalty of Provost Marshal, gaol-keeper, &c., in suffering Slaves committed to their care to escape.

PREAMBLE.—And whereas considerable difficulty has, in many cases, been experienced respecting the mode of punishing Slave offenders.—

Clause 20th.—Be it, and it is hereby enacted and ordained by the authority aforesaid, that it shall be lawful for any court or magistrate, before whom any Slave shall be convicted of any offence, not being capital, to sentence such offender to hard labour, in cleaning and repairing the streets of Roseau, or in any other public work there, for such period as the said court or magistrate shall deem fit, such Slave to be remanded to the common gaol every noon and evening, after the labour of the forenoon, or day is over, to be there closely confined, provided always, that the Provost Marshal shall not be entitled to more than one fee for the commitment and release of such Slave; and that in case more than one Slave shall be so sentenced, they shall be formed into a gang under the orders of the town-wardens: for the purpose of securing such offenders, and preventing their absconding while so employed as aforesaid, it shall and may be lawful to chain them two and two together, provided such chain shall, in no case, exceed four pounds' weight for each Slave, which chains, the town-wardens are hereby authorized and directed to provide, and also to appoint an overseer of the said gang, should their number be sufficient to require it, provided the pay of such overseer for every working day shall not exceed nine shillings, such expenses to be paid by the said town-wardens, out of the funds arising from the assessments on houses in Roseau, provided always, that it shall not be lawful for any owner or other person in charge of any Slave, to send such Slave to be worked as aforesaid, otherwise than by the order of a court or magistrate.

Any Court Magistrate may sentence Slaves for offences, not capital, to hard labour, formed into a gang to be employed by the town-wardens.

PREAMBLE.—And whereas it is necessary that the punishment for offences, committed by Slaves, should be defined by law.—

Clause 21st.—Be it, and it is hereby enacted and ordained by the authority aforesaid, that any Slave convicted of wilful murder, or of being accessory thereto, or of breaking open any dwelling-house, or other building, and robbing therefrom, or of theft amounting to fifty pounds or upwards, or of wilfully setting fire to any house, building, cane or coffee piece, or shall be accessory thereto, shall suffer death!

What crimes committed by Slaves are punishable with death.

Clause 22nd.—And be it, and is hereby enacted and ordained by the authority aforesaid, that any Slave who shall be convicted of having struck his or her master or mistress, or any white or free person having charge of them, or of theft, to any amount under fifty pounds, or of any attempt to rob on the public roads, or of any attempt to set fire to any house or building, cane piece, coffee piece, provision or pasture ground, or of breaking open any house or building with intent to rob therefrom, or who shall have been accessory to any of the said offences, shall suffer solitary confinement on bread and water, pillory, public whipping, or such other punishment as the court, before whom such offender may have been convicted, shall in their discretion award.

Punishment which a Court may inflict for other offences.

Clause 23rd.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that should any Slave wantonly or cruelly beat, cut, wound, or in any manner maim, mutilate, disfigure, dismember, or otherwise injure any other Slave or Slaves, so as to endanger life, although death

Slaves maiming, murthering, &c., other Slaves, &c.

punished at should not ensue, such Slave, on conviction, shall suffer such punishment at discretion of as the court may award.

Punishment of Slaves for defamatory language, tending to a breach of the peace.

Clause 24th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that any Slave who shall use defamatory language, words of abuse, tending to provoke a breach of the peace, or menacing gestures towards any person whomsoever, shall, on due proof of the same before any justice of the peace, be punished by public whipping, by any number of stripes not exceeding thirty-nine, provided always, that complaint of such offence be made to such justice within fourteen days after its commission.

Punishment of Slaves meeting for dangerous purposes, and refusing to disperse when duly ordered.

Clause 25th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that should any Slaves assemble for mutinous or other dangerous purposes, and refuse to disperse, or go peaceably home, when so directed to do by any justice of the peace or constable, or owner, manager, overseer, or other person in charge of such Slave, the ringleader or ringleaders of such mutinous meeting, being thereof duly convicted, shall suffer death, and the others, according to the gradation of their crimes, shall, on such conviction, be punished with pillory, solitary confinement, on bread and water, or public whipping, at the discretion of the court before whom such cause is tried.

Punishment of Slaves holding intercourse with runaways.

Clause 26th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that any Slave or Slaves who shall be convicted of giving, selling, or bartering gunpowder, fire-arms, or other offensive weapons, head-shot, or salt or salted provisions, clothes, or other necessities, whatsoever, to, or with runaways, or of having any sort of intercourse or correspondence directly or indirectly with such runaways, shall, according to the degree of delinquency of such Slave or Slaves, suffer such punishment as the court before whom the cause is tried shall in their discretion award.

Punishment for practising witchcraft, or administering dangerous drugs, &c.

Clause 27th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that if any Slave shall be duly convicted of practising the pretended art of witchcraft, or obeah, or of administering to any person whomsoever, drugs or potions of a poisonous or dangerous nature, such offender shall suffer such punishment as the court before whom the cause is tried shall in their discretion award.

Penalty for any person whatever using seditious words, menacing death or destruction to any person whatever, or to estates, or animals, or to canes, coffee, &c.
Or in inciting in Slaves a contempt for their owners, or the laws of the colony.
Or inducing Slaves to throw off their obedience to their owners.

Clause 28th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that any white person, free person of colour, or Slave, who, by printing, writing, preaching, or speaking, shall utter or use any seditious words or sentences, or any words or sentences intending or menacing death, destruction, or any bodily harm to any white person, free person of colour, or Slave, or destruction of estates, buildings, or houses of any kind, horses, mules, or other cattle, canes, coffee, cotton, or other produce of this island, or any other mischief, or to incite, or which may incite, or have a tendency to incite Slaves to have a hatred or contempt of their owners, or to the laws and constitution of this island, in any way affecting, or relative to the Government of Slaves, or to render them discontented or dissatisfied with their condition, or with the laws of this island, in any way affecting or relating to Slaves, or to induce them to throw off their duty and obedience to their owners, or other persons in charge of them, or for the purpose of altering, or inciting to alter the same, or in debating or deliberating thereon, or which may induce any Slave or Slaves to believe or expect that they will obtain emancipation or freedom, or any right, benefit, or privilege, by any means not permitted or authorized by the laws in force in this island, shall be guilty of a high misdemeanor, and punished by banishment, fine, imprisonment, or such other punishment as the court before whom such offender may be tried shall direct.

Slaves deserting from their

Clause 29th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that if any Slave or Slaves shall desert from his, her,

or their owner or owners, and go off, conspire, or attempt to go off from this island in any ship, boat, canoe, or other vessel or craft, or shall aid, abet, or assist any other Slave or Slaves in so doing, such offender or offenders being thereof duly convicted, shall suffer such punishment as the Court may award; and should any white person, or free person of colour, be duly convicted before the Court of Grand Sessions of inciting, aiding, abetting, or assisting any Slave or Slaves in going off this island, such person shall suffer death, whether the Slave or Slaves so deserting, or attempting to desert, shall have been thereof previously convicted or not.

Clause 30th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that if any Slave shall be convicted before any two or more of his Majesty's justices of the peace of gambling, quarrelling, fighting, or rioting, such Slave shall be punished by public whipping, at the discretion of the said justices, provided the number of stripes do not exceed thirty-nine.

Clause 31st.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that no Slave shall be permitted to have in his or her possession any fire-arms without permission from his, her, or their proprietor, renter, attorney, or manager, or overseer, under the penalty, on conviction before any one of his Majesty's justices of the peace, of punishment by public whipping, not exceeding thirty-nine stripes.

PREAMBLE.—And in order that the ends of justice may not be frustrated by the cunning or obstinacy of Slaves in refusing to give evidence, or in giving false evidence—

Clause 32nd.—Be it, and it is hereby enacted and ordained by the authority aforesaid, that every Slave or Slaves who shall refuse or evade to give evidence, when called upon by any court or magistrate for that purpose, shall, for such contempt, suffer punishment by whipping, at the discretion of such court or magistrate, not exceeding thirty-nine stripes; and that should any Slave be convicted of wilful perjury, such Slave shall be punished by pillory, solitary confinement on bread and water, whipping, or such other punishment as the court, before whom such offender is tried, shall in their discretion award.

Clause 33rd.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that if any Slave or Slaves shall disobey the lawful order of his or her proprietor, renter, attorney, manager, or overseer, or shall be guilty of neglect of duty, absent without permission in writing from the proprietor, renter, attorney, or agent on the plantation to which such Slave shall belong, or any other act of misconduct, such Slave shall be punished at the discretion of the said proprietor, renter, attorney, or agent, by confinement in the stocks, or by whipping on the shoulders, or both, provided such whipping, if directed by the proprietor, renter, or attorney, shall not at any time, or for any one offence, or before the effects of any former punishment shall be thoroughly cured, exceed thirty-nine stripes; if directed by a manager of a plantation, shall not exceed twenty stripes; and if by an overseer, shall not exceed ten, and by a slave superintendent of a plantation, shall not exceed six stripes, provided also, that no punishment by whipping, exceeding ten stripes, shall be inflicted on the same day on which the offence is committed. And provided further, that no punishment by whipping shall be inflicted on a female Slave in such manner as to occasion any indecent exposure; and should any person be convicted of any offence against the enactments of this clause, such offender shall forfeit a sum not exceeding thirty pounds, and not less than five pounds, to be recovered as is hereinafter directed.

PREAMBLE.—Whereas there are Slaves of notorious bad character, and much in the habit of absenting themselves from their duty, and who during

owners and quitting the island, or assisting other Slaves to do so, to be punished at the discretion of the Court before which they are convicted.

White or free persons convicted of above, to suffer death.

Punishment of Slaves convicted before two or more Magistrates of gambling, fighting, rioting, &c.

Punishment of Slaves having in possession fire-arms, without permission of their owners.

Punishment for refusing to give evidence.

Punishment for wilful perjury.

Punishment allowed to be inflicted on Slaves for breach of discipline, &c.

such absence live by plunder, in consequence of which it frequently happens that they are ill treated or beaten when detected in such act, and returned to their owners in an enfeebled state, and therefore it is highly necessary to adopt some means of keeping such Slaves on the respective estates to which they belong—

Notorious runaways may be secured by light collars or handcuffs, provided one or more fellow Slaves declare on oath the necessity of such confinement.

Magistrate to give certificate of such testimony.

Clause 34th.—Be it, and it is hereby enacted and ordained by the authority aforesaid, that it shall and may be lawful for any proprietor, renter, attorney, manager, or overseer of any Slave, who is in the habit of running away, for the purpose of securing the person of such Slave, to affix or cause to be affixed a collar and chain, or hand-cuffs, not to exceed four pounds' in weight; and it shall also be lawful for such Slaves to be taken out to work with such collar or chain with the other Slaves, provided that one or more of the fellow-Slaves of said runaway do, upon oath before a magistrate, testify to the bad conduct and habits of such Slave, and that it is necessary so to confine the said runaway Slave to keep him or her on the property; and previous to such Slave being worked in chains as aforesaid, it shall be necessary for such proprietor, renter, attorney, manager, or overseer, to obtain a certificate from the magistrates, before whom such testimony is produced, authorizing the same; and it shall be the duty of such proprietor, renter, attorney, manager, or overseer, to provide good and wholesome food for the said Slave during such confinement, and that it shall further be lawful for any such proprietor, renter, attorney, manager, or other person in charge, to have on their property or plantation stocks, bilboes, places of solitary confinement, or other secure means, for the purpose of confining refractory Slaves, or such as are addicted to running away; and in default or neglect of the proprietors, renters, attorneys, or agents, complying with the provisions of this clause, he or she shall be fined in any sum not exceeding twenty pounds, on conviction thereof, to be recovered as hereinafter is directed.

How gaol fees are to be paid in the instances of Slaves committed and not prosecuted.

Clause 35th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that if any Slave or Slaves shall have been committed to gaol, and who shall not be prosecuted at the following Court of Grand or Petty Sessions respectively, the gaol fees of such Slave or Slaves shall be paid by the person at whose instance or complaint such Slave was committed, if not otherwise ordered by the Court, such fees to be recovered by the marshal by action of debt, or on the case.

The owner of any Slave who may be executed, to receive his value from the public Treasury. As also owner of any Slave murdered on conviction of murderer. Modes of recovering fines and penalties incurred by virtue of this Act.

Clause 36th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that when any Slave shall be executed in pursuance of this Act, the proprietor of such Slave shall be entitled to receive from the public Treasury the value of such Slave, to be awarded on oath by any two or more competent and impartial persons, and that the owner of any Slave murdered, and of which crime the murderer shall have been duly convicted, shall in like manner be paid from the public Treasury the value of such Slave, to be awarded as aforesaid.

Clause 37th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that all fines and penalties to be incurred by virtue of this Act, whereof the mode of recovery has not hereinbefore been directed, shall, if not exceeding ten pounds' currency, be recovered in a summary manner before any of His Majesty's Justices of the Peace, by distress and sale of the offender's lands, goods and chattels, and if exceeding ten pounds, shall be recovered in any Court of Record by action of debt for the uses of the colony, and that in all cases where distress is directed to be made on the lands, goods and chattels of any offender under this Act, and where no such can be found, or not sufficient to satisfy the fine or penalty incurred, the constable to whom the warrant of distress is directed, shall make a return, that, no effects, or not sufficient effects belonging to the offender whereon to distrain, can be found, to the Justice or Justices, by whom the original warrant was issued, or in his or their absence or sick-

ness, any other Justice or Justices, who shall forthwith issue a warrant for apprehending and committing to the common gaol such offender, there to remain until he or she shall pay such fine or penalty and costs. Provided that no person, so committed, shall be detained in prison for the non-payment of any fine for a greater length of time than six calendar months, and in all cases where such offenders remain in prison for that period and have not the means of paying their gaol fees, the Provost Marshal is hereby authorized to charge the same in his account against the colony.

Clause 38th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that every conviction in a fine or penalty before any one or more Justices of the Peace under this Act, shall be drawn up in the form or to the effect following (that is to say)—

Form of conviction in a fine or penalty.

