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# PAPERS

PRESENTED TO PARLIAMENT BY HIS  
MAJESTY'S COMMAND,

IN EXPLANATION OF THE MEASURES ADOPTED BY HIS  
MAJESTY'S GOVERNMENT,

FOR THE MELIORATION OF THE CONDITION OF

## THE SLAVE POPULATION

IN HIS MAJESTY'S POSSESSIONS IN THE

*WEST INDIES, AND ON THE CONTINENT  
OF SOUTH AMERICA.*

[In continuation of the Papers presented in the year 1825.]

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1826.

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LONDON :

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-BOW, WESTMINSTER.



## SCHEDULE

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

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# PAPERS

RESPECTING THE

## SLAVE POPULATION IN THE WEST INDIES,

&c. &c.

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### JAMAICA.

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No. 1.

MY LORD,

*Downing-Street, 30th July 1825.*

TWO years have now elapsed since I had the honour of addressing your Grace, in consequence of the resolutions, in which the House of Commons unanimously concurred, for the melioration of the state of the Slave population.

I need not remind you that the instructions, which were then sent, were founded, in almost every instance, on what had been recommended by the principal planters resident in this country.

In directing your Grace to submit them for the consideration of the Assembly, I had flattered myself that, although they might not have been at once adopted to their full extent, no indisposition would have been manifested to take them into favourable consideration. In this, however, I was disappointed, and the Session of the Assembly passed over under circumstances to which I have no disposition to revert.

Your Grace was instructed last year to renew your recommendation of these measures: and there were some reasons to hope that your endeavours would have led to a favourable issue.

It was therefore with equal surprise and regret that I learned, that the only measure proposed in the Assembly, which could be considered as an improvement of the state of the laws with respect to Slaves, (the admission of Slave evidence,) was rejected by every person present except the gentleman who proposed it. There were indeed two other measures which, on being proposed, were adopted, to one of which your Grace appears to attach importance, but which, although I trust it may lead to beneficial consequences, is one of a very limited nature.

If, however, I could consider this as an earnest of future progress, I should receive it with satisfaction; but if the matter is to rest here, or if nothing further but measures of the like description is to be expected, I cannot sufficiently express the disappointment which His Majesty's Government will experience, nor can I venture to answer for the results to which such a return to these repeated representations may possibly lead in the next Session of Parliament.

Jamaica has always been considered as the colony which was most likely to take the lead in every measure which was calculated to improve the state of society in the West India Colonies, and it is a great mortification to those who looked with confidence to the support of that Legislature, that there is not any one West India Colony which either has not done more than Jamaica, or has not made the example of Jamaica their apology for doing so little.

In again bringing this subject under the consideration of the Assembly, your Grace will not fail to remind them of the measures of the last Session, in which the interests of the West India Colonies have been so liberally

consulted: their ports have been opened to Foreign ships—their trade opened to Foreign countries—duties lowered for the encouragement of some, and for the relief of other articles of produce, besides those which are considered the staple production of the colonies—large fees which are now levied in the colonial ports have been either modified or altogether abolished—and to some of the free ports the privilege has been granted of having goods freely warehoused, from whence they may be re-exported free of duty direct to any country, and in the ships of any country; thereby establishing extensive marts, standing as it were midway between the two worlds, from whence the wants of the new one may be supplied, and where their produce in return may be advantageously deposited. There is no West India Colony which will be more essentially benefitted than Jamaica by these arrangements.

You will therefore strongly impress upon the Assembly, that they cannot give a more acceptable proof of the gratitude, which it would be doing them injustice not to believe they must sensibly feel, than by proceeding to adopt the measures which have been recommended for the protection of the persons, for the security of the interests, and for the promotion of the well-being of that part of the population which the laws of the colony have placed under their immediate controul.

These measures, if conceived and executed in a proper spirit, and at an early period, cannot fail to produce the most beneficial results to the Proprietor, as well as to the Slave, while on the contrary, under the present state of circumstances and of opinions, a delay may be productive of the most serious evils.

I have, &c.

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

(Signed)

BATHURST.

### No. 2.

MY LORD,

*King's House, Jamaica, 18th October 1825.*

I HAVE had the honour to receive your Lordship's dispatch of 30th July, and I shall take particular care in my speech to the two branches of the Legislature to bring before them all the points embraced in your Lordship's communication, and shall use my best endeavours to convince them of the serious evils which may be produced by any further hesitation in adopting substantial measures for the relief of the Slave population.

In regard to the Act of last Session to prevent levies on Slaves on Saturdays, to which your Lordship observes that I seem to have attached some importance, I certainly still regard it as a measure of protection to the Slave, which enables him to carry his provisions to market on the Saturday, whereas before the passing of this Act, the Slaves of indebted persons could not venture to go to market on any other day than on Sunday. And I am of opinion that nothing is more likely to contribute to the extinction of the Sunday market than the liberty, which is by the late Act afforded to Slaves, of attending their markets on Saturday without fear of being molested for the debts of their owners.

I have, &c.

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

(Signed)

MANCHESTER.

### No. 3.

MY LORD,

*King's House, Jamaica, 28th Nov. 1825.*

I HAVE the honour to transmit to your Lordship copies of my speech at the opening of the Session, and the addresses of the Council, and Assembly in answer thereto.

I have, &c.

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

(Signed)

MANCHESTER.

*Gentlemen of the Council,*

*Mr. Speaker and Gentlemen of the Assembly,*

I am happy to meet you at the usual season of the year, and to offer you my sincere congratulations on the undisturbed tranquility which the colony at present enjoys,

The measures which have been adopted in the Imperial Parliament, by which the interests of the West India Colonies have been so liberally consulted, must convince you how anxious His Majesty's Government is to promote their prosperity: their ports have been opened to Foreign ships—their trade opened to Foreign countries—duties lowered for the encouragement of some, and for the relief of other articles of produce, besides those which are considered the staple of the colonies. Large fees, which have hitherto been levied in the colonial ports, are either modified, or altogether abolished. And, to some of the free ports, the privilege has been granted of having goods warehoused, from whence they may be re-exported free of duty, direct to any country, and in the ships of any country, thereby establishing extensive marts, standing as it were midway between the two Worlds, from whence the wants of the new may be supplied, and where their produce in return may be advantageously deposited. There is no colony which will be more essentially benefited by these arrangements than Jamaica.

Two years have now elapsed since I was instructed to submit to you certain propositions for improving the condition of the Slave population. Propositions which in almost every instance, had been suggested to His Majesty's Government by the principal proprietors resident in England. The indisposition which was then shewn to take them into favourable consideration I have always been willing to ascribe to the alarm and uneasiness which at that time pervaded all classes of this community.

At the commencement of the last session I renewed my representations to you on this subject, and although only two measures were adopted, the beneficial consequences of which are of a limited nature, still I was induced to regard them as an earnest of future progress: I hope that in this expectation I shall not be deceived. No period can be more propitious for a calm and dispassionate consideration of what may be practicable for the further protection of the persons, the security of the interests, and the promotion of the well-being of that part of the population which the laws have placed under your immediate controul than the present. The colony enjoying perfect repose, no discussions having taken place in Parliament, either to excite irritation, or encourage unreasonable expectation. But you are left to yourselves, to act as your own judgment and discretion may dictate.

Jamaica has always been considered as most likely to take the lead in every measure which may be calculated to improve the state of society in the West India Colonies, and it would be a great mortification to those who have looked with confidence to the example of this island, should it be found that you either refuse to go further, or limit your attention to regulations of comparatively minor importance. I cannot suffer myself, however, to anticipate such a return to the repeated representations which have been made to you, on a subject to which His Majesty's Government attaches so much consequence, and respecting which the sense of Parliament has been so expressly declared.

I have received an instruction under His Majesty's Sign Manual, directing me to recommend to you to provide by Legislative enactments for placing fully and effectually in the hands of the Bishop of Jamaica, the Spiritual and Ecclesiastical Jurisdiction over the Clergy of his Diocese. This instruction, together with certain suggestions, which I have received from the Bishop himself, I shall make the subject of an early communication to you.

*Mr. Speaker and Gentlemen of the Assembly,*

I am again to apply to you for such supplies as the publick service may appear to require.

*Gentlemen of the Council,*

*Mr. Speaker and Gentlemen of the Assembly,*

You may confidently rely upon my cheerful concurrence in every measure which can contribute to the advantage of a colony, with which I have been so long connected, and in the welfare of which I shall always feel the most lively interest.

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

#### THE HUMBLE ADDRESS OF THE COUNCIL.

*May it please your Grace,*

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

We participate with your Grace in the gratification which must be felt in witnessing the perfect tranquillity which at present so happily prevails in this colony.

The anxiety of His Majesty's Government to promote the prosperity of the West India Colonies, by the measures so liberally adopted in the Imperial Parliament, for extending and facilitating their commercial intercourse, demands our warmest acknowledgments. We trust this island will experience the beneficial consequences which those measures are intended to produce.

The Council have on all occasions expressed their earnest desire to improve the condition of the Slave population: that desire remains unabated; and we beg leave to repeat to your Grace, that we shall most cheerfully concur in every measure which may be practicable for the further protection of their persons, the security of their interests, and the promotion of their well-being.

We shall bestow our best attention on the communication which your Grace may make to us, respecting such measures as may be necessary for placing in the hands of the Bishop of Jamaica the spiritual and ecclesiastical jurisdiction over the clergy of his diocese.

We never can be unmindful of the interest which your Grace has always shewn in the welfare of this colony, and we must ever feel how much that welfare depends on the continuance of your Grace's mild and judicious administration.

Passed the Council this 3d day of November 1825.

(Signed) W. MULUK, Clerk of the Council,

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

#### THE HUMBLE ADDRESS OF THE ASSEMBLY.

*May it please your Grace,*

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

We are happy to be informed that the measures adopted in the Imperial Parliament by His Majesty's Ministers are likely to prove beneficial to our

interests. Restricted as we have been in our commerce, and oppressed by heavy imposts upon our staple articles of produce, which have reduced us to great distress, we hail with heartfelt satisfaction every prospect of improvement, and therefore sincerely hope that the advantages anticipated in your Grace's speech may be fully realized.

Your Grace may rely that we shall continue to give our most serious consideration to the improvement of the condition of the Slave population. We are disposed to do all that can be done with safety in that respect. Our local knowledge qualifies us to be the best judges how far to go without hazard; and we have to regret that the interference of certain proprietors residing in England, (who are unacquainted with the subject which they have undertaken to advise upon), has excited expectations in His Majesty's Government, which lead them to impute our conduct to want of inclination, rather than to the dictates of prudence and discretion.

We shall take into consideration such propositions as your Grace may think proper to communicate to us for the purpose of placing in the hands of the Bishop of Jamaica, the spiritual and ecclesiastical jurisdiction over the clergy of his diocese.

Our attention shall be also directed to the supplies which the public service may require.

Long experience has taught us to rely with perfect confidence on your Grace's acquiescence in every measure which can contribute to the advantage of Jamaica, the prosperity of which has been the unceasing object of your Grace's administration.

Passed the Assembly this 3d day of November 1825.

(Signed) DAVID FINDLAYSON, Speaker.

No. 4.

MY LORD,

*King's House, Jamaica, December 22, 1825.*

I AM very sorry to inform your Lordship that the session of Assembly has terminated in a very unsatisfactory manner, and without any measures having been adopted for the effectual improvement of the condition of the Slaves.

A Bill was brought into the House for receiving the evidence of Slaves in certain cases and under certain restrictions, a copy of which I inclose for your Lordship's consideration. And although this Bill was confined in its operation to the cases of murder, treason, and mayhem, and guarded by provisions which in the opinion of the most intelligent portion of the community, and of those who possess the largest stake in the country, rendered it perfectly harmless, the clamour out of doors was so great, and the resolutions entered into at parochial meetings so strongly expressed the public feeling, that many Members whose sentiments were favourable to the measure yielded to the opinion of their constituents, and voted against the Bill, which was finally lost on a division of twenty-four to thirteen. The principle of the Bill was however recognized, and it was on the question of committing it that the Bill was ordered to be committed that day three months.

I shall by the next mail transmit to your Lordship copies of the examinations of the several persons who gave their testimony before the Committee appointed to bring in the Slave Evidence Bill.

A Bill has been passed of very trifling importance, relating to bequests to Slaves, and enabling executors to obtain a discharge on payment of legacies bequeathed to Slaves.

A Bill has been also passed for giving full effect to the New Episcopal Establishment, and I have reason to think it is, in all its parts, satisfactory to the Bishop. Copies of the two last mentioned Acts accompany this dispatch.

A Deficiency Bill has been passed, containing all the provisions of the late Act except the clause preventing Slaves from keeping stock, which occasioned the disallowance of that Act.



I am afraid, after so many repeated trials, that there is no hope of persuading the present House of Assembly to do any thing effectual for the relief of the Slaves. I have exhausted all the means in my power to lead them to a proper way of thinking. I, in the first instance, assumed a responsibility by speaking to them in my own name, and which, perhaps, I was not justified in doing. I have since addressed them in the name of His Majesty's Government, and employed the words of your Lordship's dispatch in my speech; I reminded them that the time had now arrived when the island enjoyed perfect repose, and nothing had occurred to mislead the minds of the Slaves, or encourage amongst them unreasonable expectations, and of course, peculiarly favourable for the consideration of what may be found practicable for their benefit.

All the usual supplies have been granted.

I inclose for your Lordship's information a copy of my speech to the Council and Assembly at the conclusion of the Session.

I have, &c.

*The Right Hon. the Earl Bathurst, K. G.* (Signed) MANCHESTER.  
 &c.                    &c.                    &c.

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*Gentlemen of the Council,*

*Mr. Speaker and Gentlemen of the Assembly,*

I HAVE passed all the Bills which have been presented to me; and I am happy to acknowledge your ready attention to the two important measures which I submitted to your consideration at the opening of this Session, I now grant you a recess.

*Mr. Speaker and Gentlemen of the Assembly,*

Another year has been allowed to pass away without any effectual measure having been adopted for the improvement of the condition of the Slaves. It does not become me to anticipate what the result may be of the great disappointment His Majesty's Government will experience, when they learn that the re-iterated representations which have been made to you to do what your own interest calls for as much as a due regard for those who look up to you for protection and relief, have totally failed. In obeying the instructions which I received I earnestly pressed upon your consideration the necessity of doing something, if not to disarm your enemies, still to satisfy your friends; and more than all to convince Parliament that the urgent representations of His Majesty's Government had not been entirely disregarded.

I return you my best thanks for the supplies which you have raised for the public service.

*Gentlemen of the Council,*

*Mr. Speaker and Gentlemen of the Assembly,*

I do now in His Majesty's name prorogue this General Assembly to Tuesday the 24th day of January next, and it is hereby prorogued accordingly.

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JAMAICA Ss.

*An Act to enable Slaves to give Evidence in certain Cases and under certain Restrictions, and for other purposes.*

WHEREAS it is expedient to make certain regulations for the purpose of admitting Slaves, who are properly qualified by their religious knowledge and good character, to give evidence in particular cases of crime committed by white or free persons against Slaves, and such regulations may become an incitement to Slaves in general to pay more attention to religious instruction, and may tend to the improvement of their moral principles and

conduct. May it therefore please your Majesty, that it may be enacted, and be it enacted by the Governor, Council, and Assembly of this your Majesty's island of Jamaica; and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, any Slave shall be admitted as a witness upon any enquiry made or had by or before any Justice of the Peace, and upon any bill of indictment preferred before a Grand Jury; and also upon the trial of any indictment by which enquiry or indictment any white or free person is charged with having committed any treason, or any of the crimes and offences mentioned in the first, second, and third clauses of an Act, made and passed in the fourth year of His present Majesty's reign, intituled, "An Act for the more effectual punishment of treason, treasonable conspiracies, and seditious meetings, for preventing the administering or taking of unlawful oaths, and for other purposes," or charged with having uttered seditious language, or with seditious preaching to any free person or persons, Slave or Slaves, or with murder or felonious homicide, or with having mutilated, maimed, dismembered, imprisoned, or kept in confinement, without sufficient support, any Slave or Slaves, and the evidence of any Slave shall also be received, on an inquisition before a Coroner, respecting the death of a Slave. Provided always, that the evidence of any Slave shall not be admitted or received touching any or either of the said crimes or offences, if such crime or offence shall have been committed before the passing of this Act. And provided also, that no Slave shall be admitted to give evidence on either of the occasions aforesaid, unless he or she shall have been baptized twelve months at least before the commission of the crime or offence respecting which such Slave is produced as a witness, and unless such Slave shall produce on the occasion on which he or she is by virtue of this Act admitted to give evidence, such certificate from the Justices and Vestry or Common Council of Kingston as is hereafter mentioned.

And be it further enacted by the authority aforesaid, that upon the production before the Justices and Vestry of the parish in which any Slave shall have last previously resided for three years, or if in Kingston before the Common Council, of a testimonial in writing, signed by the person who has had the possession and management of such Slave, as Owner, Attorney, Trustee, Guardian, Receiver, Executor or Administrator for three years next before the giving of such testimonial as to the good character and disposition of such Slave, and upon production also of a written declaration, signed by the Rector, or in case of the absence of the Rector by the Minister officiating for such Rector of the parish in which such Slave resides, that such Slave has been baptized, and of the time of such baptism, either from the personal knowledge of such Rector or Minister, or by the inspection of his certificate of baptism, or of the registry thereof; and further, that such Rector or Minister officiating for him in his absence, had examined the Slave, and found him or her to be sensible of the nature and obligation of an oath, it shall and may be lawful for the Justices and Vestry of such parish, or the Common Council of Kingston, and they are hereby empowered and required, unless proof be made before them, contradicting the said testimonial and declaration, or either of them, to grant to such Slaves a certificate signed by the Clerk of the Vestry, or Court of Common Council of Kingston, according to the following form:—"These are to certify that at a Vestry or Court of Common Council, holden at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of our Lord \_\_\_\_\_ there were produced the testimonial and declaration, required by an Act now in force, enabling Slaves to give evidence, and no proof having been given to contradict such testimonial and declaration, or either of them, the Vestry or Common Council of Kingston have, in pursuance of the said Act, granted this certificate to \_\_\_\_\_ a Slave belonging to \_\_\_\_\_ of \_\_\_\_\_ in this parish, being the person named in such testimonial and declaration, and baptized on \_\_\_\_\_." Which said testimonials and declaration shall be retained by the Clerk of the Vestry, or Common Council, for the purpose of being transmitted to the

Clerk of the Crown, as hereinafter directed. And be it further enacted, by the Authority aforesaid, that when such certificate shall be granted, the Clerk of the Vestry of every parish, or Clerk of the Common Council, shall in a book to be kept for that purpose, register the names, colour, and sex of the several Slaves to whom such certificates have been granted, the names of the Owners of such Slaves, and the dates of the testimonials and declarations, and the time of granting such certificate in the form following :

Name of Slave.	Age.	Sex.	Colour.	Height.	Names of Person or property the Slave belongs to.	Date of Testimonials.	Date of Declaration.	Time of granting the Certificate.

And the said Clerk of the Vestry, or Clerk of the Common Council, shall immediately thereafter transmit to the Clerk of the Crown such testimonial and declaration, and also a copy of the certificate so granted by the Justices and Vestry, or Common Council, certified by such Clerk of the Vestry or Common Council, to be a true copy, and for making such registry and certified copy, the Clerk of the Vestry or Common Council shall be entitled to be paid the sum of 1s. 3d. and no more. And if any Clerk of the Vestry, or the Clerk of the Common Council, shall neglect or refuse to perform any or either of the duties required by this Act, to be performed by him, he shall for every such neglect or refusal, forfeit the sum of 20l. to be recovered by information in the Supreme Court of Judicature of this island, in the name of the Attorney General, to and for the use of His Majesty's Government of this island. And be it further enacted by the Authority aforesaid, that if any certificate granted to any Slave by virtue of this Act, shall be accidentally lost, destroyed, or mislaid, the Justices and Vestry, or Common Council, on being fully satisfied that a certificate had been previously granted to such Slave, are hereby empowered and required to grant such Slave a copy of the former certificate, which shall be marked "Duplicate," and with the date of its being granted, and an entry shall be made by the Clerk of the Vestry or Clerk of the Common Council in the book hereinbefore directed to be kept, opposite the original entry of such duplicate having been granted and of the time of granting the same; and a notice of such duplicate certificate shall be transmitted to the Clerk of the Crown in the same manner as the copy of the original certificate, and which duplicate certificate shall be of the like force and effect, as the certificate so lost, destroyed, or mislaid. Provided always, that if the application for such duplicate certificate shall not be made within two years after the original certificate was granted, the Justices and Vestry or Common Council, and Clerk of the Vestry or Common Council, shall grant another certificate in the like manner, and under the like regulations in every respect as are hereinbefore provided as to the granting of the original certificate. And be it further enacted, by the authority aforesaid, that the certificate granted by the Justices and Vestry or Common Council, shall be received by the Court as evidence of the matters and things therein contained, so as to enable the Slave therein named to be received and examined as a witness upon the occasions aforesaid. Provided always that nothing herein contained shall be construed to prevent the Court on the trial of any indictment, on which any Slave may by virtue of this Act be admitted as a witness from receiving the like objections as to the competency of such Slave as a witness as might be made against any white or free person as a witness; or to prevent the Court and Jury from receiving evidence as to the credibility of such Slave as a witness in like manner as they would receive the same as to

the credibility of any white or free person. And be it further enacted, by the authority aforesaid, that no white person, or person of free condition, shall be indicted, arraigned, condemned, or convicted for any offence of treason upon Slave evidence, unless the offender be accused by two Slaves allowed to give evidence under the authority of this Act, or by one Slave and another lawful witness being either a white person or person of free condition. And be it further enacted, by the authority aforesaid, that if any white person or person of free condition, shall falsely make, forge, counterfeit, or alter or cause to be falsely made, forged, counterfeited, or altered, or willingly act or assist in the false making, forging, counterfeiting, or altering any certificate given by this Act, such person or persons shall for such offence, on conviction thereof in His Majesty's Supreme Court of Judicature of this island, or any Court of Assize, be liable to be transported from this island for life. And in case any Slave shall falsely make, forge, counterfeit, or alter, or cause to be falsely made, forged, counterfeited or altered, or willingly act or assist in the false making, forging, counterfeiting, or altering any certificate given by this Act, such Slave shall, for such offence, on conviction thereof in a Slave Court be liable to be sentenced to hard labour and confinement in the work-house for such time as the Court shall direct, or to flogging, or both, at the discretion of the Court; and such Slave shall for ever thereafter be incapable of being a witness under this Act. And if any Slave shall falsely pretend to be the person mentioned in a forged certificate, or in any certificate belonging to or intended for another Slave, such Slave shall, on conviction thereof in a Slave Court, suffer such punishment by imprisonment and hard labour for such time as the Court may direct, or by whipping, or by both, as such Court shall think proper, and such Slave shall for ever thereafter be incapable of being admitted as a witness under and by virtue of this Act. And be it further enacted by the authority aforesaid, that the Clerk of the Crown shall keep in his office, as public records, the several testimonials, declarations, and copies of certificates hereinbefore directed to be transmitted to him, and shall register in a book to be by him kept for that purpose the names of all such Slaves named in such copies of certificates, and shall mark an entry of such duplicate certificates, and of the time when granted, in the same manner and form as the Clerk of the Vestry or Common Council is hererin before directed to register the same; and such testimonials, declarations, copies of certificates and books, shall be deemed public records, and be accessible in like manner and on the like terms as other public records in his office; and for making each entry he shall be entitled to be paid the sum of one shilling and three pence, and he shall be further entitled to be paid for every search at and after the rate paid to the Secretary of this Island for searches made in his office. And be it further enacted by the authority aforesaid, that every Justice of the Peace or Coroner who shall take the deposition of any Slave admitted to give evidence by virtue of this Act, shall certify as part of the jurat, that the deponent had produced before him the certificate required by this Act; and such Justice of the Peace and Coroner shall take from the person in the possession of such Slave as Owner, Attorney, Trustee, Guardian, Receiver, Executor, or Administrator, or from some person on his, her, or their behalf, a recognizance in a sum not exceeding  
nor less than  
conditioned for the production of such Slave as a witness in the Court at which the indictment is to be preferred or tried, and such Justice or Coroner shall forthwith transmit to the Clerk of the Crown such deposition and recognizance. And in case the owner or person in possession of such Slave as aforesaid, shall refuse to give or shall not procure such bail for the appearance of the Slave as a witness, or the owner or person in possession of such Slave shall be the party accused, or if under the circumstances the Justices of the Peace or Coroner shall deem it necessary in order to prevent the danger of the witness being in his or her testimony, then and in such case such Justice of the Peace or Coroner shall have the power of securing

the attendance of such Slave as a witness, by a committal to jail, in the same manner as the attendance of witnesses for the Crown, who are unable to find bail for their appearance is now ensured. And the Marshal or Keeper of the jail where such Slave remains shall be allowed the sum of 1s. 8d. to be paid to such Slave on each day such Slave shall remain in his custody for his or her maintenance; and such allowance shall be repaid to the Marshal in the same manner as the allowance to witnesses for the Crown placed in confinement is now repaid to him; and in case the owner or party in possession of a Slave shall produce him or her as a witness at the court where any indictment is preferred or tried according to the exigency of a recognizance entered into by or on the part of such owner or person in possession as aforesaid, such owner or person in possession shall be entitled to receive mile money, at the rate of 1s. per mile for the first five miles, and 6d. per mile for every mile afterwards, and a sum not exceeding 3s. 4d. per day for each and every day such Slave shall have been absent from home for the purpose of attending at the court, or shall have been in confinement, as a compensation for the loss of the labour of such Slave. And the Judges present in court, in case an application shall be made to them in court after the trial, are hereby authorized; in case they shall deem it equitable and right under the circumstances of the case, to assess the amount of such mile money and compensation, and to grant a certificate thereof under their signatures, and such certificate, after being approved of by the Commissioners of Public Accounts, shall be paid by the Receiver General out of any monies in his hands unappropriated to the person or persons to whom such certificate shall be granted. And in order to remove every temptation to commit perjury by those Slaves who may be admitted to give evidence by virtue of this Act, Be it enacted, by the authority aforesaid, that the Court shall not be at liberty to exercise the power given by the Consolidated Slave Law of declaring any Slave free, and discharged from all manner of servitude, where the Owner of such Slave has been convicted of the offence therein mentioned, if any Slave authorized to give evidence under this Act shall have been sworn upon the trial as a witness on the part of the prosecution. And be it further enacted by the authority aforesaid, that if any Slave admitted to give evidence under this Act shall commit wilful and corrupt perjury in giving evidence upon any of the occasions hereinbefore mentioned, any Slave shall be liable to be tried at a Slave Court for wilful and corrupt perjury, and upon conviction thereof, shall be liable to the same punishment as the person or persons at the trial of whom such false evidence was given, would, if convicted, have been liable to suffer; or it shall be in the power of the Court to sentence such Slave to imprisonment to hard labour in the work-house, or to stand in the pillory for such times as the Court shall direct, or to whipping, or to all or either of such three last mentioned punishments at the discretion of the Court. And it is hereby further enacted by the authority aforesaid that all Slaves whose attendance is required as witnesses under and by virtue of this Act, shall be protected in their persons from all civil process whatsoever, in their going to, attending at, and returning from such examinations or trials as are hereinbefore mentioned, and that such Slave shall during such time not be liable to be levied on for debt, taxes, or otherwise. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force from and after the passing thereof, until the 31st day of December, in the year of our Lord one thousand eight hundred and twenty-eight. Provided always, that all Slaves who shall obtain the privilege of giving evidence under this Act shall, notwithstanding the expiration thereof, still continue to be lawful witnesses upon the occasions, and in the cases, hereinbefore mentioned, in the same manner as if this Act still remained in force.

**JAMAICA S.***An Act to enable Slaves to receive Bequests of Money or other personal Estate.*

WHEREAS all legacies and bequests given to Slaves are void by law, and executors and trustees are thereby prevented from paying the same, although they have sufficient assets for that purpose, without first obtaining the sanction of the persons interested in the estate of their testator. And, whereas it is expedient that the owners of Slaves or other persons should have it in their power to reward the fidelity of Slaves, or to make them a bequest as a reward for their services or good conduct: May it therefore please your Majesty, that it may be enacted by the Governor, Council, and Assembly of this your Majesty's island of Jamaica; and it is hereby enacted and ordained, by the authority aforesaid, that from and after the passing of this Act, any pecuniary bequests or legacy of a chattel to a Slave shall be deemed and considered to be a valid and legal bequest or legacy, and the executor or executors, or other representative of the testator, shall be authorized to pay the amount of such legacy, or to deliver such chattel to such Slave. Provided always that nothing herein contained shall be deemed to authorise the institution of any action or suit at law, or in equity, for the recovery of such legacy; or to make it necessary to make any Slave or Slaves a defendant or defendants to a suit in equity.

Passed the Assembly this 20th of December 1825.

(Signed)        DAVID FINLAYSON, Speaker.

Passed the Council this 21st of December 1825.

(Signed)        W. BULLOCK, Clk. Con.

I consent this 21st day of December 1825.

(Signed)        MANCHESTER.



## BAHAMAS.

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### No. 1.

SIR,

*Downing-Street, 31st July 1825.*

TWO years have now elapsed since I had the honour of addressing certain instructions to Major-General Grant in consequence of the resolutions, in which the House of Commons unanimously concurred, for the amelioration of the state of the Slave population.

After those instructions had been submitted for the consideration of the Legislature, I had the satisfaction to receive an Act which they had passed, amending and consolidating the Slave laws. I have already detailed to Major-General Grant the principal objections to this Act, and I at the same time expressed the favourable anticipations I entertained from the disposition of the Legislature, evinced by the exertions it had actually made. It has therefore been matter of the utmost disappointment to me that the Assembly should have come to the resolution to make no alteration in the Consolidated Slave Act during the late session, which accordingly passed away without any thing having been done. Major-General Grant has expressed to me his conviction that this delay has arisen from no general disposition to oppose the wishes of His Majesty's Government, and I am very willing to believe it: he has also informed me that it is his opinion, the inhabitants of the Bahamas would not be indisposed to resume the consideration of this subject had they ascertained what measures would be taken by the other colonies.

It cannot be necessary to remind the Assembly that a deep and universal interest is here taken in the condition of the Slaves, and I hope that they will not overlook the effect which may be produced in this country should it be seen that the Legislature delays on such grounds that independent exercise of their jurisdiction to which they have been invited. But when it is remembered that the suggested reforms are founded in almost every instance on what has been recommended by the principal West India proprietors resident in this country; that His Majesty's Government have placed the clergy under episcopal controul, taking upon themselves the whole attendant charges; and that by the measures of the last session of Parliament, the interests of the West India Colonies have been so liberally consulted, it is not too much to expect, and I am willing to believe, that the Assembly will revert to that course which they adopted in the first instance, and which promised to redound so much to their honour in the event.