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BE it remembered that on this day of
in the year of our Lord (A. B.) is convicted before
Esquire (one or two) of His Majesty's Justices of the Peace for the said
Island, for that (he, she, or they) on or about the day of
now last past, in the parish of in the said Island, contrary to
law (here state the offence, and I or we) the said Justice do declare and ad-
judge that the said (A. B.) hath forfeited the sum of
current money to be applied as the law directs. Given under (our, my)
hand and seal at on the day and in the year first
mentioned.

And no certiorari or other proceeding shall be granted to remove or suspend any conviction under this Act otherwise than as follow, that is to say, any person aggrieved by the judgment of any Justice or Justices before whom he or she shall have been convicted, may appeal to the next Court of King's Bench and Grand Sessions of the Peace, to be holden for this Island, and the execution of such judgment shall, in such case, be suspended, the person so convicted entering into a recognizance at the time of such conviction or within twenty-four hours after the same shall be made with two sufficient sureties, in double the sum for which such person shall have been adjudged to forfeit, upon condition to prosecute such appeal with effect; and if upon hearing such appeal the judgment be confirmed, such appellant shall forthwith pay the sum he or she shall have been adjudged to forfeit, together with such costs as the court shall award to be paid to the prosecutor or informer, and in default of such payment shall remain in the custody of the Provost Marshal until full payment is made, but if the appellant shall make good his appeal, and be discharged of the said conviction, reasonable costs shall be awarded to the appellant against such informer, which costs shall be paid as above directed for the appellant whose conviction is confirmed.

Clause 39th.—And be it, and it is hereby enacted, and ordained by the authority aforesaid, that if any person or persons shall be sued for any thing done under and by virtue of this Act, he or they may plead the general issue, and give this Act in evidence; and if any plaintiff be nonsuited, or discontinue his suit, or a verdict be given against him, he shall pay treble costs of suit, and all Judges, Justices and Juries are hereof to take notice and govern themselves accordingly; and no writ shall be sued out against, or copy of any process shall be served on any Justice, for any thing done by him in the execution of this Act, until notice in writing of the intended writ or process shall have been served on him, or left at his usual place of abode by the attorney for the party, one calendar month before suing out or serving the same, containing the cause of action and endorsed with the name and place of the attorney, Provided, that no action shall be brought against any Justice for any thing done by virtue of this

Persons sued may plead the general issue and give this Act an evidence.

Act, unless the same shall be commenced within six calendar months after the act complained of.

Former Acts repealed. Clause 40th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that the Act of this Island passed on the twenty-third of December, one thousand seven hundred and eighty-eight, entitled “An Act for the Encouragement, Protection, and better Government of Slaves,” and also an Act passed on the second of June, one thousand eight hundred and twenty-one, entitled “An Act for regulating the Government and Conduct of Slaves, and for their more effectual Protection, Encouragement, and the general Melioration of their Condition, be,” and the same be hereby repealed.”

One hundred copies to be printed. Clause 41st.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that one hundred copies of this Act be printed.

Not to be in force until Royal Assent is signified. Clause 42nd.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that this Act shall not operate or be construed to be in force until His Majesty shall be graciously pleased to signify His Royal Assent to the same.

(Signed) CHARLES G. HOBSON,
Speaker.

Passed the House of Assembly this twenty-first day of January, one thousand eight hundred and twenty-six.

(Signed) J. H. NEWMAN,
Clerk of Assembly.

Passed the Board of Council this twenty-fifth day of January, one thousand eight hundred and twenty-six.

(Signed) HENRY TREW,
Clerk of Council.

Passed the Patent Office this the twenty-sixth day of January, one thousand eight hundred and twenty-six.

(Signed) S. A. PERRY,
Clerk of Patents.

Assented to, this twenty-sixth day of January, one thousand eight hundred and twenty-six.

(Signed) WILLIAM NICOLAY,
Governor.

GRENADA.

*Government-House, Grenada,
23rd January, 1826.*

MY LORD,

I have the honour to acquaint your Lordship with my arrival here on the 4th instant, and my having assumed the Government of this Colony on the following day. On the 16th instant the Council and House of Assembly met for the purpose of taking the necessary oaths, which have been administered to them and to all others holding public situations, in conformity with my instructions,

I took that opportunity of laying before the two Branches of the Legislature your Lordship's despatches of the 20th of October last, marked *No 5.* and *separate*, but the House having requested an adjournment to the 6th of March next, the discussion of the important subject to which they relate is necessarily delayed until that period.

I have much pleasure in stating that the best feelings towards the wishes of His Majesty's Government appear to pervade both Houses.

I have, &c.

(Signed)

JAMES CAMPBELL.

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

DEMERARA.

Downing-street, 12th April, 1826.

SIR,

Previously to your taking possession of the very arduous and important situation to which you have been appointed as Protector of Slaves, it is necessary that I should convey to you some special Instructions for the regulation of your conduct in the exercise of its various duties.

It will be your particular duty as Protector of Slaves, to watch over the faithful execution of all such provisions or regulations with respect to the treatment of Slaves as are at present in force in Demerara, or as may at any future time be established there by any lawful authority.

You will, if necessary, apply to the local government for any facilities which may give you a more complete opportunity of receiving and considering any complaints which may be preferred by the Slaves against their Owners, or any other persons exercising a delegated authority over them; and you will not fail to make a report to the Lieutenant-Governor, which will be transmitted to me, on the subject of any practical impediments which may be found in the execution of any part of your duty.

You will not deem it necessary in all cases to wait to receive complaints from the Slaves themselves; but if you shall hear of any unwarrantable treatment to which any Slave or any gang of Slaves are exposed, you will repair to the estate, and there institute a diligent inquiry into the conduct of those persons who may be responsible upon the occasion.

You will not, however, forget, in the execution of your office, that it is also your duty to secure all the legal rights of the Proprietor as well as of the Slave, as far as they are involved in any transaction with you as Protector.

You must exercise a constant discretion in impressing upon the minds of the Slaves in the most forcible manner, that the measures which have been provided for their protection are in no degree to interfere with the unremitting practice of industry and obedience, to which, under prescribed regulations, their Owners are by law entitled; but on the contrary, that those duties are the more strictly to be observed by them in proportion as law and regulation interpose, to prevent any improper exercise of the authority of a Master.

You must explain to them, that although they may always expect to find in you a vigilant friend and protector in all cases where such protection can be properly required, they will at the same time find you entirely determined to discountenance any frivolous and unfounded complaints which may be preferred by them against their Masters.

You will not fail to make it your early and peculiar study to fix on the minds of the Slaves, by such arguments and explanations as are suited to their state of information and comprehension, the principles which are contained in this letter, and which pervade all that course of legislation which His Majesty's Government have established and recommended in pursuance of the resolutions of both Houses of Parliament.

I have, &c.

(Signed)

BATHURST.

Lieut.-Col. Young,
Protector of Slaves.

Papers respecting the Religious Instruction of the
Slaves in the West Indies.

Diocese of Jamaica and the Bahamas.

No. 1.

Extract of a Dispatch from the Bishop of Jamaica to Earl Buthurst, dated Woodfield, St. Ann's, Jamaica, September 16th, 1825.

I HAVE the highest satisfaction in being able to assure your Lordship, that the same good feeling which I had the pleasure to communicate upon a former occasion with regard to Kingston, continues to animate every part of the island which I have hitherto visited. Mr. Archdeacon Pope and myself have just completed a progress through all the parishes except two; a detailed account of all Ecclesiastical matters which came under our notice shall be forwarded to your Lordship as soon as I am furnished with all the necessary particulars from the Clergy. The general result of our observations has been a hearty desire on the part of Proprietors generally, or their Representatives, cheerfully to promote, as far as their limited means will allow, any measures which I have thought it my duty to suggest for the benefit of the Church. Public meetings have been called in many parishes, and private subscriptions are entered into to promote the same desirable object.

The parish of St. Thomas in the East, where for a long time considerable pains have been taken, both by the Clergy and Proprietors, is decidedly in the most forward state of moral and religious improvement. The good effects of care and instruction are sufficiently apparent in the general and superior civilization of the Slaves, of which the accompanying (A.) answers to some queries put by me to a most respectable Overseer in that parish, will afford the best proof.

From the immense size of some of the parishes, and from the circumstance of almost all the churches being built in a belt round the island, near the sea, a subdivision of the largest of them seems necessary as soon as the present Incumbents vacate their benefices. The size of St. Ann is 365 square miles, that of St. Elizabeth 323, of Clarendon 312.

With respect to the instruction of the Negroes, I have proposed, by way of experiment, that the children of three or four contiguous estates should, with the consent of the Proprietors, be assembled twice in the week, at some given point most convenient to all; these to receive oral instruction for two hours, from some Clergyman or Catechist properly licensed. From the best consideration I can give the subject, and from experience, I know of no method, in the present state of public opinion here, liable to so few objections, or better calculated, from its probable effects on the adults, to lay the foundation of permanent good.

I have ample employment here for Catechists, whenever young men, properly qualified, shall be sent to me; and they might exercise their ministry with great advantage, in the way before alluded to, during their state of probation for holy orders.

(A.) *Answers by the Overseer of a Plantation in the Parish of St. Thomas in the East, to Queries addressed to him by the Lord Bishop of Jamaica, August 22d, 1825.*

1st.—I HAVE been 13 years on this estate, having got charge of it as overseer on the 25th July, 1812.

2d.—There were 670 Slaves on during the last year (1824); there were 17 births and 18 deaths; some years the mortality has been much greater; in 1821 we lost 32 in the measles.

3d.—The two strongest gangs, consisting of all the able men and women, do the principal work, such as cutting canes, digging cane-holes after the plough, &c. The third gang (boys and girls) plant canes, and do other work suitable to their strength; the small gang (under a woman, as driver) weed the grass in the young canes, and do other light work. The children that are old enough to be taken from the nursery, pick and carry hog-meat under an old woman, until they are strong enough to go into the small gang. All the cane land in Golden Grove is *ploughed*.

4th.—On Negro days all the labourers on the estate, including tradesmen, field people, &c. are mustered together at day-break, adjoining their grounds, and as soon as the roll is called, they disperse, each to his own ground, where they are visited in the afternoon by the book-keepers, who each go through a certain proportion of the grounds, and give every Negro a ticket, which must be produced in the field the following week. This insures them making a proper use of the day, and renders it seldom necessary for them to do any work on Sunday.

No work of any description is done for the estate on *Sundays*, either in crop or out of crop-time, except by a few who supply cattle pens and horse stables with grass; these take it by turns, and get a day for it.

5th.—I cannot give any thing like a correct opinion as to the "average amount of gains derived from grounds," but have no doubt an industrious Negro sells at least ten pounds worth of ground provisions yearly, besides what he makes by hogs and poultry; many of them will double this amount; they get the estates' wains and cattle on their own days to carry their provisions to the wharf, when the boats come up from Kingston.

6th.—I do not think the time is yet come when Slaves in general would be induced to lodge their money in saving banks.

7th.—The Chapel of Ease at Bath is six miles from hence, where the Slaves attend in great numbers; many of them also attend the Wesleyan Chapel there; their behaviour at both places is strictly correct, and highly creditable to them.

8th.—The whip has not been used on any females here for the last *ten* years. I find a few light switches (that cannot lacerate the skin, or do any real injury whatever) and confinement in the stocks answer every purpose, both for work and discipline. Women are always more refractory and difficult to manage than men.

9th.—The men are punished with the whip when they commit any crime that renders it necessary, which is but seldom. There is *not one absent* of either sex at the present time.

10th.—When they have quarrels among themselves, I never allow one party to tell his story until the other party is present, with all the witnesses they can produce on both sides, and when they find they have had an impartial and patient investigation, they generally submit very quietly to whatever the decision in their case may be.

11th.—I enclosed a burying ground in 1822, exclusively for the Slaves; it is neatly fenced, having a locked gate, and is planted round with Cocoa-nut trees (as the Lord Bishop had an opportunity of seeing); there all the Slaves, being Christians, are now interred; their funerals are decent, and one of the book-keepers always attends to read the funeral service of the Church of England. In several instances, where the deceased happened to be particularly well behaved and a respectable person on the property, I have at-

tended the funeral myself, which mark of respect is always highly appreciated by the relatives of the deceased, who never fail to express their gratitude for it in the strongest terms.

12th.—I think Slave evidence, under *proper restriction*, would be beneficial; for although a Slave should be made a competent witness, it would rest entirely with the Jury how far his *credibility* was to be relied on, and they might discard from their minds every thing he said should they see reason so to do, the same as is done frequently with free people of all colours, and wherever trials by jury is established.

13th.—I cannot well give an opinion as to when “the African blood is likely to be exhausted on the estate,” but I think there will be but a very small proportion of Africans here twenty years hence. When there are none but Creoles on the estate, I am certain there will be a great improvement on the “population, increased morals,” and general behaviour of the Slaves.

14th.—There are six book-keepers and two tradesmen here, ages from seventeen to forty; they are decent well-behaved men, have all got a plain, and some of them a classical education; they are entirely under my controul, liable to be dismissed instantly for any improper conduct, but certain of ultimate promotion if they deserve it. A great improvement has taken place (in this parish) in the situation of young men on estates generally, and more attention is paid to their health and comforts than formerly.

15th.—There are forty-six couple married on Golden Grove; when any are going to be married at Bath on the Sunday, I exempt them from all duty from Friday evening until Monday morning (whether in crop or out of crop), which gives them time to have all their wedding things prepared, in which many of them go to a very considerable expence.

16th.—All the Slaves on Golden Grove have been baptized except ten (Africans) and twelve young children; as near as I can ascertain, there were about thirty Christians on the estate when I took charge of it.

17th.—When a woman declares herself five months gone with child, she is exempted from all labour, and is only required to appear at the Lying-in Hospital once a day, to ensure her staying at home instead of walking about the country. When delivered, which is always in the Lying-in Hospital, she is allowed to go home to her own house as soon as she wishes after the *ninth* day, and is not called upon for any work until *two months* after delivery, when she gets a petticoat and white blanket for herself, with two frocks, two caps, three yards printed cotton and three yards of Welsh flannel for the child. The midwife (a Slave to the estate) gets 6s. 8d. for each woman safely delivered.