But if, on the other hand, my expectations shall fail to be realized and the Legislature does nothing more, I cannot now adequately describe the disappointment His Majesty's Government will experience, neither can I venture to answer for the results to which such protracted delays will lead in the next session of Parliament.

You will therefore again bring this subject under the consideration of the Legislature, and in doing so you will not fail to remind them of the exertions which have been here made for their benefit. Their ports have been opened to Foreign ships—their trade opened to Foreign countries—duties lowered for the encouragement of some, and for the relief of other articles of produce, besides those which are considered the staple production of the colonies. Large fees levied in the Colonial ports have been either modified or altoget-



ther abolished, and to some of the free ports the privilege has been granted of having goods freely warehoused, from whence they may be re-exported free of duty direct to any country, and in the ships of any country, thereby establishing extensive marts, standing as it were midway between the two worlds, from whence the wants of the new one may be supplied, and where their produce in return may be advantageously deposited.

You will therefore strongly impress upon the Legislature that they cannot give a more acceptable proof of the gratitude, which it would be doing them injustice not to believe they must sensibly feel, than by proceeding to adopt the measures which have been recommended for the protection of the persons, for the security of the interests, and for the promotion of the well-being of that part of the population which the laws of the colony have placed under their immediate controul.

I have, &c.

(Signed)

BATHURST.

*The Officer Administering the Government  
of Bahamas.*

No. 2.

*New Providence, Bahamas,  
November 12, 1825.*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch, dated 31st July 1825, alluding to instructions before addressed to Major-General Grant, regarding the melioration of the state of the Slave population, and directing me to bring the subject again under the consideration of the House; I shall take an early opportunity of doing so during the present session,

I have, &c.

(Signed) W. VESEY MUNNINGS,

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

## BARBADOES.

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### No. 1.

*Extract of a Dispatch from Earl Bathurst to the Officer Administering the Government at Barbadoes, dated Downing-Street, 25th August 1825.*

IT is not without surprise and mortification, that, after another year's deliberations, I find nothing to have been produced but the Act which was transmitted to me in Sir Henry Warde's dispatch of the 28th March last,—an Act which I regret to say, I cannot advise His Majesty to confirm, and this, not because it does not provide for any one of the measures recommended, but because it contains some enactments which are objectionable in themselves, and are capable of becoming so injurious or oppressive to the Slave population as to counterbalance any benefit which the Slaves might otherwise derive from some of its provisions.

If under the present more prosperous circumstances of the West Indies, and after the efforts which have been made for their advantage, and especially for the advantage of Barbadoes, in the last Session of Parliament, there exist any grounds of hope that the Legislature will be induced to reconsider this subject with more favourable intentions, it will be a great satisfaction to me to receive the intelligence without delay; but if such a result as the present be what the Legislature deliberately propose to abide by, it is not easy for me to express to you the disappointment which His Majesty's Government will experience, nor can I venture to answer for the result to which such a return to these repeated representations may possibly lead in the next Session of Parliament.

In again bringing this subject under the consideration of the Assembly, you will not fail to remind them of the measures to which I have alluded: their ports have been opened to foreign ships—their trade opened to foreign countries—duties lowered for the encouragement of some, and for the relief of other articles of produce, besides those which are considered the staple productions of the colonies: large fees levied in the colonial ports have been either modified or altogether abolished, and to some of the free ports, the privilege has been granted of having goods freely warehoused, from whence they may be re-exported free of duty direct to any country, and in the ships of any country; thereby establishing extensive marts, standing as it were midway between the two worlds, from whence the wants of the new one may be supplied, and where their produce in return may be advantageously deposited.

You will, therefore, strongly impress upon the Assembly, that they cannot give a more acceptable proof of the gratitude, which it would be doing them injustice not to believe they must sensibly feel, than by proceeding to adopt the measures which have been recommended for the protection of the

persons, for the security of the interests, and for the promotion of the well-being of that part of the population which the laws of the colony have placed under their immediate controul.

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No. 2.

SIR,

*Downing-Street, December 12, 1825.*

I HAVE already apprized you that it was not in my power to recommend to His Majesty to sanction the late Act of the Legislature of Barbadoes respecting the Slaves, and you will therefore be prepared to expect a more detailed explanation of the difficulties which were felt to stand in the way of this sanction.

I must begin by repeating, that I have not been able to advise this Act to be approved, not because what had been suggested by His Majesty's Government was left wholly unaccomplished by it, (much as I certainly lament it, this would not make me the less solicitous to give effect to any useful labours of the Legislature), but because the Act contains clauses which are objectionable in themselves, and the confirmation of it by His Majesty in Council would appear to signify The King's approval of enactments contradictory in spirit to the resolutions of the House of Commons.

I shall proceed to point out the clauses which I especially advert to, and, with the hope that it may be of advantage, I shall likewise not wholly omit the opportunity of suggesting considerations which, although I should not have suffered them of themselves to defeat any better objects of the Legislature, yet appear to me to be material on the very important subjects of legislation which the Act brings under my notice.

The Criminal Law, of which such extensive provisions are contained in this Act, as it is the gravest subject on which a Legislature can be employed, required the most careful attention lest His Majesty should be advised to give His sanction to undue severity, or to such disregard of that precision which is of serious import in penal enactments; although I should not have been so disposed to advert to the want of it as material in many others.

By the thirty-fourth clause it is made a capital crime in a Slave to strike a Master, or to "*dare to strike him,*" or to "*offer to strike him,*" or to "*use any violence to him.*" These are all made distinct capital crimes, the punishment of which cannot be mitigated by the Court on the second conviction. There is no allowance made in the possible case of extreme provocation on the part of the master, nor even where it might be carried so far as to make self-defence necessary on the part of the Slave, and the terms employed may be construed so as to inflict upon the mere meditation of the offence equally with its commission, the punishment of death.

Some of the various offences which are rendered capital by the thirty-fifth clause are designated by words which require to be defined,—mutiny is in this country an offence exclusively depending upon military obligations, and it should therefore have been clearly laid down what Acts of a civil description were to constitute the crime, for which, under that name, the punishment of death is denounced. It is also provided that Slaves "in any way promoting any thing, that shall have a tendency to mutiny," shall be punishable with death. In framing this clause, it must have been overlooked that unless criminality of purpose were made essential, the terms may comprehend conduct altogether innocent. What indeed is that action which may not happen in some way to promote something having a tendency to mutiny. It is afterwards provided, that if any Slave shall "imagine for the purpose of "mutiny," he shall suffer death, and afterwards the same punishment is assigned to any Slave if he should hear another Slave speaking any words

“tending to mutiny,” unless he make an immediate disclosure of the fact. In this latter case, however, the Court may inflict the minor punishment of banishment, or any other punishment at their discretion. It is furthermore made capital to imagine the death of any person, and declare the same by any overt act.

I readily persuaded myself that these parts of the Act may be accounted for by supposing that they repeat the language of the old laws, the loose phraseology of which has not been from inadvertence corrected; but I found it impossible to recommend for His Majesty’s approval provisions which awarded the punishment of death to an act without a specific definition, without any proof of a criminal intent, or without the means of the person accused knowing that the words “the not revealing of which,” constitute the offence, came within the provisions of the Act. The latter part of this clause generally subjects Slaves to the same prosecution to which white men would be subject for the commission of any similar crime in the island. This I presume has reference to cases in which Slaves convicted of some atrocious crimes have escaped capital punishment, by doubts existing how far the criminal law attaches upon Slaves unless there be a special enactment to that effect, and if this be the object of the clause, I have only to lament that it was not more carefully worded, particularly in the last paragraph, by which it is provided, that while the Slave is rendered liable to the same prosecution to which a white man would be subject, his punishment on conviction shall be left wholly to the discretion of the Court.

I take this opportunity of noticing the inexpediency of those rules,—not peculiar I allow to Barbadoes, for I have observed them in the Slave codes of other colonies,—which cause the owner to be, in all cases, indemnified for the loss of a Slave sentenced to death or transportation. This is not only to deprive the Slave of the protection which he might find in the self-interest of the owner, but it is to deprive the owner of one motive for restraining his Slaves from the commission of capital crimes. It is to indemnify the owner even where his own neglect or misconduct may have occasioned the offence. If convictions were necessarily to occasion a loss to the owner, prosecutions might not on all occasions be duly instituted. But this objection would be fully answered by making the value of the Slave recoverable by the owner, on proof brought that the offence of the Slave was in no degree attributable to neglect and misconduct on the owner’s part.

The forty-third clause, which indemnifies any person who may kill a Slave attempting to commit any of the various offences which are enumerated in that clause, or attempting to maim or injure any white person, requires some limitation. The act of killing the Slave could not be considered free from moral offence, nor ought it to be placed beyond the reach of justice, in cases where the crime of the Slave could have been prevented without such an extremity, or where the injury to the white man was attempted in cases of aggravated provocation, and immediate defence of the Slaves’s own life.

A power is given by the thirty-second clause to any Justice of the Peace to award in cases of theft, imprisonment and corporal punishment, to an extent which is not limited otherwise than by a general injunction, to have due regard to the circumstances of the case, and to the condition and character of the Slave,—I consider this too large a discretion to be committed, as it is in this clause, to a single Magistrate.

Of the regulations for the trial of Slaves I am disposed to think, that, if I were more accurately acquainted than I can pretend to be with such a subject, I should be able to give a favourable opinion, as forming an improved, although not a perfect system. I observe, however, that it is provided in clause third, that in capital cases, *where the owner is the prosecutor*, minutes are to be taken of the proceedings of the court; whence I am afraid it will be inferred, what ought not to be, that minutes are not to be taken on other trials of Slaves for capital offences. I do not quite comprehend what was to

follow from the permission to appeal to the Governor under certain circumstances, whether the cause was to be tried over again, or without this the Governor was to do as he should see fit with regard to the sentence. But what I regard as a serious defect in this part of the Act is, that in any case a capital punishment in pursuance of the sentence of a court, no member of which is necessarily a lawyer, should be carried into execution without reference to the Governor. I would add to these objections, that the right of appeal, which ought to be possessed by the Slave himself, is here confined to the owner of the Slave, that an unlimited authority of taking or refusing bail in all criminal cases is entrusted to a single magistrate, and that no regular form of indictment is required to be preferred, nor is the Slave allowed a right of challenging his jurors.

I regret that obedience is not secured to the salutary regulations in the ninth clause for clothing the Slaves. Twenty shillings is an inadequate penalty, and the invidious office of informer will not be undertaken for a moiety of such a sum to which only he is entitled.

Provision is made in the eleventh clause, in regard to the cases of persons confined as Slaves but claiming to be free, that if the Provost Marshal shall not receive satisfactory information of the justice of their claim, (for the presumption against colour is left where it was,) the Governor and Council shall enquire into and determine the case; but there has been an oversight in not providing for the enlargement of the claimant in case the determination should be in favour of his freedom. The measures left in the choice of the Governor and Council, (in the event, it must be presumed, of a contrary determination,) are either to sell or to transport the Slave; and against the latter alternative the objection is not only that it would put it out of the question for the claimant ever to prove his freedom, but that in truth the claim of freedom seems by this provision to be made a transportable offence.

The thirty-second clause would deserve approbation, inasmuch as it provides for taking away from an owner any Slave whom the owner has driven to the commission of theft by neglecting to give him the food with which it was in his power to supply him. But when the Slave is taken away for such reasons, the owner ought, if not to forfeit the property in him, at least not to be entitled to receive the net proceeds of his sale.

It has been matter of much regret to me, in submitting to the necessity which I felt myself to be under of advising the disallowance of this Act, that I was thereby deprived of the opportunity of concurring with the Legislature in procuring the penal provisions of the forty-second clause respecting the murder of Slaves to be substituted for those opprobrious laws which, fallen as they were into perfect desuetude, yet could not fail to be the cause of much missapprehension in this country. It is my earnest hope, therefore, that the Legislature will afford me an opportunity of submitting to His Majesty in Council this important amendment of their law without the accompaniment of such enactments as have unfortunately rendered the present opportunity unavailing.

I could have wished that the Legislature had seen the propriety of visiting also with more proportionate severity the crime of mutilating or dismembering a Slave. The forty-fourth clause, which requires that the Slave should be removed by sale from the authority of the person by whom he has been mutilated, ought not to have provided that he, although he were the owner, should receive the Slave's price; and in depriving an owner twice guilty of this grievous offence of the management of his Slaves, it was not fitting to preserve his life-interest in them entire. It is true the law *authorizes* fine and imprisonment, but as no minimum is prescribed of either, the law cannot be said to secure a sufficient punishment for these crimes; and is objectionable in spirit, as containing express provisions to indemnify the criminal for any pecuniary loss.

There is in the forty-sixth clause, of which the immediate object is a salutary one, a provision which I must remark to be highly objectionable. If

a Slave be "refractory, or a runaway," the owner is permitted to send him, by his own authority; and without even the sanction of any Justice of the Peace, to work in the chain-gang. While there the Slave is to be fed at the public expense, and the owner is to receive sevenpence half-penny a day if he shall make oath that his Slave's misconduct was not occasioned by the want of food or clothing, or by cruel treatment. Oppressive as such power, vested in any private individual, must be deemed, it would be peculiarly liable to abuse in a colony where there are many Slave owners in low circumstances of life, some of whom might more readily exercise it in the case of such Slaves as would otherwise be burthensome, and might thus be made profitable. The profit, indeed, could not be derived unless the owner should swear that the Slave's misconduct is not attributable to his own avarice or cruelty. But it is to be feared that the oath of the owner interested in the result would not be in all cases a sufficient security.

Although I am aware that the unlicensed permission to Slaves to sing songs at funerals may be the occasion of tumult and disorder, an absolute restriction on all such ceremonies seems to be more than the case requires, and might in some cases interfere with a solemn exercise of devotion on those occasions.

I doubt not that it was the intention of the framers of the twenty-first clause, to prevent a use injurious to the Slave, of an unlimited power on the part of the Master to let him out to whomsoever he will, exacting, perhaps, for his hire what must be the proceeds of excessive labour, and yet evading the responsibility and disgrace of ill-treating the Slave. I am disposed, however, to think that the power of letting out on hire might be regulated without affecting the interests of the Slaves in the manner in which this clause may be made to operate. To prohibit absolutely a Slave from hiring himself, with the full consent of his Master, for the accomplishment of some particular undertaking, as task-work, by which he might be induced to make the most of his time without coercion,—to forbid him to follow any trade, business, or occupation, either for his own benefit, or for that of his owner, or of any person whatsoever, is surely what the framers of this clause could never have intended to have enacted.

The regulation in the twenty-third clause, respecting the culture of cotton, ginger, and aloes by Slaves, must be considered as virtually prohibitory, and as such could not be approved without some evidence of the necessity of such a prohibition.

Slaves found off the plantation of the owner may be taken up and detained until the owner releases them, by paying 12s. 6d. to the person who has taken them up, or 5s. if he can prove that the Slave went off the plantation without his consent. It is to be feared that in some cases this would expose an owner to the heavier fine, for having given his Slave his consent to visit his wife or children on a neighbouring plantation, or induce him to refuse his consent to so reasonable a request, in order to be subject only to the mitigated penalty.

A Slave apprehended as a runaway is, by the tenth clause, to be lodged in the cage, on oath made before a justice explaining the grounds on which the Slave may be suspected to be a run-away; and the party apprehending the Slave is to receive a reward. It is to be regretted that there is no discretion left to the Justice of discharging or committing the alleged runaway, who is to be lodged in the cage even without any warrant from the Justice.

Under the twenty-third clause any Slave may be seized in whose possession are found various articles which are enumerated, "or any other article or thing, of what nature or kind soever, unless he is furnished with a note or ticket descriptive of the same." The informer is to receive 10s. for each seizure, and the Slave is to be whipped at the discretion of the Justice, not exceeding thirty-nine lashes. If any person from ill-will or expectation of reward were to practice all that the letter of this law permits, a Slave might be stripped of the goods which he had bought at the market, or of

the produce which he might have gathered from his provision grounds. He cannot have a ticket for these articles, nor ought he in truth to be required to have a ticket to secure him in the possession of any moderate quantity of the consumable necessaries of life.

The forty-fourth clause is the only part of this Act in which the Legislature appears to have sought any assistance from the Order in Council for Trinidad. If the marks of recent flogging shall appear on the person of a Slave, and he shall represent, with probability and consistency, that such is the consequence of cruel and unlawful punishment, the person against whom the statement is made is to be convicted; but he cannot be fined to a larger amount than 25l. and he may clear himself by his own oath, that he did not inflict, or cause to be inflicted, the punishment in question. What shall be considered a cruel or unlawful punishment is left to be decided by the Justices when the case is brought before them: and because the degree of severity will vary according to the manner of inflicting the lashes, as well as according to the number inflicted, and because the limitation of the number is therefore not a certain protection, the Legislature have rejected this important, though I admit imperfect limitation, but have unfortunately not endeavoured to substitute any other.

I have now directed your attention to those clauses which imperatively call for revision. There are many others which are capable of material improvement.

I have to inform you that the King in Council would have proceeded to disallow this Act, had not His Majesty been advised to suspend that measure for the present, in the hope that the Legislative Council and Assembly will at the earliest period proceed to frame a new Act of a more satisfactory nature.

I have, &c.

*The Officer Administering the Government.* (Signed) BATHURST.

### No. 3.

MY LORD,

*Government-House, Barbadoes, June 8, 1825.*

I HAVE the honour to inclose herewith the speech which I yesterday delivered to both Houses of the Legislature on the occasion of my first meeting them, after my being sworn into the administration of the government.

Permit me, my Lord, to express a hope that there will be found in it what meets the views of His Majesty's Government, and that it will likewise be honoured by His Majesty's most gracious approbation.

I have, &c.

(Signed) J. B. SKEETE.

*The Right Hon. the Earl Bathurst, K. C. B.*

&c.

&c.

&c.

*Gentlemen of the Council,*

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

THE administration of the Government having devolved upon me, in consequence of the departure of his Excellency Sir Henry Warde, I have deemed it my duty to lose no time, consistently with your own convenience, in calling you together for the purpose of giving furtherance to the public business.

It affords me much satisfaction to have taken the chair at a period when our prospects begin to assume a flattering appearance; I trust that they will be so far realized as to restore us once more to a state of prosperity, the absence of which it has long been our lot to deplore.

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

I cannot omit the opportunity which now presents itself to me, of recommending that you should follow up, as occasions may occur, those provisions which have been already made for ameliorating the condition of our black population; you will thus, permit me to observe, be upholding the character of the island by convincing those, who, through ignorance or prejudice, judge erroneously and harshly of our system, that although it be like other systems, which cannot altogether be defended, otherwise than by their necessity, and which, notwithstanding, have long received the sanction of British legislation, it is not carried on with those feelings or for the gratification of those passions which are so illiberally and unjustly attributed to us; and you will be also proving that you are willing to bestow every protection and benefit which may appear to be further required, avoiding, however, the doing of that which may endanger the peace of society; and taking care likewise not to interfere with the discreet use and prompt command of services, without which it is certain, that our soil can neither be cultivated with success, nor our staple commodity manufactured with advantage. As the militia law is now before you for your re-consideration, allow me to suggest whether it might not be advisable, that the landed interest should in some measure be relieved from the heavy burthen and expence to which it is at present made subject without losing sight, at the same time, of rendering the militia force more effective and available.

I should not discharge my duty did I not call to your serious attention those enormous abuses which so notoriously exist in the common gaol of the island, and I trust, for the justice and character of our country, that a complete and speedy reform will take place.

*Gentlemen of the Council,*

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

I cheerfully offer you my hearty congratulations on the settlement of the episcopal establishment, which His Majesty has been graciously pleased to confer on this portion of His dominions, and I confidently hope that we shall all most zealously co-operate in every measure which may tend to the support of our venerable Mother Church, and to a practical confirmation of those sound and pure doctrines which have ever distinguished her; but which of late it has been insidiously attempted by her enemies to undermine and destroy.

I shall feel most sincere pleasure if my administration, at its conclusion, shall, by your assistance and exertions, be found to have been productive of public good; for I assure you that I shall at all times be happy to concur with you in the accomplishment of every object which may be calculated to promote the interests of this my native country.

No. 4.

MY LORD,

*Government-House, Barbadoes, July 8, 1825.*

I AVAIL myself of the earliest opportunity which offers to inclose to your Lordship a copy of the address of the House of Assembly, in answer to the speech which I delivered to the two Branches of the Legislature on the occasion of my first meeting them, after being sworn in to the administration of the government.

I have, &c,

(Signed) J. B. SKEETE.

*The Right Hon. the Earl Bathurst, K. C. B.*

&c.

&c.

&c.



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

*May it please your Honour,*

WE, the Representatives of the people, in General Assembly assembled, beg leave to return you our thanks for the speech you were pleased to make to us at our last meeting, and in doing so we cannot but remark the zeal and solicitude for the public service manifested in your prompt and speedy call of the Legislature after your assumption of the administration of the government.

We sincerely hope with your Honour, that the present prospects of a return of prosperity may not prove delusive; and that the time is not far distant when we the inhabitants of these islands may be admitted into a participation of the advantages enjoyed by all other classes of His Majesty's subjects in the provisions made by the Imperial Parliament for their relief, and for the advancement of their interests; assured as we are that none can have a better claim to the favourable consideration of His Majesty's Government than the West India colonists, whether our need and distress, or whether our unshaken loyalty and fidelity be considered.

The several subjects adverted to by your Honour, as connected with the business of this House, we have to assure you will receive that early and mature consideration which their importance demands; and although we have already devoted a considerable portion of our time and labour to the revision and consolidation of our objectionable Slave code, yet we feel no hesitation in pledging ourselves to further exertions, as long as there is any thing wanting to complete and render as efficient as possible the provisions we have already made for ameliorating the condition of our black population, resolved that our statute book shall be no longer a reproach and as a false witness against us, but rather as a faithful mirror reflecting the true image of our practice.

Your Honour's suggestions and recommendations respecting the militia bill now before us, we promise you will be well weighed and considered in our deliberations on that subject; but we must, nevertheless, contend, that the first step towards having an effective militia, is to give encouragement to, and to provide for the white peasantry of the island—a class of people which forms the strength and sinew of every country; but constituted as our society is, particularly necessary for the defence of this island, and which it has been the wretched policy of latter times to neglect and discourage.

It is with peculiar pleasure and satisfaction that we interchange congratulations with your Honour on the episcopal establishment which His Majesty has been graciously pleased to confer on this portion of his dominions, and under the fullest persuasion that it will be of the most important benefit to the interests, both temporal and eternal, of all classes of our community, we declare our readiness to concur in any measures that may be deemed necessary to give furtherance to the great objects of this institution.

In conclusion, we beg your Honour's firm reliance on our zealous co-operation in every thing that may tend to promote the public good, and to render your administration propitious to the best interests of the country.

By order of the House,

(Signed) ROB. HAYNES, pro tempore,  
Speaker.

*House of Assembly, 5th July 1825.*

(A true copy)

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

## No. 5.

MY LORD,

*Government-House,  
Barbadoes, 8th August 1825.*

I HAVE the honour to inclose to your Lordship a copy of the address of the Council, in answer to the speech which I delivered to the two Branches of the Legislature on the occasion of my first meeting them, after being sworn in to the administration of the government.

I have, &amp;c.

*The Right Hon. the Earl Bathurst, K.G.* (Signed) J. B. SKEETE.  
 &c. &c. &c.

*May it please your Honour,*

WE beg leave to offer our thanks for the gracious speech which you have been pleased to address to us.

We duly appreciate the zeal for the furtherance of the public business which your Honour has manifested by convening the Legislature so speedily after the commencement of your administration.

We congratulate your Honour on having taken the chair at a period when you think our prospects begin to assume a flattering appearance, and we sincerely hope that future events may fulfil your pleasing anticipations of returning prosperity to the colony.

We entirely acquiesce in your Honour's sentiments of congratulation to the country on the appointment of a Bishop to superintend and direct the ecclesiastical affairs of these colonies, and are duly sensible of His Majesty's paternal regard in bestowing the benefits of an episcopal establishment on this portion of his dominions, and we shall at all times be most ready to co-operate with the other branch of the Legislature in every measure which may conduce to the furtherance of His Majesty's gracious intentions in forming this establishment.

We give your Honour the fullest credit for patriotic feelings, and have no doubt that your administration will at its conclusion be found to have been productive of public good.

(Signed) JOHN A. BECKLES.  
 R. A. ALLEYNE.  
 R. HAMDEN.  
 NATHAN LUCAS.  
 J. RYCROFT BEST.  
 J. H. GITTENS.  
 J. A. HOLDER.

## No. 6.

MY LORD,

*Government-House,  
Barbadoes, November 9th 1825.*

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch of 25th August.

As the 25th of the last month was the day appointed for the meeting of the Legislature, I deemed it proper to insert the whole of it in the speech which I addressed to that Body on the occasion of my calling together a new House of Assembly; a copy of which I beg leave to inclose herewith.

I have, &amp;c.

(Signed) J. B. SKEETE.

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

*Gentlemen of the Council,*

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

IN addressing you on the present occasion I feel great satisfaction at expressing my conviction that the prospects which I formerly held out, of a return to more propitious times, after (I may say) the experience of unprecedented adversity, have been in a measure realized; and it is an additional consolation to know that His Majesty's Ministers during the last Session of Parliament have given undoubted proofs of their disposition to restore these colonies to the prosperity which they formerly enjoyed.

Upon these events I beg to offer you my sincere congratulations.

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

It falls to my duty to inform you, that, in a dispatch which I have lately received from Earl Bathurst, I am desired by his Lordship to state to you, that when he instructed the Governor to submit to you the suggestions which His Majesty's Government had to offer for meliorating the condition of the Slaves, he did not anticipate that after a period of two years the duty would yet remain with him of urging the adoption of measures, which Parliament and the country alike called for, and which were founded, in almost every particular, upon the experienced judgment of the principal West India proprietors resident in England.

That he may at the same time have apprehended that improvements might not be executed to the full effect of what was proposed; but with whatever regret he saw discussions ensue, which could not fail to counteract any beneficial purpose of the Legislature, he still trusted, when he last year directed the Governor to renew his recommendations, that they would be attended with a favourable result.

That it is therefore not without surprise and mortification, that after another year's deliberations, he finds nothing to have been produced but the Act which was transmitted to him in Sir Henry Warde's dispatch of the 28th of March last; an Act which he regrets to say he cannot advise His Majesty to confirm; and this not because it does not provide for any one of the measures recommended, but because it contains some enactments which are objectionable in themselves, and are capable of becoming so injurious or oppressive to the Slave population as to counterbalance any benefit which they might otherwise derive from some of its provisions.

That if under the present more prosperous circumstances of the West Indies, and after the efforts which have been made for their advantage, and especially for the advantage of Barbadoes, in the last Session of Parliament, there exist any grounds of hope that the Legislature will be induced to reconsider this subject with more favourable intentions, it will be a great satisfaction to him to receive the intelligence without delay; but if such a result as the present be what the Legislature deliberately propose to abide by, it is not easy for him to express the disappointment which His Majesty's Government will experience, nor can he venture to answer for the results to which such a return to these repeated representations may possibly lead in the next Session of Parliament.

His Lordship desires that in again bringing this subject under your consideration, I will not fail to remind you of the measures to which he has alluded. Our ports, he states, have been opened to foreign ships—our trade opened to foreign countries—duties lowered for the encouragement of some, and for the relief of other articles of produce, besides those which are considered the staple production of the colonies: large fees levied in the colonial ports have been either modified or altogether abolished, and to some of the free ports the privilege has been granted of having goods freely warehoused, whence they may be re-exported free of duty direct to any country, and in the ships of any country, thereby establishing extensive marts, standing as it were mid-way between the two worlds, whence the wants of the new one

may be supplied, and where their produce in return may be advantageously deposited.

His Lordship therefore urges me strongly to impress upon you that you cannot give a more acceptable proof of the gratitude, which it would be doing you injustice not to believe you must sensibly feel, than by proceeding to adopt the measures which have been recommended for the protection of the persons, for the security of the interests, and for the promotion of the well-being of that part of the population which the laws of the country have placed under your immediate controul.

*Gentlemen of the Council,*

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

Having thus conveyed in Earl Bathurst's own words the sentiments which his Lordship and the other Members of His Majesty's Government entertain upon this important subject, it remains for me, having sincerely at heart the welfare of our country, to recommend to you in the strongest terms a cordial co-operation in the adoption, as far as it is possible, of the measures which they have suggested; measures which I must candidly say, I consider are anxiously looked for by the people, as well as the Parliament of the United Kingdom.

No. 7.

MY LORD, *Government-House, Barbadoes, November 25, 1825.*

I HAVE the honour to inclose copies of the addresses which were presented to me on the 15th instant by the Council and the House of Assembly.

It would have afforded me real satisfaction had I been enabled to draw your Lordship's attention to any part of the address of the House of Assembly, calculated to encourage your Lordship to expect that that body would proceed without delay to adopt as far as possible those measures which have been suggested by His Majesty's Government.

I have, &c.

(Signed) J. B. SKEETE.

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

*&c.            &c.            &c.*

*May it please your Honour,*

WE thank your Honour for your congratulations on the dawning prosperity of the island, and we receive with no small satisfaction Earl Bathurst's assurance of the kind and friendly disposition of His Majesty's Ministers towards these colonies.

We sincerely deplore the unfortunate delay which has occurred in the passing an efficient Slave Amelioration Bill, for although after the most deliberate and impartial consideration of the measures recommended by His Majesty's Government for meliorating the condition of the Slave, we feel convinced that some of those regulations are not calculated to promote the happiness or moral advancement of the Slave, any more than the interest of the Master, nevertheless, we cheerfully acknowledge that most of the measures proposed appear to us likely to prove beneficial to all parties, and we appeal to the journals of this House to shew, that it is not the fault of the Council that many more of Earl Bathurst's suggestions are not adopted in the bill which passed in the last session.

When this bill was sent up to this Board passed by the Assembly, the Council were much perplexed between their desire to avoid the reproach of again rejecting a bill which professed to be a bill of amelioration, and their reluctance to pass a bill which appeared to them utterly inadequate to its object, and

they trust that they sufficiently testified this feeling by the resolution of the Board which accompanied the vote for passing the bill, and by the subsequent introduction of a supplemental bill, for the purpose of remedying some of the deficiencies of the Assembly's Bill.