18th.—There is always a medical gentleman residing at Golden Grove (who attends other estates in the vicinity); under him there are two black doctors, and a female nurse in the Hospital to attend the sick, &c. and if any one is very ill, a relation of his own choosing is allowed to attend him. When a Negroe gets a cut or sore, however small it may be, he is taken into the Hospital, strictly confined, and not sent out until it is perfectly well; a book-keeper calls the list in the Hospital every night, locks the door, and the key remains in my own room until the black doctor comes for it in the morning, except when any one is so sick as to require the latter to remain with him all night.

19th.—I confine refractory Negroes in the stocks, and in aggravated cases I make the confinement *solitary*, by locking them in a dark room, which has a most excellent effect, as a very short time in this way is sufficient for the most *stubborn spirit*, with whom corporal punishment would not have near so good an effect.

20th.—Having been twenty years in this island (last February), I am able to say from experience, that the treatment of Slaves is greatly improved, less labour is exacted from them, they have larger allowances of clothing, &c. than formerly, more time to cultivate their provisions, much

less punishment is necessary, and a stricter attention is paid to whatever adds to their comfort and happiness whether in sickness or in health.

This great amelioration in their treatment, the abolition of the African Slave-trade, more facility in attending public worship, and of resting on the Sabbath-day, have all tended to improve the Negro character, and to raise them in the scale of morality and civilization. All this has taken place so quietly, and in so short a time, as to have exceeded my most sanguine expectations. Much certainly remains to be done, and I am convinced that the more the Slaves are instructed in their moral and religious duties (if not misled by wild enthusiasts), they will become in every respect a better race of people, and much more valuable to those under whom they are placed.

No. 2.

Extract of a Dispatch from the Bishop of Jamaica to Earl Bathurst, dated Liguanea, Jamaica, October 17, 1825.

IN transmitting to your Lordship the accompanying documents, I beg to add my testimony to the general accuracy of their statements.

I myself witnessed, with the highest satisfaction, the pains taken by the Clergy of the parishes of St. Catherine, St. Andrew, and Kingston, in explaining for some time previous, the rite of confirmation and in the examination of candidates; and the effect produced on the minds of the people, by this solemn ordinance of the Church, administered for the first time in this island, has been particularly striking and impressive. (A.) The numbers confirmed at Spanish town and in the parish of St. Andrew were nearly 300, chiefly persons of colour; at Kingston 786.

In the resolutions of the Vestry of the parish of St. George, (B.) your Lordship will have a specimen of many similar public meetings where I have thought it my duty to recommend additional places of public worship, and I trust the liberal offer of a private individual (C.) to aid the same cause by land and money, will meet with your Lordship's approbation. There are two other instances—one at Goshen, in the parish of St. Anne; another at Iver Santa Cruz Mountains, in the parish of St. Elizabeth. Where the Proprietors (the Hon. James Laing and Mr. Millar) furnish houses with a salary of £100 currency per annum for the assistant Curates who are thus enabled to extend their instruction to the neighbouring estates.

Under all these circumstances of an auspicious commencement of reformation, I cannot help expressing my anxious hope that no time will be lost in taking advantage of this favourable state of public opinion, and giving an encouraging impulse to exertions, which are retarded by inability, rather than inclination. I feel convinced that the erection of additional places of worship must precede every other measure for the instruction of the Slave population. Schools will naturally follow in the train of churches, and the prejudices against education must be gradually removed by the salutary effects of regular attendance in the house of God. The parishes in the interior are absolutely without the semblance of the forms of religious worship, as will be sufficiently evident when I have the honour of transmitting to your Lordship (I trust in the next packet) a summary statement of the Ecclesiastical Affairs in this island.

(A.) *Extracts from a Letter from the Rev. L. Bowerbank, Rector of St. Catherine's, to the Bishop of Jamaica.*

OF the value of the rite of confirmation to the interests of Christianity in general, and of our Church in particular, as regards Jamaica in its present state, I am more and more deeply convinced from what has fallen under my

observation both before and subsequent to the administration of this holy rite.

From the earnestness that has almost been universally exhibited by the applicants here, that they might prove successful in their objects, and from the extraordinary diligence manifested by not a few, who upon rejection at a first, returned to a second examination, I do not think it too much to infer that the time is now arriving, when the having the form of baptism by the adults of the lower orders of our population, will not be considered by them as the full attainment of their object, but that they will be compelled, by public opinion prevailing amongst themselves, to make a subsequent progress in religious knowledge, and to look forward to confirmation as essential to the rendering of the sacrament of baptism complete, and under those circumstances that they will have recourse to their regular Clergy, to be catechised and duly prepared for it.

I must now mention to your Lordship, that upon my representing to the candidates, that, in going for confirmation, they would most solemnly profess, in the house of God, and before his congregation, that they were now fully aware of the engagements that had been entered into for them, either at a time of life when they could not possibly understand them, or had but a very imperfect knowledge of them, that they understood their duties as Christians, and were resolved, with the assistance of God's holy Spirit to fulfil, they stated their utter inability to be confirmed, expressing at the same time most fervent resolves, that they would immediately enter upon a new course, so as to enable them with greater consolation and satisfaction to present themselves to your Lordship, when confirming in some neighbouring parish.

Three persons in particular evinced their determination of instant amendment by consulting me on the propriety of their being confirmed, provided they immediately ceased from such habits as they knew were contrary to the will of God. These men were each of them married to the person with whom they had lived for years, and by whom they had families. It has so happened that they are all persons of considerable influence amongst the people of colour, and what they have done has been so canvassed, and as far as I am able to find, so generally approved of, that I have no doubt of the most desirable results following.

Extracts from a Letter from the Rev. J. Mann, Rector of Kingston, to the Bishop of Jamaica, dated October 14, 1825.

THE aggregate number of persons confirmed by your Lordship, on the 3d, 4th, and 6th days in October 1825, in this city, is 786. There were about 106 white persons, the others were of colour and blacks; the exact number of each cannot be accurately ascertained, but certainly on the two first days, those of colour greatly exceeded in number the blacks.

There were upwards of 50 persons from the Sectaries, that upon examination received cards; more than 40 of them attended at church on Friday evening and last Sunday.

The general effect the confirmation has had on the minds of the people is extremely good and promising, and I have no doubt, at the next celebration of it, quite as many will offer themselves, with the advantage of knowing better the nature of the solemn rite.

(B.) Copy of a Letter accompanying the Resolutions of Vestry in the Parish of St. George, for building three Chapels of Ease.

MY LORD, *Paradise St. George's, September 26th, 1825.*

YOU will have noticed, I presume, my insertion in the Royal Gazette for a Vestry to be holden on the 21st instant, to take into deliberation your

Lordship's communication to me of the 26th July, and it affords me much satisfaction to assure your Lordship of your Lordship's suggestion having been met by it with the most cordial respect and acquiescence, and I trust that the inclosed copy of its proceedings will evince to your Lordship the sincere desire which exists in this parish to promote, to the fullest extent in its power, the inculcation of religious principles in the Slave population. Our quarterly vestry for September will be holden on the 20th October, when, I have no doubt, measures will be advised to obtain a fund to effect the object of the resolutions.

I have the honour to be,

Your Lordship's most obedient humble servant,

(Signed) WILLIAM A. ORGILL.

The Right Rev. the Lord Bishop.

Copy of Resolutions as above:

Court House, 21st Sept. 1825

In Special Vestry.

Present The Rector,
The Hon. Wm. A. Orgill, } Magistrates.
Philip Jacquet, Esq. }

Vestry Men,

William Robertson.	Adam Gray.
Francis Guscott.	Thomas P. Rogers.
John Bell.	J. J. Stamp.
George Hall.	

A Letter from the Lord Bishop, addressed to his Honour the Custos, dated 26th July 1825, recommending that a chapel should be provided at Annatto Bay to contain at least 800 persons, was read, when it was resolved, that the number of inhabitants in the parish being about 15,000, of all descriptions, it is advisable and necessary, for the more general diffusion of religious principles in the Established Church, and to afford a facility of attendance to so large a population, that three chapels should be built in the parish; one as recommended by the Lord Bishop, at Annatto Bay, one in the district of Hope Bay, and a third in the district of Buff Bay River, near to Wakefield Plantation. But the means of the parish being extremely limited, and there being no power vested in the Vestry by law to lay a tax for the purpose, it is recommended that for the present Committees be authorized to advertize for, and receive plans, with estimates for three chapels at the places specified; that at Annatto Bay to accommodate 800 persons, the others 400 each; and that they report thereon at vestry to be holden for the present quarter.

That the following Gentlemen form the Committees:

Wentworth Bayly,	} Esqrs. for Annatto Bay.	Alexander Aikman,	} Esqrs. for Buff Bay River.
George Quinlan,		J. J. Stamp,	
W. A. Morse,		John Bell,	
Philip Jaquet,		Robert Gray,	
T. P. Rogers,		William Robertson,	
His Honour the Custos,	} Esqrs. for Hope Bay.		
George Hall,			
William Lambie,			
William F. Lagomgue,			
Thomas Spicer,			

(C.) *Copy of a Letter from William Peterswald, Esq. to the Lord Bishop of Jamaica, dated July 26, 1825.*

MY LORD,

WHEN you did me the honour to inspect a spot on my freehold, which I offered to give as a proper site to erect a chapel on, I understood it to be your Lordship's desire that I should give you my opinion, in a letter, of the advantages I think it possessed, in respect to situation, &c., and the probable means I knew of raising a fund for the erecting so desirable an edifice.

Your Lordship has seen that it is an elevated spot, level, open, and airy. It is near the intersection of several roads of great communication, and not one of which but is hard and good in the most rainy seasons for two or three miles round it. It is about six or seven miles from the only chapel we have in this parish, and about four from the place proposed to put up a chapel on, near Guy's Hill, and I think a bit of ground near it, which your Lordship saw, the most desirable for a curate's house, should the country or parishes wish, at a future time, to give them a central residence in each parish. The vicinity abounds with good stone and wood, and no where in this quarter can buildings be put up (substantial and good) equally cheap. The place I propose is the centre of a population of near 4000 souls within three miles, a great proportion of which would gladly attend a place of worship so convenient.

As respects the means, I know of none but by private subscription. But could an assurance be given by your Lordship that the chapel, when finished, should be consecrated, and a curate perform occasional service at it, I think a sum would be subscribed nearly, if not quite, equal to the expense of such an undertaking; for I have heard many well intentioned people of all classes express an anxious wish for a place of worship in this neighbourhood.

If the chapel is erected on the spot, I have recommended to your Lordship's notice, I will most cheerfully give the land and one hundred pounds towards completing the same.

Permit me, my Lord, to observe, that were the planters in circumstances to afford it, I do most sincerely believe, that most who own a number of Slaves would liberally shew their zeal in supporting the Established Church.

I remain, with the utmost respect,

Your Lordship's obedient and humble servant.

(Signed) WILLIAM PETERSWALD.

The Right Rev. the Lord Bishop.

Extracts from the Rev. H. Beame's Report of the State of the Parish of St. James, in the Island of Jamaica, to Mr. Archdeacon Pope.

ON every Sunday morning, at eight o'clock, the children attend in the chapel, when they are taught the Lord's prayer (which now can be repeated by all) the Creed (which can be repeated by the elder children perfectly, and by the younger imperfectly) the Decalogue, which is now being taught to those who can perfectly repeat the Creed and the Lord's prayer. In the acquisition of these, a few of the words are repeated by the Minister, and the whole of the children, who may be learning the particular subject, repeat the words together. When there is reason to think they know a few sentences, they are individually called to repeat them, whilst the others remain silent; by which means, the children, if there be twenty learning, hear it repeated twenty times. During the repetition, the blunders are corrected, and the words explained by familiar Negro language. Many adults take this oppor-

tunity of repeating with the children, and voluntarily acquire instruction. The above service occupies about two hours, when public service begins, by reading the morning service—Litany and first part of the Communion Service;—the people repeat aloud the Lord's prayer, Belief, and those responses in the Litany, "Good Lord deliver us," and "We beseech thee to hear us good Lord," but cannot yet repeat any others. An address is delivered to them: the language used depends on the character of the majority of the people, whatever they be, African or Creole: if the former, much of their dialect is used; the latter, plain and familiar language. The sermon is delivered extemporaneously and not read, because their attention is better secured, and the Preacher can instantly perceive by their looks and expression of countenance whether his words and sentiments are understood. The sermon is generally on some particular moral duty, or some circumstance narrated by the Evangelists; their attention is chiefly attracted by the miracles, sufferings, and resurrection of our Lord. The introduction consists of a repetition of the preceding Sunday Sermon. The attention of the people is usually most intense.

The singing in the dissenting mode of worship seems to attract the Negro. He pays half a dollar quarterly for his seat; he contributes to their monthly collections; his Minister converses with him freely; and thus he sees no mark by which he is reminded of slavery. He possesses the temporary elements of liberty and independence, and during the hours of labour, he looks forward to joining his chapel as a source of joy and gladness.

Seven Rivers is 13 miles from the Parish Church. The people attend the chapel on the Tuesday morning in each week; the Proprietor allows the children to assemble at 9 o'clock, and I pursue the same line of instruction as that in the chapel on the Sunday morning. A few adults, who may be about the place, take the opportunity of repeating with the children. Two hours are employed in their instruction, and their improvement is such as to far exceed my expectations, with which the Proprietor has been pleased often to express his delight.

Old Mont Pelier is 10 miles from Montego Bay. On the Wednesday afternoon in each week, when the weather permits, I meet the children (about 50) as they draw off work, and the same line of instruction is followed as on Sunday morning.

New Mont Pelier is 12 miles from Montego Bay. On the Thursday afternoon in each week the children (about 60) are met and instructed as above. Being the children of Guinea People, they are so very inapt as to forget on the Sunday what they knew on the preceding Thursday, to avoid which I endeavour, when the weather allows, to see them twice in each week.

Anchovy is seven miles from Montego Bay. On the Friday morning the proprietor allows time to his people for the purpose of receiving religious instruction; I reach them by their dinner time, when the estate bell is rung to inform them that there will be service; the usual number of adults is from 60 to 80; sometimes above 100; and of children from 20 to 30; the morning service is read, excepting the first lesson, and a part of the Psalms, after which a very plain discourse is preached on some part of the life of our Saviour; the people on the estate being Creoles and very intelligent, are catechised as to what they heard the preceding time, and a few are found who recollect and repeat circumstances or remarks I previously told them; after which a small portion of Scripture history is read and explained to them; they are assembled in the overseer's house, do not sing, make no responses, but repeat aloud the Lord's Prayer and Creed, and in general are extremely attentive.

Mr. Martin Williams has been pleased repeatedly to thank me for my exertions among his people, and has stated that he has observed a manifest improvement in their conduct since I have attended them.

The disposition of the adults with respect to religious instruction will be

found to vary ; in towns the Negroes, whether Guinea or Creole, will be found more quick and intelligent than Plantation Negroes ; proximity to towns also tends to the improvement of the Negroes intellect and capacity ; tradesmen, domestics, and drivers, whether Creole or African, necessarily acquire by their situations more knowledge and capacity than African or Creole Field Negroes ; this accession of knowledge and intimacy with whites, necessarily improves their disposition ; and it is chiefly among this class of people that religious instruction is found to be acceptable ; this is proved by the fact that scarcely any Africans who are watchmen, or in the field, care at all about religion, and will not attend a chapel, whilst Africans, who are tradesmen or drivers, are anxious and constant in their attendance.

There is not a great difference in the disposition of the offspring of African parents, more intelligence is certainly found in them, but there is still the stupidity and wickedness of the African ; but as we diverge from the African stock, we find the Negro improve in intellect, knowledge, and capacity, desire for knowledge, and perhaps moral habits ; so is it with all children whom I have instructed ; the children of Guinea people are dull of comprehension, eager to *escape* instruction, unwilling to learn, and most easily forgetful ; whilst the child of the Creole is eager for knowledge, recollects what he is taught, and is constant in his attendance. This fact of difference arising from the parents is most fully verified in the children of "Seven Rivers," and "Old Montpelier," on which estates children of Creole parents, that are scarcely able to articulate, can perfectly repeat the Lord's Prayer, and a few the whole of the Creed.

The particular vices of Slaves are thieving and lying, which may be generally found in them, however fair their character may seem ; intoxication is another vice, but it is not considered such by Negroes ; the African will drink rum at any time ; the Creole after he has done work ; but intoxication is not general among Creoles. The Negro has a sophistry by which he evades the charge of theft ; his reasoning is, "me belong to Massa, what does me good, does Massa good too, and if me take thing to do me good, Massa gets the good out of me again in work." I am confident that with many this reasoning is conclusive, and that they really do not think it a vice to take rum and other things belonging to their master, and were not trifling thefts *punished*, Negroes would speedily strip their owner of every thing.

Polygamy is another vice to which Slaves are attached, but it is found chiefly among the men ; the women always allow the men to keep as many wives as they please, and I have seen two women in the same house cohabiting with the same man, and apparently living happily together.

The procuration of abortion is very prevalent ; Negroes who find their wives pregnant, and fancy the child is not their own, will secretly, but surely, procure abortion ; women deserted by their husbands from hatred, will immediately procure abortion, there being herbs and powders known by themselves, as given them by Obeah men and women, that speedily produce that effect ; quarrels, threats, curses and threatenings generally terminate, should the women be pregnant, in the procuration of abortion ; natural causes too often produce it, particularly carrying heavy loads of provisions to the Sunday market. It may be proper to state that these observations respecting abortion have been collected entirely from Negroes, as the white medical men and overseers know little except from surmise.

Funerals are generally performed with decency and respect. The only extraordinary circumstance I have seen, was in the burial of Africans. In the interment of the corpse there is great decorum ; but, at night, the shipmates and countrymen assemble and kill either a fowl or hog belonging to the deceased, under the idea that, at that very time, the deceased has reached his own country, and is being welcomed by his companions who have gone before him, or those whom he left in his own country. It is a very common thing for friends to raise a quadrangular tomb. I once saw on one of these tombs a raised niche. On taking away a marble slab from before it,

I found two small figures or images rudely sculptured, and on asking the man what this meant, he replied, that the one reminded him of his wife, and the other of his child. I wished to take them away, but the agitation of the man at once proved that they were connected with superstitious feelings.

Effectually to promote the improvement of the Slave, the first effort must be with the free. Let the character of the free be raised by education on the plan of the national schools) by the formation of an establishment in each parish, where the *free pauper children* may be sent, not only for instruction in reading and writing, but also in shoe-making, saddlery, tailoring, cotton-spinning, weaving, and similar useful manufactures; the expence of which I conceive will not be more than is allowed by parishes to paupers. Let the workhouse Negroes be made to cultivate provisions for these establishments; make it the duty of a Clergyman to visit and preach there weekly, and the children to be examined by him in the catechism, &c. &c. The effect of this will be, in five or seven years, a rising generation of educated and free people, with a knowledge of some one trade to enable them to support themselves with credit and industry. I humbly conceive, till this be done, till the free people be improved, the Negro never will be improved. The example of the white influences the free, that of the free, the Slave.

I fear there will be little success with adults. The children seem to be those who require the greatest attention.

The general disposition of Proprietors and Attornies is most decidedly favourable to the exertions of the Parochial Clergy; and I firmly believe, rather than distract the attention of their Slaves by the substitution of Presbyterian worship (they are chiefly Presbyterians in this parish) they would of the two, prefer Episcopalian places of worship.

No. 3.

Extract of a Dispatch from the Bishop of Jamaica to Earl Bathurst, dated Liguanea, Jamaica, Nov. 28, 1825.

I HAVE to inform your Lordship, that I took my seat at the Privy Council Board on Monday the 31st of October. A Clergy Bill, on which I have been consulted, is now in Committee, and I trust its enactments will place fully and effectually in the hands of the Bishop the ecclesiastical regimen of this island. It is in contemplation to establish the Clergy on a more independent footing, and to release them from all subjection to the power of parish vestries. There seems to be an objection to an ecclesiastical Court, and to the office of Church Warden in the usual acceptation of the word. But with these exceptions, I am inclined to think the Bill will be effectual: the duties of the Clergy will be more clearly defined, a Registrar will be appointed and an Apparitor; the mode of keeping Parish Registers improved and assimilated as much as possible to that in England, and religious instruction will be extended to gaols, workhouses, and hospitals, institutions, I am sorry to say at present, in a very neglected and deplorable state.

I am happy to announce to your Lordship, that the Sunday School at Kingston has increased to 176, and I trust that similar institutions will be established in all the other towns.

The accompanying Statement of the Clergy, Places of Worship, Schools, &c. will be found tolerably correct.

Your Lordship will immediately perceive how necessary a sub-division of the largest parishes will be to a more systematic and efficient direction of the labours of the Clergy.

A STATEMENT OF THE PARISHES, CLERGY &c. OF JAMAICA; OCTOBER, 1825.

COUNTY.	Names of Parishes, and extent in square miles.	Slave Population.	CLERGY.		CHURCH, where situated, and about the number it will contain.	CHAPELS OF EASE, where situated, and about the number they will contain.	DISSENTING PLACES OF WORSHIP.	SCHOOLS.	REMARKS.	
			Rector, and about the value of living in Jamaica Currency.	Island Curate.						Assistant Curate.
MIDDLESEX.	1 St. Ann 365	24761	G. W. Bridges, £996 0 0	U. G. Rose.	W. Pinnock, T. C. Rose, John Smith.	St. Ann's Bay, 500 Persons. In tolerable repair.	One at Brown's Town; 200 persons; in good repair. A room at Walton School, and a Chapel at Goshen.	One Wesleyan Chapel at Belmont, one at Guy's Hill, and one at St. Anne's Bay.	Free School at Walton, founded 1721; 16 on the foundation, and 28 private; Rev. W. G. Rose, Master; boys grounded in classics, leave at 14 years of age; several other minor Schools, not free.	This Parish ought to be subdivided into Ocho Rios, St. Anne's Bay, Moncague, Pedros, } District with a chapel for each.
	2 Clarendon 312	17608	G. C. R. Fearon, £802 11 3	J. Smith.	None.	Nearly center of Parish. 200 Persons. In pretty good repair.	One at Lime Savanna, capable of holding 200; Billiard room near it, opened on Sunday.	Mr. Croft, a Wesleyan, attends Halse Hall Estate every fortnight.	Sunday School in contemplation.	This Parish ought to be subdivided into at least three districts.
	3 Manchester 238	17416	R. W. Dallas, £1118 0 8	None.	None.	Mandwilk. 400 Persons. New, and in good repair.	One at Highgate; good repair, injudiciously built; might be enlarged; 230 persons. W. Pinnock attends Prospect-Penn every Sunday, D. M'Caw at Decoy, &c.	Two Moravian Chapels in Mile Gully District.	Act for free School, passed House of Assembly, waiting King's approbation 1824.	The Moravians have been very active in this Parish, and effected much good among the Slave population.
	4 Saint Mary 184	25402	W. Girod, £578 2 0	M. C. Bolton.	D. M'Caw.	Port Maria. In tolerable repair. 200 Person.	Three Chapels in Mile Gully, are voted by Vestry.	None.	Free School at Port Maria, 10 boys on foundation, Geo. Greensword, Master; salary 100l. per annum.	This Parish might be divided into Port Maria, Bagnals, Highgate } Districts.
	5 Saint Thomas in the Vale 128	12050	W. G. Burton, £739 6 8	None.	P. Burton.	One extremity of Parish. 60 Persons. Lately undergone a thorough repair.	One at William's Field, built by subscription; 60 persons, just finished; not yet consecrated.	One Wesleyan at above Rocks; Mr. Barry Minister.	One free School, where 10 poor children of free condition are educated.	The state of the free-coloured people in Spanish Town is very deplorable, Schools of Industry are much wanted.
	6 St. Catherine 95	White 550 Free coloured 1600 Slaves 7357 Total 9507	L. Bowerbank, £1040 0 0	None.	None.	Spanish Town. 1050 Persons.	None.	One Anabaptist and one Wesleyan.	Beckford's Free School, founded 1744; then limited to 20 whites; but augmented in 1817 to 30, without distinction of colour. Mr. Marcus, Master; Salary £140. Parish School, same Master and Salary, 20 children, and 13 private.	Church, School, and Rectory attached; Master must be of the Established Church, and in Holy Orders; number of Scholars to be regulated by state of funds; Trustees, Governor, President, and Members of Council, &c.
	7 Vere 93	7759	W. J. Utten, £608 0 0	None.	None.	Two miles from the Sea, at Southern extremity. 200 Persons. Bad repair.	None.	None.	A Free School founded 1740. Head Master, Rev. J. Utten, Visitor, the Bishop, A Sunday School, About 20 Free People.	This Parish is divided by a range of Mountains into the Vallies Guanabo and Luidas. It is proposed to rebuild Parish Church and Rectory in a more central situation in Guanabo; and to build a Chapel for Island Curate in the Vale of Luidas. Slaves in Guanabo in a very neglected state.
	8 Saint John 83	6295	Jas. Dawson £548 0 0	None.	None.	One extremity of Parish, 60 Persons. Church and Rectory very much out of repair.	None.	None.	None.	A Chapel is much wanted at Old Harbour in this Parish, where the population is dense, and cannot attend the Parish Church.
	9 Saint Dorothy 51	4759	W. T. Leacock, £628 0 3	None.	None.	Nearly centre of Parish, in good repair; contains about 300 persons; an organ; no bell.	None.	Two Houses in old Harbour Bay, Wesleyan and Anabaptist, well attended.	One School near Old Harbour Market; Mr. Fuller, a Free Person of colour, is the Master.	The Rev. Mr. Stainsby has offered to give land at Somerset in the Mountain District for a Chapel.