We cannot but feel grateful for the efforts which have been made for our advantage in the last Session of Parliament, and we sincerely hope that it will not be deemed inconsistent with a sentiment of gratitude for kind and paternal intentions, to express a fear that the colonists will not derive such benefits from their measures as Ministers no doubt intended to confer. It is perhaps not known in England how entirely and exclusively our interests are agricultural; it is not known, that almost all the capital engaged in commerce in the West Indies is British, and that all the profits revert to Great Britain. The prosperity of Barbadoes may be said to depend solely upon the proportion which the price of sugar bears to the duty; yet let it not be supposed that these sentiments are uttered in a tone of complaint; it would ill become us to complain, at a moment of reviving prosperity, which we thankfully attribute to the protection and favour which we enjoy in the market of the mother country. And while we continue to enjoy this advantage, we are little solicitous of obtaining greater facilities of commerce with Foreign countries. And we trust that the conduct of the Council will not disappoint the reasonable expectation of His Majesty's Government, that a grateful sense of the benefits we receive from the parent state will urge us to endeavour to satisfy the wishes of the Parliament and people of England, in regard to the protection of the persons, the security of the interests, and the promotion of the well-being of that part of the population which the laws of the country have placed under our immediate controul.

We are, &c,

(Signed) JOHN A. BECKLES.  
JNO. BRAITHWAITE.  
R. HAMDEN.  
NATHAN LUCAS.  
PHILIP L. HINDS.  
J. A. HOLDER.  
JAMES H. ALLEYNE.

(A true copy)  
(Signed) W. B. GIBBONS, Private Secretary.

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

*May it please your Honour,*

WE, the Representatives of the people, in General Assembly assembled, beg to return your Honour our thanks for the congratulations which you were pleased to offer us in your speech at the opening of the present Session, on the disposition of His Majesty's Ministers, during the last Session of Parliament, to restore these colonies to the prosperity they formerly enjoyed. We however regret extremely that we cannot coincide with your Honour in expressing our conviction that the prospects of a return to more propitious times has been realized; if a transient ray of hope had dawned upon us, that dawn is as suddenly overcast by the repulsive clouds of censure and menace which pervade that portion of the dispatch of the noble Secretary for the colonies, which your Honour has been pleased to communicate to us, and which forms so prominent and so important a part of your Honour's speech; censure and menace aimed, as it appears, exclusively at the House of Assembly, as if the House of Assembly could pass any Act, or had passed the Act to which his Lordship alludes, without the concurrence and assent of the other branches of the Legislature; and there is we are sorry to observe in this dispatch of his Lordship's, an indirect charge of presumption against the General Assembly, because they did not frame a bill in exact conformity

with "the experienced judgment of the principal West India proprietors resident in England;" now, with all due deference to his Lordship, it appears to us that we who are immediately on the spot must possess better means of information, as to what measures should be pursued with a view to the safety of the inhabitants, the interests of their property, and the permanent welfare of the Slaves themselves, than gentlemen at a distance of 4000 miles, whatever their former judgment and experience might have been, and however kind their intentions, can in the present times possibly possess.

It is a well known fact that the Assembly of Barbadoes had commenced the revision, amendment and consolidation of our Slave code long before His Majesty's Orders in Council reached this island; on the receipt of those Orders the Assembly continued their labours and adopted such of their provisions as appeared at that time to be consistent with the security and well-being of the country, and at the period when this Act passed their House, they expressed their willingness to adopt every other measure suggested to them, which should be found on mature deliberation to be compatible with the interests of all; and although the Assembly were not, after the reasons assigned for rejecting the Saint Vincent's Slave Act appeared in this island, very sanguine as to the fate of their own; they nevertheless expected from his Lordship a plain and distinct statement of his objections to what had been done, and which might have formed the ground-work of future deliberation; it was not expected that if unfortunately the Barbadoes Act should be found totally inadmissible, it would be submitted to the perusal and criticism of those who are well known to be not less the enemies of His Majesty's Government than they are of the West India Colonies, and by whom garbled quotations were made from the Act during the last Session of Parliament, thus furnishing our adversaries with fuel to increase that flame of injustice, prejudice, and invective which has so long blazed forth against the colonists in general, and which, if not subdued by the timely interference, the justice and good sense of His Majesty's Government can only end in their ruin.

His Lordship has been pleased to expatiate at considerable length on the benefits which the colonies generally, and the island of Barbadoes in particular, have experienced by the commercial regulations recently determined on in the British Parliament; we regret however that these benefits are at least questionable, inasmuch as the discussions which have of late so frequently taken place in the British Parliament on colonial affairs have not only deteriorated the value of our property, and destroyed our credit, but left us without the necessary funds to benefit by imports however abundant, the means whereby we were once enabled to make extensive commercial speculations, being almost totally exhausted by high duties, low prices, and other misfortunes which we have so long had to contend with.

Although we shall ever gratefully acknowledge any benefits, present or prospective, which it may please His Majesty's Government to vouchsafe to us, and although we observe with pleasure the reduction on some of the Home duties which have recently taken place, and the entire repeal of others, to the great relief of our fellow subjects in the mother country, yet we must be allowed to say that the case is widely different with regard to us, especially in the duties on our staple commodities, which, with your Honour's leave, we will proceed to shew.

When, in the midst of the late arduous and expensive war, the duty on sugar, our staple commodity, was raised to 27s. per cwt., we were told that the exigencies of the State required it, and something, not very unlike a pledge, was held out, that when the nation should again be restored to the blessings of peace, we might look with confidence for a corresponding reduction; we submitted without a murmur, for there is no sacrifice which the people of Barbadoes have not at all times been ready to make for the support of the honour and dignity of the mother country; but notwithstanding the nation has been restored to, and been in the enjoyment of the blessings of peace for

ten years, we find ourselves still labouring under this increased and heavy burthen. We admit that the rum duty has been reduced to 9s. 3d. per gallon, but this benefit will no longer be boasted of, when we shew that a puncheon of 100 gallons of our rum will not by the latest prices current yield the planter or shipper more than 4l. not more than half the first cost, whilst the same 100 gallons of rum pay a duty to the Government of no less a sum than 46l. 5s. sterling, no very equal division of the proceeds, it must be acknowledged. Whilst on this subject we take leave to notice the duty or imposition of  $4\frac{1}{2}$  per cent. on the general produce of our island, paid on exportation, a duty which never has been appropriated in any one instance that we are aware of, to the purposes for which it was granted, and from which duty the captured and ceded colonies in our neighbourhood are exempt, an advantage which renders us unable to compete with them on terms of equality in the markets for our produce. The consideration of these circumstances we however submit with all possible deference to the justice and impartiality of His Majesty's Government, and should not have questioned them on the present occasion, but for the purpose of shewing that our situation is by no means so enviable as some may imagine.

But, may it please your Honour, suppose we were in the actual enjoyment of all the benefits which have been enumerated by the noble Earl, is it expected that, in return for them, we should surrender those chartered rights which we have possessed for nearly two centuries? Is it expected that we should abandon the right of enacting such laws as are necessary for our own preservation and the security of our property? Is it expected that our Slave Code shall contain no provision for the security of the lives and property of the whites; but be a mere catalogue of indulgencies to the blacks, who, we are proud to say, experience at this moment less of care and more of comfort than the peasantry of any country in the world, England herself not excepted? This, Sir, would really be expecting too much. If however such expectations are, unfortunately for us, entertained by those under whose control we are placed; if nothing less than an implicit conformity with Orders in Council, the ruinous effects of which are published almost daily in the Gazettes of a neighbouring colony; if in short, a plan has been already organized for our destruction; if it is determined that we shall be the victims of fanaticism, prejudice, and injustice, we must submit, but neither threats nor persuasion will ever induce us to put the finishing hand to our own political, perhaps natural existence; and we have too much reliance on the justice of our beloved Sovereign, to believe that *He* ever will. We however beg leave to assure your Honour, that if the noble Secretary for the colonies will condescend to point out the defects and omissions of the Act, which passed the late House of Assembly, for consolidating our Slave laws, and ameliorating the condition of that class of people so immediately dependant upon us, we will take his suggestions into our earliest consideration, prompted as we are, both by humanity and by interest, not only to do all that can safely be accomplished for their benefit, but also by a sincere desire to meet, if it be possible, the wishes of His Majesty's Government; and to this end we will readily and earnestly co-operate with the other branches of the Legislature.

By order of the House,

(Signed) ROBERT HAYNES, Speaker.

*House of Assembly, November 15, 1825.*

(A true copy)

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

## DOMINICA.

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### No. 1.

*Extract of a Dispatch from Earl Bathurst to Major-General Nicolay,  
dated Downing-Street, 20th August 1825.*

TWO years have now elapsed since I had the honour of addressing certain instructions to the Earl of Huntingdon, in consequence of the resolutions, in which the House of Commons unanimously concurred, for the melioration of the state of the Slave population.

The beneficial enactments of the Slave Act of the year 1821, evinced a disposition so honourable to the Legislature of Dominica, that when Lord Huntingdon submitted those suggestions for their consideration I anticipated with confidence that at least such of them as proceeded on the principles of the enactments of the existing law, and which at the same time could not but be considered as amendments, would have been readily adopted; and I saw with regret that the Legislature had failed last year to execute what there had appeared so much reason to expect.

I was, however, willing to attribute this delay to causes of a temporary nature, and to view the favourable reception, in its earlier stages of the new bill which was introduced, as an earnest of a better result, and I instructed you with unabated confidence to renew the recommendation of the proposed reforms.

I was therefore not a little disappointed to learn by your dispatch of the 28th March last, that not one of them had been adopted by a Legislature from which such favourable expectations had been entertained.

You have informed me that a new bill was immediately to be proposed. If this bill is passed by the two Branches of the Colonial Legislature, and is so far conformable with the suggested improvements as to enable me to advise the King to give his assent thereunto, I shall receive it with the highest satisfaction; but if it should share the fate of the last bill, or fail to be carried through its various stages with more effective energy than has hitherto been displayed, I cannot venture to answer for the results to which such protracted delays may lead in the next session of Parliament.

In again bringing this subject under the consideration of the Legislature you will not fail to remind them of the measures of the present year, in which the interests of the West India Colonies have been so liberally consulted: their ports have been opened to foreign ships—their trade opened to foreign countries—duties lowered for the encouragement of some, and for the relief of other articles of produce, besides those which are considered the staple production of the colonies: large fees levied in the colonial ports have been either modified or altogether abolished, and to some of the free ports the privilege has been granted of having goods freely warehoused, from whence they may be re-exported free of duty to any country, and in the ships of any country, thereby establishing extensive marts, standing as it were midway between the two worlds, from whence the wants of the new one may be supplied, and where their produce in return may be advantageously deposited.

You will therefore strongly impress upon the Legislature that they cannot



give a more acceptable proof of the gratitude, which it would be doing them injustice not to believe they sensibly feel, than by proceeding to adopt the measures which have been recommended for the protection of the persons, for the security of the interests, and for the promotion of the well-being of that part of the population which the laws of the colony have placed under their immediate controul.

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No. 2.

MY LORD,

*Government House, Dominica, October 11, 1825.*

I AM honoured with your Lordship's letter of the 20th August, relative to the repeated obstructions that have occurred to the completion of an Act for the melioration of the condition of the Slaves in this colony.

Previously, however, to the receipt of your Lordship's letter, notice had been given in the House of Assembly, that a bill to that effect would be immediately introduced, and it is to be discussed in committee of the whole house on the 14th instant.

I herewith send a draft of the bill, which of course will be liable to alterations when under debate, a few errors having already been discovered, and some amendments suggested.

I therefore hope that, though this Bill may not, in every particular, fulfil the wishes of His Majesty's Government, it will approach thereto very nearly; and I expect that it will be passed so as to enable me to transmit it to your Lordship by the next mail.

A bill is also in progress for facilitating the manumitting of Slaves, chiefly by the abolition of the tax at present paid for that purpose.

I have, &c.

(Signed) W. NICOLAY.

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

&c.                      &c.                      &c.

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DOMINICA.

*An Act for the Encouragement, Protection, and better Government of Slaves, and for the general amelioration of their condition.*

PREAMBLE.—Whereas it is expedient that a system of laws for the encouragement, protection, and better government of Slaves, and for the general amelioration of their condition, founded on the principles of police, justice, and humanity, should be enacted.—We therefore, &c.

CLAUSE 1st.—And be it further enacted by the authority aforesaid, That every owner, renter, manager, or overseer of any Slave or Slaves, shall allow or cause to be allowed 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 and sufficient clothing, that is to say, once in every year a kersey penniston or druggert jacket, a hat or cap, a pair of Osnaburg or penniston trowsers, with three yards of Osnaburgs to every male adult, a kersey penniston or druggert wrapper, a hat or cap, an Osnaburg or penniston petticoat, with three yards of Osnaburgs to every female adult, and to children in proportion according to their age and size, and also a blanket to each adult once in every four 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, wholesome food, and medical assistance for every old, infirm, or distempered Slave; and shall on no pretence discard any such Slave, or suffer him or her to wander about; and

should such owner, &c., neglect or refuse duly to comply with the aforesaid enactments or any of them, such offender shall be fined in any sum not exceeding \_\_\_\_\_ at the discretion of any two or more Justices of the Peace, to be levied by warrant under the hands and seals of the said Justices on the goods and chattels of such offender, directed to any constable, such penalty to be paid into the Treasury of the island for the public uses thereof.

CLAUSE 2d.—And be it further enacted by the authority aforesaid, that any field Slave on any plantation or estate, shall, on work days, be allowed half an hour for breakfast, and two hours for dinner, and that no Slave shall be compelled to do any manner of field work before the hour of five in the morning, nor after the setting of the sun, except during the time of crop, under the penalty of \_\_\_\_\_ to be recovered of the owner, manager, or overseer of such plantation, as is directed in the foregoing clause of this Act.

PREAMBLE.—And whereas it is expedient that the Slaves should be encouraged in the cultivation of provision grounds for the subsistence of themselves and families.

CLAUSE 3d.—Be it further enacted by the authority aforesaid, that every owner, &c. of any Slave or Slaves shall have the option of feeding such Slave or Slaves as directed in the foregoing 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 (besides Sundays and the holydays hereinafter prescribed) for the purpose of cultivating the same, excepting only during the period of crop, when it shall be lawful to withhold such days on affording due allowance of provision in lieu of each day so withheld: provided always; that on no pretence shall less than twenty-six days (besides Sundays and holydays aforesaid) be allowed to each Slave during a year; and that in case of failure to comply with the enactments of this clause, or any of them, the offender shall be punished as is directed in the foregoing clause of this Act.

PREAMBLE.—And whereas Slaves frequently sell the clothing and necessaries issued to them, to the great detriment both of themselves and their owners.

CLAUSE 4th.—Be it further enacted by the authority aforesaid, that should any person detain, buy or exchange, or otherwise receive of or from any Slave his or her clothing, or necessaries 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 \_\_\_\_\_ to be levied by warrant under the hands and seals of the said Justice by the distress of the goods and chattels of the offender, one moiety to be paid to the informer, and the other into the treasury for the public uses, and such offender if a Slave shall be punished by whipping at the discretion of the said Justices, with any number of stripes not exceeding 100.

PREAMBLE.—And whereas a knowledge of the doctrines and due attention to the exercises of the duties of the Christian religion, is highly essential to the improvement of the morals of the Slaves, and the advancement both of their temporal and eternal happiness.

CLAUSE 5th.—Be it further enacted by the authority aforesaid, that all Owners, &c. of Slaves shall every Sunday on the several distant plantations, at the most convenient time and place, convene the Slaves of the said plantations to hear divine worship, and shall also exhort any Slaves who may be unbaptized, to receive the holy sacrament of baptism, and shall further encourage such Slaves as have arrived at the age of maturity, and may be desirous to enter into the connubial state to receive the ceremony of marriage, and that every person offending against the provisions of this clause, shall be fined in any sum not exceeding \_\_\_\_\_ to be recovered and applied as is directed in the foregoing clause.