COUNTY.	Name of Parishes, and extent in square miles.	SLAVE POPULATION.	CLERGY.			CHURCH, where situated, and about the number they will contain.	CHAPELS OF EASE, where situated, and about the number they will contain.	DISSENTING PLACES OF WORSHIP.	SCHOOLS.	REMARKS.
			Rector, and about the value of being in Jamaica Currency.	Island Curate.	Assistant Curate.					
SURREY.	1 St. Thomas in the East 199	24789	J. M. Trew, £1125 6 8	J. Stainsby	G. Griffiths	Morant Bay. 400 Persons. In good repair.	One at Manchioneal, contains 450; one at Bath 270; in good repair.	Three Wesleyan, one at Bath, one at Manchioneal, and one at Morant Bay.	A Parochial School at Bath, 30 scholars, Mr. Nesbit, Master; salary 250l. per annum.	This Parish ought to be subdivided into Manchioneal, Plain Garden River, Morant Bay } Districts.
	2 St. George nearly 125	12655	C. Donaldson, £843 0 0	None	None	Buff Bay. 300 Persons. In excellent repair.	None.	Anabaptists' Chapel at Anatto Bay, served by Mr.	Sunday School at Buff Bay, psalmody taught; Master and two Assistants, under controul of Rector.	This Parish ought to be subdivided into Buff Bay, Anatto Bay, Mountain } Districts. Three new Chapels voted by Vestry, viz. at Anatto Bay, Hope Bay, and Wakefield Plantation. Buff Bay River District.
	3 St. Andrew 105	15316	A. Campbell, £1410 7 11	S. Johnson	D. Williams	Liguanea, Southern extremity of Parish, In good repair. 300 Persons.	Two; one at Dunsinane, two miles above Hope; the other at Mount Olive, six miles above Stoney Hill.	None.	Parochial School, founded 1817; Master, W. Carver; salary 200l. per annum; numbers 24.	Religious Instruction will be given to the Hospital, Gaol, and Workhouse, in this and every other Parish in this Island, as soon as the Bishop shall have been invested with full powers; Sunday Schools are forming, and are well attended, particularly by Free persons of Colour.
	4 Portland 102	8018	P. Humphries, £578 0 0	A. Bunting	W. H. Lindsey	Port Antonio, Northern extremity of Parish, 300 Persons.	None.	None.	Titchfield School at Port Antonio, founded 1785; Master, Rev. A. Bunting; salary 160l. per annum, and a good house; three on foundation, and six day-scholars.	New Chapel to be built for Island Curate, at Fairy Hill, in a very eligible situation, six miles from the Parish Church.
	5 St. David 73	7704	S. H. Cook, £378 0 0	None	None	Near Yallows Bay, Southern extremity of Parish, 150 Persons. In good repair.	None.	Wesleyan one at Yallows Bay, Mr. Carr, Minister.	Parochial School for free people of colour. Master appointed by Vestry; salary 50l. per annum.	A Chapel to contain 400 persons, in contemplation, a Parsonage House at Minto Hagley Gap, 15 miles from Parish Church, up the Mountains, in a fine healthy situation, surrounded by Coffee Plantations, and two Sugar Estates; this Parish is poor.
	6 Port Royal 41	6407	Thomas Alves, £508 0 0	J. Barlow	None	Port Royal. In good repair. 00 Persons.	One at Hopewell, in the Mountain District.	One Wesleyan, one Baptist, both in the Town of Port Royal.	Two Schools in the Town, not foundation, of about 30 to 40 scholars each; frequently visited by Rector.	
	7 Kingston 3	White 500 Free Coloured 10000 Slaves 15462 Total 30462	Isaac Mann, £1988 0 0	W. Paterson	G. W. Askew	Centre of City. In good repair. 1000 Persons.	Woolmer's Free School used as a temporary Chapel. About 500 persons. £5000 have been subscribed for Chapel.	One Anabaptist, one Wesleyan, and one Kirk of Scotland.	Woolmer's Free School, founded 1736; number 294; Master, E. Reid; salary 420l; two Ushers 300l each; Brown's excluded till 1815, but now admitted.	Sunday Schools are forming and rapidly increasing under the superintendance of Mr. Reid, Master of Woolmer's Free School; it is intended that Schools shall be attached to every additional place of worship.
CORNWALL.	1 St. Elizabeth 323	18350	J. P. Williams, 300 Acres Land, £750 4 3½ and 84 Negroes.	T. Stewart	J. Waters	At Black River, on the Coast, 200 Persons. In good repair.	Three houses used as Chapels. Grosmans . . . 400 Windsor . . . 350 Lacovia . . . 300 Visited in rotation.	One Moravian Establishment, with Chapel at Two-mile-wood Estate, one at Fairfield, and one at Bogue	Messrs. Munro and Dickenson have left property to found a School; bill passed Assembly, and waiting His Majesty's approbation.	300 acres of land, and 84 Negroes attached to the Rectory; Rector four miles from church; Mr. Waters attends six neighbouring estates in rotation.
	2 Westmoreland 280	21216	J. M. Intyre, £576 1 8	John Reid	None	Savannah Mar. In very neat and perfect repair, 350 Persons.	A house at Dive, 120 persons, 38 miles; and another at Frame, 60 persons; 10 miles from Curate's house, both rented by Parish.	A Moravian preacher comes once a month to Hope Town. Mr. Scott's Moravians on the decline here, generally foreigners.	Manning's Free School, founded 1710; Daniel Fiddler, Master, a Layman, 350l. per annum, good house and seven acres of land; 18 free, 12 white, 6 coloured, 86 private.	Register in a very imperfect state; no consecrated chapel for Island Curate; no Dissenters in this Parish—Moravians.
	3 Trelawney 256	26795	W. Fraser, £635 4 11	Robt Stoney	None	Falmouth, 400 Persons. In very delapidated state.	A dwelling-house used as such at Rio Bono, will hold about 150 persons.	Mr. Whitehouse, a Wesleyan Missionary, officiates in a large old building near the Church.	A Parochial School for 12 children.	This is the most populous parish in the Island, and ought to be divided into four Districts at least. Hiatus in register from September 1802, to December 1805.
	4 St. James 220	24130	H. Jenkins, £700 0 0	E. V. Towton	H. Beames	Montego Bay, 500 Persons. In good repair.	Various estates attended by Curates.	One Wesleyan and one Anabaptist at Montego Bay. One Anabaptist at Vaughan's-Field. A Moravian at Irving Pen and William's-Field, and a Presbyterian Minister at Content.	None, except private.	Rector very old and infirm, and wishes to resign; no chapel for Island Curate, who officiates in the Church as substitute for Rector; Assistant Curate resides at Montpellier, Mr. Ellis's property, and instructs neighbouring estates; the large population of this Parish requires a subdivision of it.
	5 Hanover 176	22256	B. H. Heath, £	J. O'Flaherty	None	Lucia; on the Bay, 400 Persons. Good repair.	A dwelling-house at Green Island, used as capable of holding 150 persons; rented by parish at £120 per annum.	Mr. Light, a Wesleyan, comes once a month to Moschetto Cove.	Rusea's Free School, founded 1769, funds 260l. per annum; 13 on foundation, 11 private; Master, Rev. J. O'Flaherty; salary 140l, and 60l. for house surgeon, 100l.	No consecrated Chapel for Island Curate; Register very imperfect and irregular; there is a Sunday School of free persons.

No. 4

Extract of a Dispatch from the Bishop of Jamaica to Earl Bathurst, dated Spanish Town, Jamaica, December 22d, 1825.

I HAVE great satisfaction in being able to announce to you that a Bill, for placing fully and effectually in my hands Ecclesiastical Regimen over the Clergy, passed into a law yesterday. By this Act, which repeals all other Clergy Acts, and consolidates some of their enactments, the Clergy are placed out of all interference with the Parish Vestries, the signature of their certificates to enable them to receive their stipends is transferred to me. All fees for baptizing and marrying Slaves are abolished, and the stipends of Rectors raised to 600l. per annum, subject to the deduction, for the Widows and Orphan Fund. There are clauses to enable parishes to tax themselves for the purpose of erecting churches and schools, and for enlarging and keeping them in repair. Parish Clerks are to be appointed by Rectors, and to be removed by them for misconduct, with an appeal to the Bishop. A Registrar has been appointed with a salary of 300l. per annum, and an Apparitor at 80l. per annum. There is a duration clause for five years, which will enable me, should the Act be confirmed at home, to watch its operation, and to suggest whatever amendments experience may point out as necessary. On the whole I feel inclined to augur well of this measure, and think it calculated to increase the respectability of the Clergy, to introduce order, regularity, and discipline, and promote the best interests of the Church with reference to the peculiar circumstances of this Colony.

At our last meeting for promoting Christian knowledge, it was determined to appropriate the sum of 500l. sterling, placed at my disposal by the Parent Society, exclusively to the establishment of parochial schools, and circulars will be sent to the Custodes of the different parishes for this purpose. It is my intention to visit St. Thomas in the East immediately after Christmas, and to carry into effect the provisions of the new Act. In no part of the island can I commence the new plans of instruction with a better chance of success from the advanced state of civilization there, and the pains taken to improve the condition of the Slaves. Any communications from the Bishop of Barbadoes on this subject will always meet with my cordial thanks, and a sincere desire to co-operate with him on any general approved principles of promoting the good work in which we are engaged.

I am happy to bear my testimony to a very general wish to profit by the New Ecclesiastical Bill.

Diocese of Barbadoes and the Leeward Islands.

No. 1.

Extract of a Dispatch from the Bishop of Barbadoes to Earl Bathurst, dated Government House, Antigua, June 18, 1825.

I HAVE the honour to inform your Lordship, that I have completed my visitation of the several islands within my diocese, with the exception of Tobago and Tortola, which I have been prevented by circumstances from visiting, but to which I have sent two Clergymen.

I have visited the island of Anguilla, to which your Lordship was pleased to call my attention, and have made arrangements for the rebuilding the church and chapel destroyed by the French, and erecting a house for the residence of a Clergyman, towards which the inhabitants are ready to contribute their time and labour, and materials in store, and I have ventured to pledge His Majesty's Government towards granting some pecuniary aid. Without waiting however for their erection, I shall send a Clergyman to the island immediately on my return to Barbadoes.

The result of my observations on the several islands I shall hope to have the honour of laying before your Lordship some time in August, at which time I purpose to return to England; and I trust, from the communications which I shall have the honour of making, that your Lordship will be both satisfied with my early return, and be pleased to accede to the several requests, which I shall then have the honour of laying before your Lordship, more effectually than I could do by letter.

No. 2.

MY LORD,

Winchester, October 7, 1825.

I HAVE the honour to inform your Lordship that on visiting the several islands within my diocese, I was received throughout with every mark of public and private respect, accompanied with the assurance on the part of the respective Legislatures and Proprietors of their readiness to co-operate with me, to the utmost extent of their means, in the measures which I had the honour to propose.

In proof of the good disposition which I had the happiness of experiencing so generally and so strongly, I beg to call your Lordship's attention to the inclosed copies of the Addresses of the Legislatures and other Public Bodies in the islands of Barbadoes, Trinidad, Grenada, St. Vincent, St. Christopher, Antigua and Anguilla.

I was prevented from visiting Tobago by the temporary unhealthiness of that island; and Tortola by its distance to windward, which would have interfered, from the difficulty of returns, with other naval arrangements made by the Captain of His Majesty's ship in which I had the honour of sailing.

I have, &c.
(Signed)

W. H., BARBADOES.

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

&c.

&c.

&c.

Address of the Clergy of Barbadoes to the Bishop of Barbadoes and the Leeward Islands.

MY LORD,

WE, the Clergy of Barbadoes, approach your Lordship with our respectful congratulations upon your elevation to the Episcopal See of Barbadoes and the Leeward Islands, and upon your safe arrival in this part of your Diocese.

We gratefully acknowledge it as a distinguished instance of our Sovereign's paternal care over His subjects in this remote part of His dominions, that He has been graciously pleased to extend to us the benefits of a resident Episcopal Establishment; and we hail with unfeigned satisfaction your Lordship's appointment, as the auspicious commencement of a new era in the West Indies, where, under your Lordship's zealous but prudent superintendence, we look for a more general diffusion of religion amongst the various classes of our population, and for the ultimate attainment of all those advantages which have been contemplated from this measure of Christian benevolence.

These confident anticipations are founded upon the concurrent testimony of our friends in England, as to those moral and intellectual endowments which combine to form your Lordship's character; they are founded also upon the signal proof you have given, by your ready acceptance of an office attended with so much toil and difficulty, of that devotedness of heart to the good of others, which is an earnest of success in the cause in which you have engaged.

We beg leave to assure your Lordship of the faithful and zealous co-operation of the Clergy of this Island, and of the respectful deference and attention with which they will at all times receive such instructions as your Lordship may judge proper to convey to them on the administration of your diocese.

May the Almighty vouchsafe to your Lordship His especial care and protection, endue you plenteously with the gifts and graces of the Spirit, and ever guide and support you in the discharge of your episcopal functions.

W. H. GARNETT, Rector of St. Michael's.	WILLIAM ALS, Rector of St. Phillip's.
T. H. ORDERSON, D.D. Rector of Christchurch.	W. L. PINDER, Rector of St. George's.
I. T. PILGRIM, Rector of St. James's.	GEORGE F. MAYNARD, Rector of St. Thomas's.
W. M. PAYNE, Rector of St. Andrew's.	J. H. GITTENS, Rector of St. John's.
JAMES F. NIBLETT, Rector of St. Peter's.	WILLIAM P. HINDS, Rector of St. Joseph.
W. M. HARTE, Rector of St. Lucy.	R. T. KING, Lecturer of St. Michael's.
JOHN H. PINDER, Chaplain to the Codrington Plantations.	HENRY PARKINSON, Acting Principal of Cod. College.
JOHN PECKER, Master of the Central School, Barbadoes.	

Address of the House of Assembly.

To the Right Reverend the Lord Bishop of Barbadoes.

MAY IT PLEASE YOUR LORDSHIP,

IT is with feelings of the sincerest satisfaction that the House of Assembly approach your Lordship, to present their congratulations on your safe arrival in this Island.

We recognise with gratitude the paternal care of His Majesty in the appointment of an Episcopal Authority to this valuable part of His Dominions.

We hail it as a happy means afforded us of defeating the designs and refuting the calumnies of our self-interested enemies; and from the selection of a gentleman of your Lordship's high character and attainments to fill this important and dignified situation, we anticipate for our country the incalculable benefits of an active and conscientious discharge of the pastoral office.

We assure your Lordship that we shall be ever found willing in our legislative capacities to promote the interests of religion according to the doctrines and under the government of the true Church.

While thus expressing their own feelings of respect and gratification, the Representative Body are sensible that they only echo the sentiments with which your Lordship's arrival has been welcomed by all classes of their constituents in this His Majesty's most antient and loyal colony.

By order of the House,

(Signed) CHEESEMAN MOE, Speaker.

House of Assembly, March 8, 1825.

Address of the Cabildo of Trinidad.

To the Right Reverend Father in God by Divine permission, William, Lord Bishop of Barbadoes and the Leeward Islands, &c. &c. &c.

WE, His Majesty's dutiful and loyal subjects, the Alcaldes in Ordinary, the Regidores and Syndic Procurator General of the Cabildo of the town of Port of Spain, beg leave to approach your Lordship to offer our unfeigned congratulations upon your Lordship's safe arrival in this Island, and deeply impressed as we are with the importance of your Lordship's sacred mission, we cannot but admire the noble sacrifice your Lordship has made in quitting the land of your Fathers to become the Head of the Protestant Church in these Islands.

We regard your Lordship's installation to the See of Barbadoes as a peculiar mark of our Gracious Sovereign's paternal consideration for His faithful subjects in this portion of His dominions; and it is with feelings of the most lively interest we anticipate the benefits which these colonies cannot fail to receive from your Lordship's pious labours in the cause of Christianity.

That the Almighty may long guard and protect your Lordship in health amongst us; and that the arduous duties your Lordship has been selected by His Majesty to fulfil, may be crowned with success, is the fervent prayer of those who have now had the honour to address your Lordship.

JAMES CADETT, First Alcaldi.

A. PINTO, Second Alcaldi.

JAMES GRAHAM, P. R.

W. ROBERTS, P. R.

GEORGE SHERLOCK, Regidor.

JASPER LYON.

C. MAINGOT.

P. ALMANDOZ.

HENRY GLOSTER, Proc. Synd.

HENRY MUNNING, Dep. Sec. Cats.

The Address of the President and Members of His Majesty's Council, and the Speaker and Members of the Honourable the House of Assembly of Grenada and its Dependencies.

To the Right Reverend Father in God, William, Lord Bishop of Barbadoes and the Leeward Islands.

MAY IT PLEASE YOUR LORDSHIP,

WE, the Members of His Majesty's Council, and the Representatives of

the people of these islands, beg leave to approach your Lordship with an expression of the sentiments with which we are impressed on the auspicious event of your Lordship's arrival in this colony, and to offer an unfeigned tribute of that respect which is due to your sacred and exalted station.

The most lively feelings of gratitude have been excited in our hearts towards our Gracious Sovereign by so estimable a proof of His paternal regard for His subjects, in this part of His dominions, in the appointment of a Prelate to superintend our religious establishment; and we highly appreciate His Majesty's wisdom in the selection of a Divine, whose virtues and learning so eminently qualify him to discharge the duties of that momentous trust.

Under your Lordship's fostering care, and through the influence of your pious example, we look forward with confidence to an extension of the blessings of our religion, and to the increase of morality amongst all classes of this community.

We intreat that your Lordship will be pleased to accept our most cordial wishes, that every happiness may attend your Lordship, and that you may hereafter enjoy the gratifying reflection that your exertions in your important ministry have been conducive to the welfare of your fellow-creatures, and merit the approbation of our benevolent Sovereign.

GEORGE EDMOND MUNRO, President, P.T.
JOHN HOYES, Speaker of the Assembly.

Address of the House of Assembly of St. Vincent to the Bishop of Barbadoes.

MY LORD,

AT a time when these colonies were oppressed by many evils, and threatened with great danger, the House of Assembly of Saint Vincent received with confidence and satisfaction, the information that His Majesty's Government had wisely determined to extend the advantages and blessings of an efficient and responsible Church establishment to the West Indies.

The nomination of an eminent and learned Divine, as the head of that establishment, is a source of additional satisfaction; and the House looks forward with much confidence, under the wise and benevolent pastoral superintendence of your Lordship, to the increase of piety, the improvement of morals, and the general diffusion of religious knowledge.

Towards the attainment of such salutary and vitally important ends, you will always find the House of Assembly, and the people generally of this colony, sincerely and heartily concurring. And the House trusts that this great and praiseworthy undertaking on the part of our Mother Country, may be viewed as a pledge of the interests which the Government and the unprejudiced portion of our fellow-subjects in Great Britain still take in the prosperity of the colonies.

The House offers your Lordship a sincere welcome, and congratulate you on your arrival in this part of your diocese. The House regrets that your time will not permit of their offering other marks of the respect they entertain for your Lordship, or to evince their joy on the occasion of the colony being honoured with the presence of the first Dignitary of the Church of England by whom it was ever visited.

(Signed) JOHN DALZELL, Speaker.

The Lord Bishop of Barbadoes and the Leeward Islands.

Address of the Council of St. Christopher's.

To the Honourable and Right Reverend Father in God, William, Lord Bishop of Barbadoes and the Leeward Islands.

MY LORD,

WITH feelings excited by no ordinary considerations, we, His Majesty's Council for the island of Saint Christopher, proffer to your Lordship our

sincere and hearty congratulations upon your appointment to the spiritual superintendance of these colonies, and your auspicious arrival in this part of your diocese.

Deploring the ignorance which too generally prevails among our labouring classes on the most important of all subjects, and anxious that they should be qualified, by intellectual and moral improvement, for a greater participation of civil rights than they at present enjoy; we contemplate with deep interest, and heartfelt pleasure, that act of His Majesty's Government, which has submitted to your Lordship's able consideration and direction, measures for conferring on the Slave population of these colonies, the inestimable benefits of our holy religion.

We hasten to tender to your Lordship all the assistance, in this truly great and charitable undertaking, that we can, either collectively or individually, afford, and we offer to God our humble prayers for his blessing upon your labours.

Permit us to express the great satisfaction we experience in finding in your Lordship an associate in our councils, so able to guide us in the great object which we mutually have at heart; and in promoting the general public welfare of this part of His Majesty's dominions.

Allow us at the same time to offer you the most sincere assurance of our high respect for your Lordship's character, and our most earnest wishes that, in the possession of every temporal enjoyment and spiritual consolation, your Lordship will experience that which we know will be considered an indemnity for every privation, and an ample reward for every exertion; the full and perfect success of a mission so important to the interests of humanity, so fraught with blessings to thousands of our fellow-creatures.

JOHN W. D. WILSON, President.

STEDMAN RAWLINS.

JOHN WOODLEY.

JOHN GARNETT.

R. W. PICKWOOD.

JAMES DOWMAN.

C. WOODLEY.

JOHN TYSON.

ISAAC DUPONT.

Address of the House of Assembly of St. Christopher's.

To the Right Reverend Father in God, William, Lord Bishop of Barbadoes and the Leeward Islands.

MY LORD,

WE, the Members of the Commons House of Assembly of Saint Christopher, beg leave to approach your Lordship with our warmest congratulations upon your arrival at this island; and to assure your Lordship that we are animated with feelings of peculiar gratitude to our beloved and gracious Sovereign for the wise and salutary measure that has been adopted, in establishing an episcopal jurisdiction within these colonies; and we appreciate most sensibly the Royal consideration in nominating to this high and important trust, a member of our holy religion, who is recognized at once as pious, zealous, and intelligent.

Misrepresented as we have been, in common with our sister colonies, as regards religious and moral instruction, we will not venture to offer any opinion in refutation thereof, other than what your Lordship shall pronounce, upon a full and minute enquiry into all those establishments which exist among us; and we anticipate with pride and satisfaction that we shall be found not to have been unmindful of those Christian duties which we are enjoined to the best of our abilities to perform.

We are, nevertheless, aware, that much in addition may be suggested by

the enlightened mind of your Lordship, for the furtherance of religious instruction to that class of our population, whose welfare and interest we have at all times been most anxious to promote; and we shall receive your Lordship's recommendations upon this important and interesting subject with peculiar gratification, disposed as we are to co-operate with your Lordship in effecting so desirable a measure.

We regret extremely that your Lordship's stay has not been longer, as we should have been gratified to have evinced to your Lordship the high estimation the Assembly of this island entertain for your person and holy office.

(Signed) W. WHARTON RAWLINS, Speaker.

Assembly Room, June 1, 1825.

ADDRESS OF THE BOARD OF COUNCIL OF ANTIGUA.

To His Honour Samuel Athill, Commander in Chief for the time being in and over His Majesty's Islands of Antigua, Montserrat, and Barbuda, &c. &c. &c.

MAY IT PLEASE YOUR HONOUR,

WE, the Members of His Majesty's Council, most fervently coincide with your Honour in the just congratulations you have offered to the country on the arrival of the Lord Bishop of Barbadoes and the Leeward Islands in this part of his diocese, an appointment we appreciate as a distinguished mark of the Royal favour and paternal care of our Most Gracious Sovereign for the welfare of this distant part of His dominions, and we hail it as an event intimately connected with the future happy destiny of the colonies.

This Board therefore will always afford its cordial co-operation and zealous support to any measure conducive to the great objects of his Lordship's mission, thereby facilitating the important ends of his office, and recommending ourselves to his beneficent consideration.

SAMUEL WARNER, President.

MEADE H. DANIEL.

WILLIAM BYAM.

PAUL HORSFORD.

SAMUEL WILLIAM HARMAN.

KEAN B. OSBORN.

SAMUEL HARMAN.

Council Chamber, June 9, 1825.

ADDRESS OF THE HOUSE OF ASSEMBLY OF ANTIGUA.

To His Honour Samuel Byam Athill, Commander in Chief for the time being in and over His Majesty's Islands of Antigua, Montserrat, and Barbuda, &c. &c. &c.

MAY IT PLEASE YOUR HONOUR,

WE, His Majesty's dutiful and loyal subjects, the House of Assembly of the island of Antigua, embrace the earliest opportunity afforded us, of expressing our very cordial congratulations on the arrival in this island of the Lord Bishop of the Diocese, and of testifying the sentiments of profound respect and veneration which we bear towards the sacred office his Lordship has been called upon to fill.

Warmly devoted to the wise and most excellent Ecclesiastical Institutions of the Parent State, we have viewed with emotions of gratitude and delight, the benevolent intentions of our gracious Sovereign more effectually to promote our spiritual welfare by extending to us the all important benefits of the episcopal controul and authority. That so accomplished a Divine should have been selected for this exalted trust, enhances much to us the value of so

signal a proof of His Majesty's favour and condescension. We devoutly pray that his Lordship may long continue to adorn his present eminent station, and that by his example and precept, and his judicious and well-directed ministry, he may be the happy instrument of diffusing more widely, through all classes of the inhabitants of these colonies a pure and correct knowledge of the consolatory truths, and of the inestimable blessings of our holy religion.

Your Honour may confidently rely on the cordial co-operation of this House in any measures which his Lordship may now or in future consider expedient for the promotion of his pious designs; and that it will proceed without delay to take into its consideration the bill about to be introduced by His Majesty's Solicitor General for transferring the Ecclesiastical Powers to his Lordship.

By order of the House,

June 9, 1825.

NICHOLAS NUGENT, Speaker.

NATHANIEL HUMPHRYS, Clerk of the House.

To His Honour Samuel Byam Athill, Commander in Chief for the time being in and over His Majesty's Islands of Antigua, Montserrat, and Barbuda, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY.

WE, His Majesty's loyal and dutiful subjects, the House of Assembly of the Island of Antigua, do humbly pray that your Honour will be pleased to obtain from the Right Reverend the Lord Bishop of Barbadoes and the Leeward Islands, a detail of the various measures of improvement recommended in person by his Lordship this day, in order that the same may be submitted to our House for its more deliberate consideration and guidance.

By order of the House,

June 9, 1825.

(Signed) NICHOLAS NUGENT, Speaker.

Address of the Principal Inhabitants of the Island of Anguilla.

To the Right Reverend Father in God, William, Lord Bishop of Barbadoes and the Leeward Islands, &c. &c. &c.

MAY IT PLEASE YOUR LORDSHIP,

IMPRESSED with the most sincere sentiments of loyalty and duty to our gracious Sovereign, and attachment to our excellent Constitution and the Established Religion of the Realm, we, the Lieutenant-Governor, the Members of the Council, and principal inhabitants of the island of Anguilla, hail with joy the auspicious event of your Lordship's arrival in this colony, with the firm conviction that it is precursory to the extension of the blessings of our religion, and the increase of morality and instruction in this little community.

We will not damp the happiness which this circumstance occasions by the expression of the privations we have endured, but we will venture to hope that this is an era from which our prospects will brighten, and look up to our beloved Monarch as to a Father in whose affections we shall from this time stand higher. We feel the visit of your Lordship as a mark the most convincing of his paternal care, and the choice of the individual he has selected to perform the pious mission, confirms us in our sentiments.

Your Lordship finds us poor and requiring all your pastoral care and attention; but we beg to assure you that our limited mite shall be cheerfully contributed to the furtherance of your benevolent object.

We entreat your Lordship's acceptance of our cordial sentiments of respect and our best wishes for your welfare.

Address of the House of Assembly of Barbadoes.

To the Right Reverend the Lord Bishop of Barbadoes and the Leeward Islands.

MAY IT PLEASE YOUR LORDSHIP,

WE, the Representatives of the people of this island, in General Assembly this day assembled, approach your Lordship with feelings of regret at your Lordship's intended departure for a time from this diocese.

We now take leave to repeat the expressions of confidence with which we had the honour of hailing your Lordship's arrival amongst us. If evidence had been wanting of the paternal solicitude of our gracious Sovereign for the interests of the colonists, it could not have been manifested more sincerely than in the appointment of your Lordship to the episcopal superintendance of the church of these colonies; and we flatter ourselves that the gratitude of the public at large has been fully exemplified, in the readiness which has been evinced to embrace and promote the objects recommended by your Lordship, for the religious instruction and moral improvement of our Slaves and other dependants.

We beg you will accept our sincere wishes for a safe and pleasant passage to your native country, and a speedy return to the exercise of those duties from which all classes must derive real and permanent advantage.

House of Assembly, August 3, 1825.

Address of Proprietors of Estates in Barbadoes.

To the Right Reverend the Lord Bishop of Barbadoes and the Leeward Islands.

MY LORD,

UNDERSTANDING that your Lordship is about to return to England, we presume to request that you will convey to our august Sovereign the grateful acknowledgments of this community, for having been graciously pleased to extend the benefits of episcopal superintendency to the church of these colonies.

We are very thankful for this mark of His Majesty's paternal solicitude for our spiritual welfare. Encouraged by this bright example, we trust that we, on our part, shall not be found wanting in our duty to those who are dependent upon us for the means of attaining a knowledge of Divine truths.

We beg to assure your Lordship, that we have the most sincere desire to afford the blessings of religious instruction to our Slaves; and we promise that you shall always find us prompt and zealous in furthering every prudent measure which may seem conducive to this object.

Weighed down, however, as West India interests are by causes too notorious to require to be enumerated, we cannot, without injustice to others, consent to such a subtraction of labour from the cultivation of the estates as would lead to a material reduction of income; but we very confidently believe that no such sacrifice is necessary to the accomplishment of the object contemplated; and we entertain no doubt that, under your Lordship's discreet and judicious direction, the spiritual interests of the Slave will be shewn to be not incompatible with the temporal interest of the master.

Having now enjoyed the opportunities, which five months residence amongst us has afforded, of observing your Lordship's character and conduct, we cannot suffer this occasion to pass without expressing our warm admiration of the uncommon zeal and ardour which you have displayed in discharging the various duties of your sacred office, from which we anticipate the happiest influence on religion and morals.

Accept our best wishes for a safe and pleasant passage and a speedy return to your all-important charge.

We have the honour to remain,

Your Lordship's faithful humble servants,

John Barrow, Chairman,
 John Rycraft Best,
 R. A. Alleyne,
 John Brathwaite,
 Robert Haynes,
 Nathan Lucas,
 John H. Cutting,
 Matthew Coulthurst,
 James H. Alleyne,
 J. G. Gittens,
 W. Sharp,
 James Crichlow,
 John H. Leacock,
 E. H. Sechouse,
 Richard Deane,
 Byare Pile,
 John Mayers,
 Henry Edey,
 William Reece,
 R. Hamden,
 F. Clarke,
 Charles T. Alleyne,
 Henry Thorp,
 J. D. Maycock,
 J. A. Holder,
 W. Husbands,
 Robert Reece,
 Joseph Connell,
 T. W. Halls,
 Edward Thomas,
 Joseph M. Piggott,
 Joseph Mayers,
 J. F. Pilgrim,
 C. Pile,
 T. L. Hollinsed,
 W. Murray,
 E. Haynes,
 Robert Haynes, jun.
 John Higginson,
 Jacob Hinds,
 James T. Rogers,
 John A. Beckles,
 George Hewitt,

Proprietors of Estates in the Island of Barbados.