PREAMBLE.—And whereas the practice hitherto prevalent of Slaves making their markets on Sunday is highly indecorous, and contrary to the precepts of

religion, yet whereas an immediate and sudden abolition of the custom would under existing circumstances not only in all probability entirely fail in promoting their religious instruction, but by the time so occupied being given up to riot and debauchery, would even prove injurious both to their spiritual and temporal interests, and it is therefore deemed more expedient to remove such an evil by degrees.

**CLAUSE 6th.**—Be it further enacted by the authority aforesaid, that the Slaves shall be permitted as heretofore to bring to market for sale such articles as they have heretofore been in the habit of doing, and of disposing of the same on Sunday, provided no article shall be exposed to sale in the public market during the time of divine service, either in the established church, or in the place of worship of any of the tolerated religions.

**PREAMBLE.**—And whereas relaxation from labour and innocent recreation at proper periods are just and reasonable.

**CLAUSE 7th.**—Be it further enacted by the authority aforesaid, that the Slaves in this island shall not, except domestics, stock-keepers and watchmen, be required to labour for their masters on any Sunday throughout the year; nor on Christmas day, the day following, New Year's day, or Good Friday, and that should any of the said holidays fall on a Sunday, the following Wednesday shall be given in lieu thereof under the penalty of            for every offence against this enactment, to be recovered as is directed in the foregoing clause.

**CLAUSE 8th.**—And be it further enacted by the authority aforesaid, that it may be lawful for any Slave or Slaves on plantations, by and with the consent of the owner, &c. to use any drums or instruments of music for the purpose of dancing, or the indulgence of any innocent amusement, provided such dancing or other amusement shall not continue after the hour of 9 o'clock in the night; and that Slaves may in the like manner 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 8 o'clock in the evening.

**CLAUSE 9th.**—And be it further enacted by the authority aforesaid, that during crop no mill shall be put about or worked on any plantation between the hours of 7 o'clock on Saturday night, and 5 o'clock on Monday morning, and that no store or shop shall be kept open during the time of divine service under the penalty of            for every offence, to be recovered by the 4th clause.

**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 10th.**—Be it further enacted 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 holydays (divine service and militia duty excepted), shall forfeit the sum of            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            to be recovered as directed in the 4th clause of this Act.

**PREAMBLE.**—And for the purpose of protecting from violence the lives, persons and effects of Slaves.

**CLAUSE 11th.**—Be it further enacted by the authority aforesaid, that any person convicted of the wilful murder of a Slave, or of being accessory thereto shall suffer death, and that any person convicted of committing manslaughter on a Slave shall suffer the punishment inflicted in case of manslaughter by the laws of England.

**CLAUSE 12th.**—And be it further enacted by the authority aforesaid, that if any person whoever shall mutilate, wantonly or cruelly whip, beat, bruise, cut, wound or imprison, or keep in confinement without sufficient nourishment any Slave or Slaves, such person being duly convicted of the same before the Court of King's Bench and Grand Sessions, shall be punished by fine not

exceeding                    or imprisonment not exceeding                    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 it may be judged necessary for the future protection of the Slave, to take him 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 can be procured; the money arising from such sale after payment of costs to be delivered to such owner.

CLAUSE 13th.—And be it further enacted 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                    to be recovered as directed in the 4th clause of this Act.

CLAUSE 14th.—And be it further enacted by the authority aforesaid, that if any white or free person (not being the owner or director of such Slave,) 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, sell or dispose of; 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                    to be recovered as directed in the 4th clause of this Act, and when so recovered the amount to be given to said Slave in compensation for the injury so sustained.

CLAUSE 15th.—And in order to protect the connubial happiness of Slaves, be it further enacted by the authority aforesaid, that if any white or free person shall take away and cohabit with the wife or reputed wife of any Slave, such offender shall on conviction be fined in any sum not exceeding                    to be recovered as directed in the 4th clause of this Act, and when so recovered the amount to be given to the Slave in compensation for the injury sustained.

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 whereas 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 the solemn sanction of an oath.

CLAUSE 16th.—Be it therefore enacted by the authority aforesaid, that in all cases, not being capital nor of charges against their owners, it shall hereafter be lawful for all Courts and Magistrates to admit the evidence of Slaves 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, shall distinctly depose to the very same facts, without in the least degree contradicting each other's evidence. And provided also that no one shall be convicted of any offence on the evidence of Slaves, unless such offence shall be prosecuted and brought to trial within                    months after the commission thereof.

CLAUSE 17th.—And whereas it is highly proper to encourage the rearing of Negro children. Be it therefore enacted by the authority aforesaid, that for every infant Slave who shall survive one month, the midwife and mother shall each be entitled to receive one dollar, and upon every infant Slave attaining the age of twelve months, the mother or person who has nursed such infant shall be entitled to receive the further sum of                    dollars; and upon such infant being placed in the grass or vine-gang, the mother or person who has nursed such infant shall be entitled to receive the further sum of                    dollars; the said premiums to be paid in the first instance by the Owner or Owners of

such Slaves, to be deducted out of the payment of his, her, or their taxes, under the next ensuing general Tax Acts, and that every female Slave who shall have children living, shall be employed only in light labour, and not in the field; nor shall the owner be compelled to pay any tax for such female Slave.

**PREAMBLE.**—And whereas it is especially necessary, that the punishments for offences committed by Slaves should be clearly and distinctly enacted by law.

**CLAUSE 18th.**—Be it further enacted 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 wilfully setting fire to any house, building, or cane piece, or shall be accessory thereto, shall suffer death: provided always, that in all trials for capital offences by Slaves the jury shall consist of twelve persons.

**CLAUSE 19th.**—And be it further enacted by the authority aforesaid, that any Slave who shall be convicted of manslaughter, or of having struck his or her master or masters, or of theft to any amount above , or who shall have been accessory thereto, or of any attempt to rob on the public roads, or of any attempt to set fire to any house, building or cane-piece, or of breaking open any house or building with intent to rob therefrom, or who shall have been accessory thereto, shall suffer death, banishment, pillory, public whipping, solitary confinement on bread and water, or such other punishment as the Court before whom such cause is tried shall in their discretion award.

**CLAUSE 20th.**—And be it further enacted by the authority aforesaid, that should any Slave wantonly or cruelly beat, cut, or wound, or in any manner maim, mutilate, disfigure, dismember, or otherwise injure any other Slave or Slaves so as to endanger life, although death should not ensue, or so that such Slave or Slaves shall become a cripple, or lose any of his, her or their limbs, or be deprived of the use of it, or of eye sight, such Slave on conviction, shall for the first offence be punished at the discretion of the Court not extending to life, and for the second shall suffer death or transportation for life, as to the Court shall appear best.

**CLAUSE 21st.**—And be it further enacted by the authority aforesaid, that any Slave who shall use defamatory language or words of abuse, tending to provoke a breach of the peace, towards any person whomsoever, shall on due proof of the same before any Justice of the Peace be punished by order of the said Justice by imprisonment for not more than one week, or public whipping by any number of stripes not exceeding : provided always that complaint of such offence be made to such Justice within days after its commission.

**CLAUSE 22d.**—And be it further enacted by the authority aforesaid, that should any Slaves assemble for mutinous or other dangerous purposes, and refuse to disperse and go peaceably home when so directed to do by any white or free coloured person, the 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 banishment, pillory, solitary confinement on bread and water, or public whipping, at the discretion of the Court before whom such cause be tried.

**CLAUSE 23d.**—And be it further enacted 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, lead or shot, salt or salted provisions, clothes or any other necessaries whatsoever, to or with runaways, or 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 death, banishment, or such other punishment as the Court before whom the cause is tried shall in their discretion award.

**CLAUSE 24th.**—And be it further enacted by the authority aforesaid, that if any Slave shall be duly convicted of pretending to any gift of supernatural powers, or of practising the art of witchcraft, (or obeah as it is called), in such

manner, as to disturb the imagination of any other credulous Slave or Slaves, or to stimulate them to acts of mutiny or rebellion, or of administering to any other Slave or Slaves drugs or portions of a poisonous or dangerous nature, whereby such Slave or Slaves was or were injured in their health, such offender shall suffer death, or such other punishment as the Court before whom the cause is tried shall in their discretion award.

**CLAUSE 25th.**—And whereas Slaves have found means to desert from their owners, and quit this island, to the great detriment of the said owners. Be it further enacted by the authority aforesaid, that if any Slave or Slaves shall desert from his, her, or their owner or owners, and go off or attempt to conspire to go off from this island in any ship, boat, canoe, or other vessel or craft whatsoever; or shall seize, take, or carry away from the said island such ship, boat or canoe, or other vessel or craft whatsoever; or shall aid, abet, or assist any other Slave or Slaves in so doing, such offender or offenders being thereof duly convicted shall suffer death; and should any white or free person be duly convicted before the Court of Grand Sessions of aiding, abetting, or assisting such Slave or Slaves in so going off this island as aforesaid, whether the principal or principals shall have been thereof previously convicted or not.

**CLAUSE 26th.**—And be it further enacted by the authority aforesaid, that if any Slave shall wantonly or cruelly cut, chop, shoot at, or in any way maim or injure any horned cattle, horse, gelding, mare, mule, ass or sheep, such Slave for every such offence shall be tried in a summary manner before two or more Justices of the Peace, and shall on conviction suffer such punishment by public whipping as the said Justices shall direct; and should such cattle, &c. die within                    days after such cruel treatment by any Slave or Slaves, such offender or offenders shall on conviction before the Court of Petty Sessions, be banished, or otherwise punished at the discretion of the said Court.

**CLAUSE 27th.**—And be it further enacted 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 having committed thefts or robberies under or of attempting to strike, or menacing or grossly insulting any white or free person, or having from carelessness or inattention set fire to any building or cane piece, or who shall be convicted of gambling, quarrelling, fighting, or breeding riots, such Slave shall be punished by public whipping at the discretion of the said Justices, provided the number of stripes do not exceed

**CLAUSE 28th.**—And be it further enacted by the authority aforesaid, that no Slave or Slaves in this island shall carry any fire-arms, or other unlawful weapons, without permission from his, her, or their owners, &c., under the penalty on conviction before any one of His Majesty's Justices of the Peace, of punishment by public whipping, not exceeding                    stripes.

**CLAUSE 29th.**—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, be it, &c. that any 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 a punishment at the discretion of such Court or Magistrate by public whipping not exceeding                    stripes; and that should any Slave be duly convicted of wilful perjury, such Slave shall be punished by pillory, solitary confinement, or public whipping, at the discretion of the Court before which such offence shall be tried.

**PREAMBLE.**—And whereas the safety and welfare of the inhabitants of this island, and especially the planters, depend on the honesty, obedience, and industry of the Slaves; and whereas the inferior crimes of Slaves, incompatible with the interest of the owners, and the interior management and discipline of a plantation, cannot always be brought before the cognizance of Courts or Magistrates.

**CLAUSE 30th.**—And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall disobey the lawful order of his or her owner, &c. or shall plunder the property of his, her, or their owner, &c., or of any other Slave, or shall be guilty of drunkenness, quarrelling, fighting, neglect of duty, absence without permission in writing from the owner or renter on the plantation to which such Slave shall belong, or shall commit any other act of misconduct, such Slave shall be punished at the discretion of the said owner, &c. by confinement in the stocks, or by whipping on the shoulders by the cat o' nine tails only, as it is used in the British army, and by no other instrument whatever; provided such whipping, if directed by the owners, shall not, at any one time, or for any one offence, or before the effects of any former punishment shall be thoroughly cured, exceed stripes; if directed by a Manager of a Plantation or Renter of a Slave, shall not exceed stripes, and if by an Overseer or Negro-superintendent of a Plantation shall not exceed stripes: provided also, that no punishment by whipping, exceeding 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 publicly, or in such manner as to occasion any sort of indecent exposure; and that should any person be convicted of any offence against the enactments of this clause, such offender shall forfeit to be recovered as directed by the 4th clause of this Act.

**CLAUSE 31st.**—And be it further enacted by the authority aforesaid, that no person shall on any pretence whatsoever, under the penalty of to be recovered as is directed by the 4th clause of this Act, punish any Slave by fixing or causing to be fixed any iron or other collar round the neck of such Slave, or by loading the body or limbs of such Slave with chains, irons, or weights of any kind, excepting only where it may be absolutely necessary for securing the person of such Slave, in which case a light collar or chain, or hand-cuffs, may be used, not to exceed lbs. in weight: provided always that nothing contained in this clause shall be construed to prevent the owners, &c. of Slaves from having on their properties, stocks, bilboes or other secure means of confining refractory Slaves, or such as are addicted to running away, so that they are thereby confined without bodily hurt.

**CLAUSE 32d.**—And be it further enacted by the authority aforesaid, that there shall be kept on every plantation a register of all punishments by whipping, exceeding stripes, stating the nature of the offence, to be given in and sworn to before the Commissioners of the Censors every year; to be by him transmitted to the Treasurer along with the Censors' Returns, and to be deposited in the Treasury as a record.

**CLAUSE 33d.**—And be it further enacted by the authority aforesaid, that when any Slave shall be executed in pursuance of this Act, the owner shall be entitled to receive any sum not exceeding in remuneration for the value of the said Slave, to be paid by the Treasurer, or warrant from the Governor or Commander-in-Chief; and that the Owner of any Slave murdered, for which another Slave shall be convicted, shall be entitled to retain in like manner such sum as shall be awarded by or more impartial persons being competent judges of the value of the Slaves, in remuneration for the loss of his Slave so murdered.

**CLAUSE 34th**—And be it further enacted by the authority aforesaid, that any Slave who under the authority, and by virtue of this Act, shall be sold for transportation by the Provost Marshal, shall notwithstanding such sale remain in the custody of the Provost Marshal, until the purchaser of such Slave shall have entered into bond with sufficient security to our Sovereign Lord the King, under the penalty of pounds for every such Slave so purchased, that every such Slave shall, if any opportunity should offer, be transported off this island within three months after the date of such bond, and shall in the mean time be kept in close confinement, for which the Provost Marshal shall receive from the party entering into the same, all expences

incident thereto, and such bond shall be filed among the records in the office of the said Provost Marshal.

CLAUSE 35th.—And be it further enacted by the authority aforesaid, that every such purchaser of any Slave so directed to be sold for transportation as aforesaid, shall at the time of executing such bond as aforesaid also make oath in writing, on some part of the said bond, before the Provost Marshal as aforesaid (who is authorized and required to administer the same) that every such Slave so purchased shall not with his knowledge, privity, or consent be relanded in this island.

CLAUSE 36th.—And be it further enacted by the authority aforesaid, that the Provost Marshal shall not, under the penalty of \_\_\_\_\_ pounds for each offence, deliver over to any purchaser or purchasers, any Slave so sold for transportation as aforesaid, until such bond is entered into, and oath taken as aforesaid; and in case any such Slave so sold for exportation as aforesaid, shall be found within this island after the expiration of \_\_\_\_\_ months before limited, (provided any opportunity should occur for his or her transportation) such Slave shall become forfeited to the colony, and resold for transportation by the Provost Marshal in the same manner and under the like penalties as hereinbefore enacted, and the nett proceeds of such resale shall be paid over to the Treasurer for the use of the public, which fine shall be recovered by indictment in the Court of King's Bench and Grand Sessions of the Peace.