J. Carew,
 J. Wharton,
 Richard P. Pile,
 W. Eversley,
 W. Oxley,
 J. C. Eversley,
 John Biggs,
 Edmund Eversley,
 W. Warre Barlow,
 John Packer,
 F. Hodgkinson,
 Abel Clinckett,
 John Henry Barrow,
 Thomas Spencer,
 John Bovell,
 William Bovell,
 H. G. Windsor,
 A. Croil,
 T. Stott,
 Jonas Wilkinson,
 D. Martindale, sen.
 D. Martindale, jun.
 R. B. Clarke,
 Samel Hinds, jun.
 Henry S. Cummins,
 Henry Crichlaw,
 Richard Merritt,
 T. W. O'Neale,
 Thomas Connell,
 Thomas Griffith,
 W. M. Harris,
 John Morris,
 Robert Walcott,
 W. M. Morris,
 John E. Hewitt,
 Thomas Challenor,
 J. Lowe,
 W. M. Barrow,
 P. L. Hinds,
 Joseph W. Jordan,
 Thomas Pierrepont,
 Richard C. Brereton,

No. 3.

Extract of a Dispatch from the Bishop of Barbadoes to Earl Bathurst, dated Oitery St. Mary, 31st October 1825.

I HAVE the honour to transmit for your Lordship's information, copies of the returns which I have received from nine out of the eleven parishes in the island of Barbadoes, relative to the extent and frequency of the religious instruction afforded to the Slaves. From the other two parishes, which have recently changed their incumbents, I have not yet received the returns.

In the circular, which I sent to my clergy, I requested them to furnish me, at their earliest convenience, agreeably to an accompanying schedule, with a list of the plantations within their respective parishes, the number under religious instruction, and the extent and frequency of this instruction.

Your Lordship will perceive, with great pleasure, that out of 315 plantations returned, 152 are already under a greater or less degree of instruction, through the care, for the most part of the clergy, and their subordinate teachers; and the proprietors of twelve others had engaged to open their estates at the time the returns were made. Five are under the care of the Moravians and Wesleyans. There remained therefore, at the time of these returns from nine parishes, 146 plantations under no regular instruction. I have every reason to hope that the number will be very considerably diminished before my next report to your Lordship.

In confirmation of this, I cannot refuse myself the pleasure of requesting your Lordship's attention to the report from the parish of St. Lucy. All of the plantations, with scarcely an exception, are stated to be, and many to have been for a long time, under religious instruction.

I trust, my Lord, that, under the Divine blessing, the time is not far distant when, through an increase of clergy and catechists, a similar report may be made from every parish within my diocese.

From the Parish of SAINT JOHN, in the Island of Barbadoes.

Name of Plantation.	Whether under Instruction.	Person by whom Instructed.	Extent of Instruction.	Frequency of Instruction.
Bath	} Under instruction	} S. Lanchan. Rev. J. H. Pinder	The Creed, Lord's Prayer, Ten Commandments, and Catechism, besides occasional visits from the Rector on a Sunday morning, when a form of prayer is read, and a short lecture delivered, adapted to the comprehension of the slaves. This refers especially to Clifton Hall.	Every Sunday morning.
Newcastle				
Clifton Hall				
College and Society				
Colleton	} Not	}		
Hayne's Hill				
Edge Clift	} Under instruction.	} Rev. J. H. Pinder		
Hothensal				
Venture	} Under instruction.	} By a white servant on the estate		
Clayberry				
Haynesfield	} Not	} By a Moravian Missionary	On Hayne's Field Estate a Chapel is erected, with an establishment adjoining to the Chapel, for the Moravian Missionary.	
Todd's				
Henly				
Kendal				
Pool				
Roumans-town				
Ayshford				
Guiaca				
Osborne's				
Quintyne's				
Sealy Hall				
Stewart's Hill				
Lightfoot's				
Ryde Mill	Number of Slaves 5294			

J. H. GITTENS, Rector.

Extract of a Letter from the Rev. J. H. Gittens, accompanying the above, dated January 25th, 1825

YOUR Lordship will see with regret, that the extent of instruction, as far as has come under my own personal inspection, is trifling indeed, but I must in justice add, that I believe there is a sincere desire among the parishioners to meet your Lordship's views, and that an unwillingness to commence any kind of instruction before your Lordship's plans were developed, has alone prevented many persons from inviting my interference.

LEEWARD ISLANDS.

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From the Parish of SAINT PHILIP.

Name of Plantation.	Whether under Instruction.	Person by whom Instructed.	Extent of Instruction.	Frequency of Instruction.
Sunbury	Under In- struction.	The Rector.	In the Lord's Prayer, the Creed, the Ten Com- mandments, &c.	Each Estate once a fort- night.
Hampton				
Sandford's				
Three Houses				
Halton				
Chapel				
Carrington's				
River				
Golden Grove				
Thicket				
Bayley's				
Mapp's				
Shepherd's				
Wiltshires				
Gretton	Under In- struction.	The White	Taught the Church Ca- techism, and occsion- ally instructed by the Rector.	
Edgcombe				
Ricés				
Palmers				
Mangrove				
Mount Plea- sant				
Congo Road				
Bayfield				
Pilgrim				
Dodd's				
Adventure				
Franklin's				
Fairfield				
Landy Hill				
Grove				
Sheaf's				
Brigg's				
Callender's				

From the Parish of SAINT PHILIP.—(Continued.)

Name of Plantation.	Whether under Instruction.	Persons by whom Instructed.	Extent of Instruction.	Frequency of Instruction.
Spring Hill				
Clifden				
Pollard's				
Ruby				
White River				
Sterling				
Smithfield				
Kirton's				
Brewster's				
Simmons's				
Four-square				
Marchfield				
Chatley				

St. Philips, June 28, 1825.

WILLIAM ALS, Rector.

From the Parish of CHRISTCHURCH.

Ryecroft's	} Under in- struction.	The White Servantson the Estate.	Lord's Prayer, the Com- mandments, and the Belief.	Domestic instruction on Sunday, and occasion- ally lectured by the Rector.
Frere Pil- grim				
Coverley				
Eldridge	} Under in- struction.	By the fa- mily of the proprietor.	Prayers and the Cate- chism.	The smaller people morning and evening daily, and the grown people once a fortnight, by Rev. Mr. King.
Hope				
Lowther's	} ditto	The White Servantson the Estate.	ditto	On Sundays.
Kingsland- Redge				
Newton				
Grey's	} Under in- struction	By the pro- prietor.	Prayers and Harte's Lectures.	On Sundays—Daily.
Edgcombe				
Spencer's		} Afemalehired for the pur- pose.	} Prayers and Catechism	} Sunday Prayers.
Adam's Castle				
Bentley's				
Ball's	} White Ser- vants on the Estate.	} Prayers and Catechism	} Occasionally lectured by Rev. Mr. Als. Sunday.	
Small Ridge				

LEEWARD ISLANDS.

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From the Parish of CHRISTCHURCH.—(Continued.)

Name of Plantation.	Whether under Instruction.	Person by whom Instructed.	Extent of Instruction.	Frequency of Instruction.
Howell Vale Chatley Burke's Alleyne's Charnock's	Under instruction.	White Servants on the Estate.	Prayers and Catechism.	Occasionally lectured by the Rector.
Green's Hanway's Upper Gray's Sweet Fields Pilgrim Place Maynard's Maxwell's	} Under instruction	Occasionally by the Rector.		On Sundays.
Durant's Rising Sun	Under instruction.	The White Servants on the Estate.		The smaller people daily
Staple Grove Wilcoxes' Chancery Lane Broomfield	Under instruction.	The White Servants on the Estate.		On Sundays.
Kirton's Holme's Searle's Dayrell's Græme Hall Bishop's Hackett's Walk's	Under instruction.	The White Servants on the Estate.		The smaller people daily.

Certified by J. H. ALDERSON, Rector
of Christchurch.

From the Parish of SAINT THOMAS.

Name of Plantation.	Whether under Instruction.	Persons by whom Instructed.	Extent of Instruction.	Frequency of Instruction.	
Dukes	Under instruction	By the Catechist	Taught the Creed, the Lord's Prayer, and the Ten Commandments.	Once a week at home, besides on Sunday at Church whenever they attend.	
Fortress			The Lord's Prayer explained.	Once a week at home, and on Sunday at Church.	
Walke's Spring Clifton			The Creed explained.		
Fisher's Pond			The Creed, the Lord's Prayer, and the Ten Commandments.	Once a week at home; the people generally attend St. George's Church.	
			The Ten Commandments explained.		
Bagatelle			The Lord's Prayer.	Once a week at home; the people do not attend the Church.	
Welch's			The Lord's Prayer.	Once a week at home; the people seldom attend the Church.	
Highland's			The Lord's Prayer explained.	Once a week at home; no attendance at Church.	
Welchman's Hall Vauclose			The Creed.		
Sturges			The Ten Commandments explained.	Once a month at home; full and tolerably regular attendance at Church.	
Mangrove Pond	Engaged after the crop season		The Lord's Prayer and the Creed.	Once a month at home; no attendance at Church.	
The Farm			The Ten Commandments.	Once a month at home; a few of the people attend the Church.	
Hilloby					
Duncombe					
Edge Hill					
Bennett's					
Content					
Ridgeways					
Lion Castle					
Canefield Yards					
Crimball Hill	Engaged				
Bloomsbury	Engaged				
Mr. Wilton	Engaged				
Ayshford	Engaged				
Recc's					
Farmer's	Engaged				
Mallara's					

OBSERVATION.

During the busy season of reaping the crop, the people can only, or rather be most conveniently spared from work on Monday and Saturday in every week; on these days, therefore, all the plantations named above as under instruction, are attended by the Catechist, except "Blower's" "Mangrove Pond," and "the Farm," which are visited on Wednesday. After the crop-season, it is expected that other

LEEWARD ISLANDS.

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From the Parish of SAINT THOMAS.—(Continued.)

Name of Plantation.	Whether under Instruction.	Person by whom Instructed.	Extent of Instruction.	Frequency of Instruction.
Exchange	Engaged			Arrangements convenient to all parties will be formed, and the Catechist's services more extensively bestowed. It is the Rector's intention to accompany the Catechist in his visit once a quarter, a plan which he adopted in the beginning of April last. Divine Service is now performed in the evening as well as the morning, in the Parish Church; and the Rector has observed with pleasure, that the same Slaves sometimes attend twice a day.
Crane Garden				
Arthur's Seat				
Clarke's				
Hopewell				
Fair Hall				
Carrington's				
Gingerland				
Downs's				
Grand View				
Waithfield				
Selman's				
Moore's				
Springfield				
Dalby				
Prouts				
Clermont	} Under instruction	} By the Catechist	The Lord's Prayer explained.	Once a week at home; a few of the principal people attend the Church.
Blower			The Lord's Prayer, the Creed, and the Ten Commandments.	Once in three weeks at home; many of the people have been long since baptized, and attend the Church often.

GEORGE F. MAYNARD, Rector.

Extract of a Letter from the Rev. G. F. Maynard, accompanying the above, dated May 13, 1825.

IT would be injustice to my parishioners to omit, that even when the Catechist has not been formally introduced, in consequence of his being fully employed on the only two days which are the most conveniently spared from the plantation business, he has been politely received, and some kind of instruction is now generally introduced.

From the Parish of SAINT PETER.

Name of Plantation.	Whether under Instruction.	Person by whom Instructed.	Extent of Instruction.	Frequency of Instruction.
Cabbage-tree Hall	Under instruction.	Sir Reynold and Lady Alleyne, and their daughters.	Church Catechism, with printed Expositions.	Daily prayers, morning and evening, some of the Slaves attend St. Lucy's Church.
Pleasant Hall, Oxford Baker's Farm		Mrs. Bond's family.	Church Catechism.	} ditto
		Overseer and White Servants. A coloured man from B. Town.	ditto	
Clement Castle Black Bess Rock Fern Hills Grenada Hall Welch Town Ashton Hall Stanhope Maynard's Nicholas Ebworth Orange Hill Battaly's Risk Colleton Portland Warley Prospect White Hall M'Brevitor Gibbes Rockless Adventure Six Mens Haymond's Rock Hall Mangrove Richmond Hill Heywood's Radden's	Not instructed.	The White Servants on the Plantation	Lord's Prayer, Ten Commandments, and Creed are taught the young Negroes.—Prayers are read.	Daily.

WILLIAM P. HINDS, Rector.

LEEWARD ISLANDS.

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From the Parish of SAINT JAMES.

Name of Plantation.	Whether under Instruction.	Persons by whom Instructed.	Extent of Instruction.	Frequency of Instruction.
Porter's Trent's Morgan's Lancaster Spring Head Taite's Ape's Hill The Spring Water Hall Cooper's Hill Laurence's Oxnard Husband's Padmore's Sandy Lane	These plantations have been visited and placed under religious instruction by the Rector of the Parish.	By the Catechist and White Servants on the Estate.	The Creed, the Lord's Prayer, and the Ten Commandments. The Negroes have been lectured by the Rector.	The Catechist or Rector will attend once a fortnight at least, oftener if permitted. It is expected the White Servants give <i>daily</i> instruction to the children.
Mount Standfast Coxe's	These have been attended by a Moravian Missionary.			
Rock Dundee Carlton's Sibn Hill	These have been attended by a West-lean Missionary.			
Westmoreland Mullineux York Black Rock Rock Pleasant M'Andrews Piggott's H. Piggott's Mrs. Young's Mr. Young's Hall's Reed's Bay Gibbe's Cheltenham's King's Ellis's	These have not yet been placed under religious instruction. The numbers on most of the last named are but few.			

J. F. PILGRIM, Rector of Saint James.

From the Parish of SAINT LUCY.