CLAUSE 37th.—And be it further enacted by the authority aforesaid, that any Slave sold for transportation under and by virtue of this Act, who shall be found at large within this island at any time after such sale as is hereinbefore directed, may, and shall be lawfully apprehended by any person whatsoever, and immediately taken before any of His Majesty's Justices of the Peace, and if it shall appear to the satisfaction of the said Justice that such Slave has been formerly sold for transportation by virtue of the Act, such Justice shall by warrant under his hand and seal, direct such Slave to be delivered to the Provost Marshal, to be re-sold for transportation only; and the monies arising from such sale, after deducting the customary expenses and Marshal's fees, shall be paid over, one moiety thereof to the person apprehending such Slave, and the other moiety to the Treasurer for the time being for the public uses of this island.

CLAUSE 38th.—And be it further enacted by the authority aforesaid, that if any Master of any ship or vessel shall knowingly and wilfully bring back to this island any Negro or other Slaves who shall have been transported from this island under and by virtue of this Act, or any other Act heretofore in force respecting Slaves, such Master being convicted thereof by indictment in the Court of King's Bench and Grand Sessions of this island, shall forfeit the sum of \_\_\_\_\_ pounds for every Slave so brought back, one moiety whereof shall be to our Sovereign Lord the King, his heirs and successors for the public uses of this island; and the other moiety to the party or parties at whose suit or complaint such person was convicted; and shall also suffer imprisonment at the discretion of the Court, for any space of time not less than \_\_\_\_\_ months, and not exceeding \_\_\_\_\_ months, without bail or mainprize.

CLAUSE 39th.—And be it further enacted by the authority aforesaid, that if the Provost Marshal or any Constable shall 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 Marshal or Constable who shall suffer such escape, shall on conviction thereof before two Magistrates forfeit the sum of \_\_\_\_\_ pounds, to be recovered in a summary manner by warrant under the hands and seals of the said two Magistrates for the use of the said colony, and without injury to the rights of the owner to sue for the value of the same.

CLAUSE 40th.—And be it further enacted 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 Petty Sessions, the gaol fees of such



Slave or Slaves shall be paid by the person at whose instance such Slave was committed, if not otherwise ordered or directed by the Court, such fees to be recovered by the Marshal by action of debt, or on the case.

CLAUSE 41st.—And be it further enacted by the authority aforesaid, that all fines and penalties to be incurred by virtue of this Act, which has not been hereinbefore declared how they shall be recovered and applied, shall if not exceeding                   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 not exceeding                   pounds to be recovered in any Court of Record by action of debt for the uses of the colony.

CLAUSE 42d.—And be it further enacted 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 non-suited or discontinue his suit, 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 indorsed 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 Act, unless the same shall be commenced within six calendar months after the act complained of.

CLAUSE 43d. And be it further enacted by the authority aforesaid, that the Act of the Legislature of this island, intituled, "An Act for the Encouragement, Protection, and better Government of Slaves," be and the same is hereby repealed.

CLAUSE 44.—And be it further enacted, by the authority aforesaid, that copies of this Act be printed.

### No. 3.

*Government House, Dominica,  
10th November 1825.*

MY LORD,

IT is with much satisfaction that I transmit herewith an Act to repeal the tax on the manumission of Slaves in this colony, and which I trust will meet with His Majesty's approbation.

The Bill for meliorating the condition of the Slave population is likewise far advanced, but it cannot be quite completed in time for the mail about to proceed to England.

I have, &c.

(Signed)

WILLIAM NICOLAY.

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

*&c.*

*&c.*

*&c.*

### *An Act to repeal the Tax on the Manumission of Slaves.*

PREAMBLE.—Whereas it has become expedient to repeal the tax hitherto imposed and made payable in the public Treasury on the manumission of Slaves, We therefore, your Majesty's most dutiful, loyal and obedient subjects, the Governor, Council, and Assembly of this your island of Dominica, do 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 autho-

city aforesaid, that from and immediately after the passing of this Act, the tax of sixteen pounds ten shillings current money, and of thirty-three pounds current money, respectively, made payable and imposed on the manumission of Slaves, under and by virtue of an Act of this island, passed on the 15th day of June 1810, intituled "An Act to regulate the Manumission of Slaves in this Island, and to impose a tax upon all free and manumitted persons coming to this Island," shall be, and the said tax is hereby declared to be repealed, and the Register is hereby authorized to receive into his office, and to record therein all manumissions (the same being first duly executed as is hereinafter required) without any receipt of the Treasurer being attached thereto, any thing contained in the above recited Act passed the 15th day of June 1810, in any wise to the contrary notwithstanding; and all and every matter contained in the said Act respecting the said tax of sixteen pounds ten shillings, and of thirty-three pounds respectively, is hereby repealed and declared null and void: provided always, that every person or persons intending to manumit any Slave, shall previously make oath that such Slave hath been duly registered in conformity to the Act of the Legislature passed on the 20th day of March 1817, intituled "An Act for registering Slaves in this Island," which oath any of the Justice of the Court of Common Pleas of the said island, the Register or Deputy Register are hereby authorized and empowered to administer, and for administering the same, they shall be entitled to receive from the party making such affidavit the sum of six shillings current money, which affidavit shall be annexed to the said deed of manumission, and be recorded therewith, and all Slaves so manumitted shall be, and are hereby declared to be entitled to, and shall enjoy all the privileges of free persons of colour in this island, from the day of such deed of manumission (so duly executed, proved and attested) being lodged in the Register's office, any thing contained in the said Act passed the 15th day of June 1810, or in any other Act of this island, in any wise to the contrary notwithstanding.

**PREAMBLE.**—And in order to prevent fraudulent manumissions, or the undue manumission of diseased and unprofitable Slaves.

**CLAUSE 2d.**—Be it, and it is hereby enacted and ordained by the authority aforesaid, that before any deed of manumission of any Slave or Slaves, as before-mentioned, shall be recorded, or received to be recorded in the Register's office of this island, as is required by the preceding clause, the owner or owners, their attorneys, executors, or administrators, intending to manumit such Slave or Slaves, shall give fourteen days notice of such intention by setting and publishing, on a paper or board to be kept in a conspicuous place in the Register's office for that purpose, the name of such Slave to be manumitted, and shall personally appear before any one of the Judges of the Court of Common Pleas, or the Register or Deputy Register, and make oath that he, she, or they, hath or have not executed such deed or deeds of manumission for the purpose of defrauding or injuring any person or persons whatsoever, either directly or indirectly, or to relieve himself or herself from the burthen of maintaining an unprofitable Slave or Slaves; and the Slave or Slaves so intended to be manumitted shall also be brought and appear before such Judge, Register, or Deputy Register, and the person or persons so executing such deed of manumission shall make oath that such Slave or Slaves is or are the identical person or persons alluded to, and the Slave or Slaves so appearing shall be required to state whether he, she, or they, is or are willing to be released from bondage, and the Judge, Register, or Deputy Register, before whom such declaration of the said Slave or Slaves shall be made as aforesaid, shall endorse or affix a certificate thereof on the deed or deeds of manumission to the end that the same may be recorded therewith in the Register's office in this island, as is required by the 1st clause of this Act.

**PREAMBLE.**—And whereas there are many persons in this island who are entitled to freedom, and who, though they have been absolved from all servitude and slavery, have, nevertheless, from their inability to pay the tax here-

tofore imposed on the manumission of Slaves, been prevented recording their manumissions.

CLAUSE 3d.—Be it therefore enacted and ordained by the authority aforesaid, that all such persons so entitled to freedom as aforesaid, and who may have been so entitled previous or subsequent to the passing of the said Act for registering Slaves hereinbefore mentioned, and who may not in consequence have been registered as Slaves under the terms of such Act, shall, to all intents and purposes, be entitled to have their manumissions recorded without the payment of any tax whatever, in the same manner as is hereinbefore mentioned and declared by the first clause of this Act, and without the necessity of any oath being previously made as to the fact of such person having been duly registered, as is required by that clause.

CLAUSE 4th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that any person taking any oath by this Act required, who shall swear falsely, shall be deemed, and is declared guilty of perjury; and on being convicted thereof before the Court of King's Bench and Grand Sessions of the Peace, shall suffer such punishment as the Court may award.

CLAUSE 5th.—And be it, and it is hereby enacted and ordained by the authority aforesaid, that this Act shall not operate or be constraed to be in force until His Majesty shall be graciously pleased to signify his Royal Assent to the same.

(Signed) WILLIAM ANDERSON, Speaker.

Passed the House of Assembly this 9th day of November 1825.

(Signed) J. H. NEWMAN, Clerk of Assembly.

Passed the Board of Council this 10th day of November 1825.

(Signed) HENRY TREW, Clerk of Council.

Passed the Patent Office this 10th day of November 1825.

(Signed) S. A. PERRY, Clerk of Patents.

Assented to this 10th day of November 1825.

(Signed) WILLIAM NICOLAY, Governor.

#### No. 4.

*Government House, Dominica,  
26th November, 1825.*

MY LORD,

A BILL for meliorating the condition of the Slaves in this colony has gone through a Committee of the House of Assembly, and is ordered to be engrossed.

The last packet from England made the voyage in so very short a time that the dispatches from these islands must be closed much sooner than usual; otherwise I think I should have been able to transmit the bill complete by that opportunity.

In the course of discussion the original draft underwent several alterations, which I understand are all in favour of the Slave.

I have, &c.

(Signed) WILLIAM NICOLAY.

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

&c. &c. &c.

✓ GRENADA.

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No. 1.

MY LORD,

*Government House, Grenada, March 5, 1825.*

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

I have, &c.

(Signed) GEO. PATERSON, President.

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

&c.

&c.

&c.

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No. 2.

*An Act transmitted to Earl Bathurst by the Officer Administering the Government of Grenada.*

*An Act to consolidate all the Laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases.*

PREAMBLE.—WHEREAS it is expedient that the laws which have been enacted for the government of Slaves should be revised and consolidated into one Act, and that further provisions should be made for their protection and government.

CLAUSE 1.—May it therefore please your Majesty, that it may be enacted by his Honour George Paterson, Esq. President and Commander in Chief in and over the island of Grenada and its dependencies, the Members of His Majesty's Council, and the Representatives of the people of the said island in General Assembly convened. And it is hereby enacted and ordained by the authority of the same, that an Act made and passed on the 10th of December 1766, intituled, "An Act for the better government of Slaves, and for the more speedy and effectual suppression of runaway Slaves." Also an Act made and passed on the 20th day of April 1767, intituled, "An Act to prevent persons from hawking and pedling and carrying goods about the town and country from house to house to sell and dispose of." Also so much of an Act made and passed on the 1st day of February 1770, intituled, "An Act to explain and amend an Act to make Slaves, cattle, horses, mules, asses, coppers, stills, and plantation utensils, real estate of inheritance, and declaring widows dowable of them as of lands and tenements, as relates to any tenant for life, tenant by the curtesy, tenant in dower, or husband holding any Negro, or other Slave, and wilfully de-

"stroying, maiming, or disabling any Negro or other Slave so held." Also so much of an Act made and passed on the 3d day of April 1770, intituled, "An Act against the unlawful practising of pretended surgeons and doctors, as relates to the punishment of a Slave or Slaves for any offence committed by such Slave or Slaves against the provisions thereof." Also so much of an Act made and passed on the said 3d day of April 1770, intituled, "An Act for preventing and punishing those who shall wilfully fire, burn, or destroy any canes, dwelling-houses, or any other edifices, as relates to the punishment of Slaves for offences against that Act." Also so much of an Act made and passed on the 3d day of February 1776, intituled, "An Act for the preservation of the harbour and bay of Saint George's, appointing regulations to be observed by masters of ships and other vessels coming into and anchoring therein, for empowering the Commander-in-Chief to appoint a Harbour-Master, and for fixing his salary as relates to the punishment of a Slave or Slaves for any offence committed by such Slave or Slaves against the provisions thereof." Also so much of the sixth, seventh, and eighth clauses of an Act, made and passed on the 5th of July 1784, intituled, "An Act for the better regulation of foreign vessels arriving in these islands, or found hovering about the coasts of the same, for preventing the carrying off of mortgaged or other Slaves by such foreign vessels, and for taking away the benefit of clergy from persons guilty of stealing Slaves, for apprehending suspected persons coming from Trinidad, and for obliging owners of vessels to give security not to carry off debtors or slaves without tickets, as therein directed, and for preventing small boats or other vessels being run away with, as relates to offences therein enumerated with respect to Slaves and the punishment thereof." Also so much of an Act made and passed upon the 13th of October 1784, intituled, "An Act to establish regular markets in the different towns of this island, to fix the prices of fresh provisions and other commodities brought to such markets for sale, empowering the Captain-General or Commander-in-Chief to appoint clerks of such markets, who are at the same time to be keepers and inspectors of the public cages, empowering them to receive and confine therein for a limited time disorderly persons committed by Justices of the Peace; also to apprehend and confine Negroes, or other Slaves, coming from the country without tickets, appointing the mode of stamping and regulating all weights and measures in the said towns and parishes, and appointing the mode of altering the prices of provisions as occasion may require, as relates to offences thereby enumerated as to Slaves, or their punishment for the same." Also so much of an Act made and passed on the 21st day of October 1785, intituled, "An Act to amend an Act, intituled, 'An Act for the preservation of the harbour and bay of St. George, appointing regulations to be observed by Masters of ships and other vessels coming into and anchoring therein, for empowering the Commander-in-Chief to appoint a Harbour Master, and for fixing his salary, and for limiting the boundaries of town lots and wharfs from encroaching on the said harbour,' as relates to the punishment of Slaves for offences against the said Act." Also so much of an Act made and passed upon the 5th of October 1786, intituled, "An Act to prevent the spreading of canine madness, and to compel the burying or burning of the carcasses of dead animals in these islands," as relates to the punishment of Slaves offending against the provisions of that Act. Also so much of an Act made and passed on the 1st of May 1789, intituled, "An Act for the better regulation of the police of the town of Saint George and its neighbourhood, and for the more effectual prevention of the sale of rum and other spirituous liquors to Slaves," as enacts, "that every male Slave, who on any occasion whatever, shall at any time between the hours of nine o'clock of the night, and four o'clock of the ensuing morning, be in any of the said streets, lanes or squares, or passing along the same, shall either carry such lanthorn illuminated, or shall have a permission in writing from his owner, renter, or employer of that night's date, or be

“actually attending on his master, mistress, or possessor, and as relates to offences by Slaves against the provisions of this Act, and to their apprehension and punishment.” Also an Act made and passed on the 24th of October 1789, intituled, “An Act for the more effectual trial and punishment of criminal Slaves, and to authorize His Majesty’s Justices of the Peace to appoint constables in cases of emergency.” Also so much of an Act, intituled, “An Act for establishing a Court of Common Pleas and a Court of Complaints, directing the modes of proceeding therein, prescribing the order of levying executions issued out of the courts formerly subsisting, or hereafter to issue out of the courts hereby established for limiting the times of making sales of effects levied on, and for regulating and restricting the conduct of the Secretary and Provost Marshal in their respective offices, and removing doubts with respect to the expiration of the former Act for re-establishing the said courts” as renders it lawful in cases of Slaves being sold under executions, to sell the mother of any Slave or Slaves or her offspring separate and apart from each other. Also an Act made and passed the 23d of August 1791, intituled, “An Act to continue an Act, intituled, ‘An Act for the more effectual trial and punishment of criminal Slaves, and to authorize His Majesty’s Justices of the Peace to appoint constables in cases of emergency.’” Also the eighth clause of an Act made and passed the 2d of April 1792, intituled, “An Act to amend an Act, intituled, ‘An Act to prevent the sudden further increase of free Negroes and Mulattoes.’” And also to amend an Act, intituled, “An Act for the better government of Slaves, and for the more speedy and effectual suppression of runaway Slaves, and to ascertain what shall be evidence of the sealing of certificates respecting enfranchisement as directed to be made by the Guardians of Slaves.” Also an Act made and passed the 7th of June 1796, intituled, “An Act for the more effectual trial and punishment of Slaves who may have been or may hereafter be concerned in the rebellion and insurrection now existing in this island.” Also an Act made and passed the 13th of May 1797, intituled, “An Act for the punishment of Slaves under sentence of banishment or confinement to hard labour in chains, who shall escape or attempt to escape from their places of confinement or employment, and to make it lawful for the Magistrates to condemn to hard labour in chains for life or for a limited time Slaves convicted under the several Acts for the trial and punishment of criminal Slaves.” Also an Act made and passed the 9th of December 1797, intituled, “An Act for the better protection and for promoting the natural increase and population of Slaves within the island of Grenada, and such of the Grenadines as are annexed to the government thereof, for compelling an adequate provision for and care of them as well in sickness and old age as in health, and for constituting and appointing guardians to effectuate and carry into execution the regulations and purposes of this Act.” Also so much of an Act made and passed on the 24th of May 1799, intituled, “An Act for establishing a canal for the purpose of facilitating the watering of His Majesty’s ships on this station, as well as of the merchant vessels in the port of Saint George, for providing a fund for the support and improvement of the same, and for appointing Commissioners to carry the same into execution” as relates to the punishment of Slaves for offences committed against that Act, shall be, and the same are hereby repealed: provided nevertheless that all Acts expressly repealed by any of the said Acts shall be deemed and taken to be, and shall remain repealed.