Name of Plantation.	Whether under Instruction.	Persons by whom Instructed.	Extent of Instruction.	Frequency of Instruction.
Babb's Bromefield Trent's Hannay's Pickering's Friendship Mount Gay Barrow's Lambert's Spring Hall Mount Poyer Fairfield Crabb-hill Bright Hall The Hope Spring Garden Chance Hall Husband's Harrison's Chequer Hall Greave's Collyn's Adventure Bend's Kellman's Gilkes's Griffiths Bourbon Pie Corner	All of the plantations, with scarcely an exception, are, and many have for a long time been under religious instruction. Most of the smaller proprietors profess their readiness to commence it forthwith, and some have already done so.	By the Bookkeeper or other White Servant, and by some of the White Family on the smaller properties, and by the Curate and Lay Catechist.	Catechism of the Church of England, a part of the Liturgy, together with chapters in the New Testament explained, and one of Harte's Lectures delivered.	Daily by the Bookkeeper or other White Servant, or by one of the White Family.— Twice in every month, stately, by the Curate and Catechist, and occasionally by the Rector. The Church is open on Thursday and Sunday afternoons, when Service is strictly performed, and a plain Lecture delivered. The young Negroes are catechised, and some of the adults, also who voluntarily offer themselves. On Babb's plantation (the proprietor, Samuel Leacock, Esq.) a Sunday-school has been established under the superintendence of the Lay Catechist, wherein the young Negroes are taught to read. Some of them read well, and many can answer the short questions in the broken Catechism.

W. M. HARTE, Rector.

LEEWARD ISLANDS.

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From the Parish of SAINT GEORGE.

Name of Plantation.	Whether under Instruction.	Persons by whom Instructed.	Extent of Instruction.	Frequency of Instruction.
Walker's Mapp's Valley Golden Ridge	} Under in- struction.	The Over- seer.	The Lord's Prayer, the Creed, and Command- ments.	Once a month.
Newbury		The Rev. W. Pinder.	A Lecture, Creed, Lord's Prayer, and Command ments.	
Redland Boarded Hall Windsor	} Under in- struction.	The Over- seer.	The Lord's Prayer, Creed and Commandments.	Once a fortnight.
Dray Hall Buffall's		Mr. Harding	The Lord's Prayer, Creed and Commandments.	
Locust Hall	} Under in- struction.	The Over- seer.	The Lord's Prayer, Creed and Commandments.	Once a fortnight.
Mount Lemon Ar- bour		Mr. Holder. Rev. R King	A Lecture.	
Edgerton Roan's Prerogative Woodland Farm Renewal Moonshine Hall Hope Ashbury Brighton	Under in- struction.	Rev. R. King	A Lecture.	Once a fortnight.
Ellsmere Constant Union Fair View Jordan's Stepney	Under in- struction.	Rev. W. Pinder.	The Lord's Prayer, Creed and Commandments, and a Lecture.	Once a month.
Hanson Green's Bulkeley's Carmichael's Endcavour Cottage Grove's Salter's	} Under in- struction.	Rev. W. Pinder.	The Lord's Prayer, Creed and Commandments, and a Lecture.	Once a month.

St. George's Parsonage, May 16, 1825.

W. L. PINDER.

Extract of a Report on the Parish of St. Lucy, addressed to the Bishop of Barbadoes.

THE parochial school was opened on the 23d of May, when six children were admitted. The number has continued gradually to increase, and on the 7th instant it amounted to fifty-three. Other applications have been made by parents, whose children are daily expected. All children are received into the school without distinction of rank, age, or sex. With regard to the extent of instruction, about thirty-eight repeat the Church Catechism perfectly; of this number about eleven may be considered as nearly fit to begin with Crossman's Introduction; thirteen as nearly perfect in the former part of the broken Catechism, i. e. as far as the explanation of the Lord's Prayer; the rest, namely fourteen, have just begun the broken Catechism. These form three classes, and there is a fourth class, of fifteen children, which are learning the Church Catechism. From certain circumstances, the children are divided into four classes only for the Catechism, but into six for reading, writing and arithmetic. The first class has read the life, parables, and miracles of our Saviour, and is now reading the Sermon on the Mount.

I am sorry that I cannot make to your Lordship a satisfactory report respecting my exertions as Catechist; the duties of the school prevent my labouring in this capacity to the extent I could wish.

There are twenty-eight plantations in the parish, but as many of them join each other, they are considered as forming fifteen stations. Mr. Harte has appointed to my share six of these stations, which are quite convenient, being in the vicinity of the school. The business of the school is generally over at five o'clock, and every other evening I attend one of the stations appointed to me. I have, without an exception, received every outward attention from the proprietor and overseers; and on many occasions it has been highly gratifying to witness the serious, attentive, and apparently devout behaviour of some of the coloured people. I catechise the children, and endeavour to teach the adults the Catechism, explaining it at the same time to the best of my ability; I then read a part of the Liturgy, sometimes a chapter in St. Matthew's Gospel, and conclude with one of Harte's Lectures. As far as I have observed, there seems to be an inclination on the part of the servant to improve in religious knowledge, and on the part of the master, in many instances, a readiness to encourage and assist him. Some of the proprietors and overseers, who have visited the school, have been so much pleased with the mode of teaching the Catechism there, as to express a wish to adopt it on their estates. With this view, I applied to the Secretary for two dozen copies of the broken Catechism, desiring to purchase them for the use of the school, as well as the plantations, but unfortunately I could not be supplied.

No. 4.

Extract of a Dispatch from the Bishop of Barbadoes to Earl Bathurst, dated Ottery St. Mary, November 5, 1825.

I HAVE the honour to inform your Lordship, that previously to my leaving Barbadoes, I had the happiness of laying the first stone of a new church, in Bridge Town, within the parish of St. Michael.

The population of Bridge Town is about 20,000, including the three classes of white, free-coloured, and Slave. The present church is capable of holding about 2,000.

The proposed new church will accommodate an equal number. The site selected is in a populous part of the town, at a sufficient distance from the present church, and on a spot still known by the name of the "Old Church Yard," where a church is said to have once stood.

A considerable portion of the church will be set apart for the exclusive use of the free coloured and Slave population.

Towards its erection the sum of 5,000l. currency has been voted by the Local

Legislature, and private subscriptions amount already to more than 2,000l. currency; and I have reason to hope that a considerable addition will be obtained from the resident proprietors in this country.

The expence is estimated at 10,000 sterling; a sum far exceeding what will be required in other cases, where buildings on a much smaller and less expensive scale will be sufficient, but deemed proper in the present instance from the superior importance of Bridge Town, and the great extent of its population.

The amount as yet collected falls short, as your Lordship will perceive, of the estimated expence; and I have therefore most earnestly, but respectfully, to express my hope, that the liberality thus evinced, and the exertions already made, and still making by the inhabitants of Bridge Town, and the island at large, will be considered by your Lordship a sufficient ground for a recommendation from your Lordship to His Majesty's Government to grant some pecuniary aid towards the completion of a measure of such necessity and importance.

I cannot conclude without requesting your Lordship's permission to call your attention to an Act passed by the Legislature of Barbadoes, and assented to by the President on the 2d of September last, intituled, "An Act to appropriate certain sums of money to the use of the several parishes of this island towards the repair or improvement of their churches and parsonage houses, and other parochial purposes," by which the Treasurer of the island is directed to pay out of the public monies in his hands, "the sum of two thousand pounds yearly current money of the island to the Church-wardens of the parish of St. Michael; and the sum of one thousand pounds like current money of the island, to each and every of the Church-wardens of the several other parishes of the island, to be applied by the vestries of the said several parishes in the repair or improvement of their parish churches, and parsonage houses, and other parochial purposes."

I trust that your Lordship will regard this liberal grant as a further proof of the good disposition existing in the island of Barbadoes (and I may with truth add, in every other island within my diocese) to extend and place on a more effectual footing the several means of religious instruction.

No. 5.

MY LORD,

London House, Dec. 9, 1825.

AMONG the measures which I have had the honour of proposing, for placing on a more effective footing the Ecclesiastical Establishment in the diocese of Barbadoes and the Leeward Islands, I have pressed most earnestly on the Local Legislatures, and individual Proprietors, the expediency of an increased number of places of public worship, together with residences for the Parochial Clergy, and schools for the religious instruction of the young; and from the conversation which I had the honour of having with your Lordship, previously to my departure from England, I considered myself fully justified in holding out the expectation of a certain degree of pecuniary aid towards these objects from His Majesty's Government.

From the inclosed statement of the present Ecclesiastical Establishment in the diocese of Barbadoes and the Leeward Islands, your Lordship will learn the number of churches and other ecclesiastical buildings, for which pecuniary aid would be more immediately required; and I beg to assure your Lordship that in their erection the utmost attention shall be paid to economy consistent with durability and decent appearance of the building; and I now wait with much anxiety your Lordship's earliest convenience to learn from your Lordship the extent of that aid which His Majesty's Government are disposed to afford.

I have, &c.

(Signed)

W. H. BARBADOES.

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

&c.

&c.

&c.

A Tabular Statement of the present Ecclesiastical Establishment in the Diocese of Barbadoes and the Leeward Islands, with the Number of Chapels, &c. more immediately required.

ISLANDS.	CHURCHES	CHAPELS.		Parsonage Houses.	SCHOOLS.		CLERGY.	Lay Catechists.	School Master and Mistress.	What required.
		Public.	Private on Estates.		White.	Colored.				
Barbadoes -	11	1	2	10 with an allowance for the 11th	9	6	15	4	15	Chapels - - 4 Residences for Clergy - 5 Catechists - 7 Schools for Coloured - 4
Tobago -	1	1					1			Chapels - - 1 Clergy - - 2 Houses - - 3 Catechists - 3 School - - 2
Trinidad -	1			1	1		2	1	1	Churches - 2 Clergy - - 1 Houses - - 2 Catechists - 4
Grenada -	3			3	1		4		1	Churches - 2 Clergy - - 1 Houses - - 2 Catechists - 5
St. Vincent with Berquia	1			1			2			Churches - 2 Clergy - - 1 Houses - - 2 Catechists - 3 School - - 1
St. Lucia -							1			Church - - 1 House - - 1 Catechist - 1 School - - 1
Dominica -	1			1			1			Church - - 1 Chapel - - 1 Clergy - - 1 House - - 1 Catechists - 3 School - - 1
Montserrat	2						1	1		Church - - 1 Clergy - - 2 Houses - - 3 Catechists - 3 School - - 1
Nevis - -	5		2	1			2			Clergy - - 3 Houses - - 4 Catechists - 5 School - - 1
St. Christopher's	9			6	1		6		1	Chapels - - 2 Clergy - - 3 Houses - - 3 Catechists - 9 Schools - - 3
Anguilla -										Church - - 1 Chapel - - 1 Clergy - - 1 House - - 2 Catechists - 2 Schools - - 2
Tortola - -	1		1				2			Catechists - 2 School - - 1 House for Clergy - 1
Barbuda -		Belonging to Sir Christopher Codrington								
Antigua -	6	2	1	4	1		6	15	1	Churches - 2 Chapel - - 1 Clergy - - 2 Schools - - 2 House for Clergy - 2

Total of Churches, &c.

Churches	12
Chapels	10
Clergy	17
Catechists	39
Houses	30
School Houses	19

No. 6.

*Extract of a Letter from the Bishop of Barbadoes to Earl Bathurst,
dated March 17, 1826.*

I INCLOSE extracts from the minutes of the Incorporated Society, for the conversion and religious instruction of Negro Slaves at their two last quarterly meetings, from which your Lordship will have the satisfaction of perceiving, that the Society are prepared to aid to the utmost extent of their means in the support of a body of Catechists acting under the parochial Clergy, and licensed by the Bishop of the Diocese.

I am happy to inform your Lordship that Branch-Associations of this Society have already been formed in Barbadoes, St. Christopher's, and Nevis, and liberal collections made.

These collections will henceforward be applied by the respective associations to the wants of their own islands, aided by the funds of the Parent Society in England, and the annual grant of money placed by His Majesty's Government at the disposal of the Bishop. The proceedings of these several Associations will be regularly transmitted to the Bishop through the Secretary, and through the Bishop to the Parent Society, and thus an unity of operation will be secured.

At a General Court of the Incorporated Society for the Conversion &c. of the Negro Slaves in the British West India Islands, holden at No. 14, Duke Street, Westminster, on Tuesday the 6th day of December 1825.

The Lord Bishop of London in the Chair.

IT being recommended by the Committee, who had conferred with the Lord Bishop of Barbadoes and the Leeward Islands, that the funds of the Society should be applied in future to the support of Catechists acting under the Parochial Clergy with the license of the Bishop of the Diocese, more especially with respect to the Diocese of Barbadoes and the Leeward Islands; it was resolved that the recommendation of the Committee be adopted as far as it respects the Diocese of Barbadoes and the Leeward Islands, reserving to the present Chaplains their salaries so long as they shall continue to officiate as such.

Also, it was resolved,

That the Secretary do forward to the Lord Bishop of Jamaica a copy of the above resolution, with a request that his Lordship will favour the Society by informing them how far it may be applicable to his diocese.

At a General Court of the Incorporated Society for the conversion, &c. of the Negro Slaves, holden at No. 14, Duke-street, Westminster, on Wednesday the 8th day of March 1826.

The Lord Bishop of London in the Chair.

THE Report of the Committee having been read, it was resolved, that the Society view with the greatest approbation the exertions which have been made to provide additional places of worship in the parish of Manchester, in

the diocese of Jamaica, and regret that it is not in their power to appropriate any part of the funds placed at their disposal to the support of Ministers for the same, for whom they trust that an adequate provision will be made by the State to second the zeal of the inhabitants.

Resolved, that copies of the above Resolution be sent to the Lord Bishop of Jamaica, and His Honour the Attorney-General for that island.

Resolved, that upon the recommendation of the Lord Bishop of Barbadoes and the Leeward Islands, the Reverend D. G. Davis do retain his connexion with the Society, and act as Secretary for the Diocese of Barbadoes and the Leeward Islands.

Resolved, that the Lord Bishop of Barbadoes and the Leeward Islands, be requested to examine into the state of the Society's house and chapel at St. John's, Antigua, and to favour the Board with his opinion as to the best mode of rendering them serviceable to the Society's designs.

Resolved, that the sum of five hundred pounds sterling be placed at the disposal of the Lord Bishop of Barbadoes and the Leeward Islands, to be employed as his Lordship may deem most expedient in the support of Catechists, with the request that he will be pleased to direct that detailed reports of the expenditure be forwarded to the Society by the Reverend D. G. Davis annually.