CLAUSE 2d.—And be it enacted by the authority aforesaid, that every owner or possessor of Slaves belonging to or worked upon any plantation or estate, or their attorney, agent, or representative, shall *allow* to each and every such Slave *a sufficient portion of land* adapted to the growth of provisions, for their support and maintenance; and between the 1st day of May and the 31st day of January in each and every year, shall allow to each and every such Slave *twenty-eight full working days over and above Sundays*, for the purpose of cultivating the same at the discretion of such proprietor or possessor of such Slaves, or their agents or representatives, and as to them may be

deemed most advantageous and beneficial to such Slaves: provided that in all cases where it shall be found inconvenient for such owners or possessors of Slaves to allow such portion of land for the purpose aforesaid, he, she, or they shall, by some other ways and means, make good and ample provision for such Slaves in lieu thereof, and such portions of land so to be allotted as aforesaid, shall be personally inspected by the managers or overseers of every such plantation or estate at least once in every month, in order that the same may be seen to be properly kept up and cultivated, and that every owner or possessor of such Slaves shall provide for and allow to every family of Slaves a good and comfortable house, with one or more cabannes or beds, raised at least one foot from the ground, and shall provide and give to each and every such Slave a sufficient allowance weekly of salt and salt fish, or of such other food as their ages and state of health may require; and shall provide and give to each and every such Slave sufficient clothing and blankets suitable to their respective sex, age, and condition, and that every owner or possessor of Slaves not attached to or worked upon any plantation or estate, shall provide for and furnish such Slaves with comfortable lodging, sufficient food, and decent clothing; and if any owner or possessor of Slaves shall neglect or refuse to comply with the provisions hereinbefore specified, every person so offending shall forfeit and pay the sum of *ten pounds for every neglect or refusal*.

CLAUSE 3d.—And be it enacted by the authority aforesaid, that on complaint from any Slave or Slaves, or upon the information and complaint of any other person or persons, or the fact coming to the knowledge of any Justice of the Peace in any other manner that the provisions hereinbefore contained, for the maintenance and support of such Slave or Slaves, according to the true intent and meaning of this Act, have not been complied with, it shall and may be lawful to and for such Justice, and he is hereby required to associate one or more Justice or Justices with him, and to proceed to the plantation, estate or place whereon such Slave or Slaves is or are resident or belonging, or to cause and command such Slave or Slaves, or such other person or persons as such Justices may deem necessary, to be examined in the premises, to appear before them, and such Justices shall and may enquire into such complaint, and if necessary shall and may inspect the grounds, clothing, and lodging of such Slave or Slaves, and shall and may examine into their general treatment, and for the more effectual discovery of the truth, it shall and may be lawful for such Justices, on such enquiry, to administer to such person or persons the following oath:—“ I, *A. B.*, will true answer make to such questions as shall be put to me, touching the clothing, feeding, maintenance, and general treatment of the Slaves upon or belonging to the estate of                      or to                      .—So help me God.” And if any free person or persons shall refuse to be sworn, or when sworn shall refuse to answer such questions as shall be put to him or them relative to such complaint or enquiry, he, she or they shall forfeit the sum of fifty pounds: and if it shall appear, on such complaint or enquiry, to the said Justices that any offence hath been committed against the provisions hereinbefore contained for the maintenance and support of such Slaves, then and in every such case they are hereby authorized and strictly required to afford redress to such Slave or Slaves without delay, in manner and to the extent hereinafter specified, that is to say, to each Slave belonging or attached to, and worked upon any plantation or estate, one quarter of an acre of land, or a weekly allowance in money of *four shillings and sixpence currency* in lieu thereof; a weekly allowance of *one quarter of a pint of salt and two pounds of salt fish*, or such other provisions as may be equivalent thereto; an annual allowance of *clothing*, as follows, *one penistoun or cloth jacket* and three yards of cloth or penistoun, or six yards of cloth or penistoun, eight yards of Osnaburghs or other linen of equal strength or value, one hat, with needles and thread, and a triennial allowance of one blanket; and to each Slave not attached to or worked upon any plantation or estate a weekly allowance in money or provision equivalent thereto to the value of *six shillings currency*, and an annual allowance of *two*

suits of clothing : and such Justices are hereby authorized and empowered to issue an order under their hands, requiring such owners or possessors of Slaves to provide, furnish and give the allowances hereinbefore immediately specified, or so much and such parts thereof as to the said Justices in their discretion may seem meet; and for every neglect or refusal to comply with and obey such order, shall forfeit and pay the sum of one hundred pounds current money of the said islands.

CLAUSE 4th.—And be it further enacted by the authority aforesaid, that all owners or possessors of Slaves, and their agents, attorneys and representatives shall, as much as in them lies, endeavour to instruct their Slaves in the principles of the Christian religion, and as soon as conveniently can be, cause to be baptized all such adult Slaves not already baptized as they can make sensible of a duty to God and the Christian Faith, and all Slaves hereafter to be born within six months after their respective births, which ceremony the clergymen of the respective parishes wherein such Slaves are resident shall, and they are hereby required to perform gratis, and also to attend any Slave or Slaves in sickness, when their spiritual aid may be required.

CLAUSE 5th.—And be it enacted by the authority aforesaid, that it shall and may be lawful for any Slave who may be desirous of intermarrying with any other Slave belonging to the same owner or owners, to apply to any clergyman of the established Church of England and Ireland, or priest of the Roman Catholic religion, or other person thereto legally authorized to solemnize any such marriage as aforesaid, who are, and each of them is hereby required to solemnize the same: provided always that such Slaves shall produce to such clergyman, priest, or other person as aforesaid, a *permission in writing from their owner or owners* for that purpose: and provided also that such clergyman, priest, or other person, shall consider such Slaves to have an adequate knowledge of the nature of the marriage vow.

CLAUSE 6th.—And be it further enacted, that upon every plantation or estate in these islands, to which Slaves shall belong or be worked upon, there shall be a good and sufficient hospital, of proper size and dimensions, according to the number of Slaves on such plantation or estate, in a proper and healthy situation, for the reception and care of all Slaves who shall complain of sickness, or meet with any accident or injury, or who shall or may, from any infirmity or other cause, require to be received therein, and the owner, possessor, attorney, manager or person having the charge of such plantation and Slaves are hereby respectively required and directed to keep an hospital-book with the names of the Slaves so admitted, the dates of their admission, and also of their dismissal, or death, and in which book shall be inserted, by the surgeon or other medical attendant of the said plantation, the nature of their complaint or diseases, prescriptions and treatment.

CLAUSE 7th.—And be it further enacted, that it shall not be lawful to or for the proprietor, owner or possessor, of any plantation or estate, or any person or persons employed by or under such proprietor, owner or possessor, except in the act of manufacturing such species of produce as necessarily requires night or extra labour, to *compel or oblige any Slave* belonging to or worked upon such plantation or estate, to leave his or her house, in order to work in the field or at his trade, until day-break, or to work during the times of breakfasting and dining, for the first of which such Slave shall be allowed one half hour in the morning, and for the latter two hours, to wit, from twelve o'clock at noon to two in the afternoon, nor to compel any such Slave to work after sunset, except in the carrying of a bundle of grass or stock meat from the field to the stable or other place where the same is to be consumed, under the penalty of ten pounds for every offence.

CLAUSE 8th.—And in order that encouragement may be given to the increase and protection of Negro infants, be it further enacted by the authority



aforesaid, that every female Slave who shall have five children living belonging to any plantation or estate shall be allowed 52 days during the whole year to cultivate her provision grounds under the penalty of 5l. currency for each day omitted; and it shall not be lawful for any person whatsoever to employ their Slaves at any kind of work on Sundays, except domestics, watchmen, stock-keepers, and such Slaves as are employed in potting sugar: provided always that such potting of sugar shall not be performed after the hour of 8 o'clock in the morning, nor shall it be lawful for any person to put about or cause to be worked any sugar mill between the hours of 10 o'clock on Saturday night and 4 o'clock on Monday morning, under the penalty in such case of 10l. currency.

CLAUSE 9th.—And be it further enacted by the authority aforesaid, that no master, owner, or possessor of any Slave or Slaves, whether in his or her own right, or as attorney, guardian, trustee, or otherwise however, shall under any pretence whatsoever discard or turn away any Slave or Slaves rendered incapable of labour or service by reason of sickness or disorder, age or infirmity, but every master, owner, or possessor, shall keep such Slave or Slaves upon his or their respective properties or premises, and feed and provide them with wholesome food and decent comfortable clothing and lodging, and other necessaries, and not suffer them for want thereof to wander about at large and become a nuisance and burthensome to others for subsistence; and it shall and may be lawful for any white or free-coloured person to take up all such diseased or infirm Slave or Slaves who may be found going about at large as above mentioned, and to carry him, her, or them, before any of His Majesty's Justices of the Peace, who shall, and he is hereby directed to make immediate enquiry into the conduct of the master, owner, or possessor of such Slave or Slaves; and if it shall appear to the said Justice that the Slave or Slaves going about at large be owing to neglect or mal-treatment from the owner or possessor, he, she, or they so offending shall forfeit for every such offence the sum of 50l. current money; and such owner or possessor shall forthwith enter into recognizance in the sum of 100l. with two sufficient securities in the sum of 50l. each, that the Slaves in future shall be well treated, lodged, fed, and clothed, but in case of neglect or refusal to enter into recognizance as aforesaid, then it shall and may be lawful for the Justice to commit the Slave to the charge of the cage-keeper of the nearest town where taken up, to be by him lodged and fed, for which he shall be entitled to receive from the owner or possessor at the rate of half a dollar per diem, recoverable on his goods and chattels weekly, by warrant under the hand and seal of any Justice of the Peace until he, she, or they shall enter into such recognizance as aforesaid.

CLAUSE 10th.—And be it further enacted by the authority aforesaid, that no owner, proprietor, attorney, manager, or person or persons having the charge or management of any Slave or Slaves, having occasion to inflict a punishment on any such Slave or Slaves beyond *fifteen lashes*, shall not inflict the same without the *presence of a person of free condition*, nor shall he, she, or they inflict, or cause or knowingly suffer to be inflicted on any Slave any corporal punishment exceeding 25 lashes for any offence on the day on which the same shall be committed under a penalty of 10l., and no owner, proprietor, attorney, manager, or person or persons having the charge or management of any Slave shall inflict or cause to be inflicted any punishment by flogging for a second offence on the same day on which punishment for a former offence hath been inflicted, nor until the delinquent has recovered from the effects of former punishment under the penalty of 10l. for every such excess or repetition of punishment: provided always that in all cases where the *owner*, proprietor, attorney, manager, or other person having charge of any Slave or Slaves shall conceive the fault committed, the same not being cognizable by law, to be of such enormity as to deserve more exemplary punishment than is herein before allowed to be inflicted, it shall and may be lawful for such

owner; proprietor, attorney, manager, or such other person as aforesaid, to cause such offending Slave or Slaves to be carried before any one or more Justice or Justices of the Peace, and such Justice or Justices is and are hereby authorized and required to hear and examine into every such complaint, and to direct such corporal punishment, not extending to life or limb, as the offence shall in *his or their discretion* merit; after which punishment, inflicted by the order of the Justices as aforesaid, no further or other punishment whatever shall be inflicted on such Slave for that offence by any person or persons whomsoever under the like penalty of 10l. ; and the Justices before whom such Slave or Slaves shall be brought, shall enter into a book to be kept for that purpose, the nature of the complaint and the punishment inflicted by their order; and that every such owner or possessor of Slaves attached to, and worked upon any plantation or estate shall keep or cause to be kept a record of all and every the crimes and punishments committed and inflicted upon such estate or plantation, and such record so to be kept on every such plantation or estate shall be produced when called for by any Justice of the Peace, upon any enquiry into any complaint of ill-treatment of such Slaves : provided always that it shall not be necessary to enter into such record any punishment which shall not exceed ten lashes.

**CLAUSE 11th.**—And be it enacted by the authority aforesaid, that if any proprietor, attorney, manager, overseer, or other person, having the charge or direction of Slaves, shall upon any pretence whatsoever, take upon himself or herself to inflict, or cause or knowingly suffer to be inflicted, on any Slave or Slaves any heavier, greater or other kind of corporal punishment than herein-before limited and prescribed, or to inflict punishment at other and different times than herein-before mentioned, such proprietor or attorney, manager, overseer, or other person having the charge or direction of Slaves, shall, for every such offence, be proceeded against by presentment, information, or indictment, in a Court of Criminal Jurisdiction, to be holden for this island, and if found guilty, shall be punished by fine or imprisonment, or both, at the discretion of the Court wherein such offender shall have been tried and convicted.

**CLAUSE 12th.**—And it is hereby further enacted, that no *Slave or Slaves* shall carry any whip, cat, or other instrument of the like nature, as a mark or emblem of his, her, or their authority while superintending the labour of any Slave or Slaves in or upon any plantation or estate; and the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal use or exhibition of any such whip, cat, or other instrument, as aforesaid, shall be deemed adjudged and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as the Court before which such misdemeanour is cognizable shall in its discretion direct.

**CLAUSE 13th.**—And be it also enacted by the authority aforesaid, that if any owner or possessor of a Slave or Slaves, or if any person or persons whatsoever shall wantonly or cruelly cut, wound, maim, or mutilate, or keep in confinement without sufficient support, any Slave or Slaves, he, she, or they shall be liable to be prosecuted for each and every such offence by information or indictment at any Court of Criminal Jurisdiction to be holden for these islands ; and, upon conviction, shall be punished by fine of not less than one hundred pounds nor exceeding five hundred pounds, or by imprisonment not exceeding twelve months, or both, at the discretion of the Court for each and every Slave so injured as aforesaid. And such punishment is declared to be without prejudice to any action that may be brought for the recovery of damages for any loss or injury that shall be sustained by any person or persons interested in such Slave or Slaves in case such Slave or Slaves shall not be the absolute or entire property of the offender. And if it shall happen that the person or persons committing the offences aforesaid against any Slave or Slaves being thereof convicted shall be the owner of such Slave or Slaves,

the Court is thereby authorized and empowered to direct the Provost Marshal of these islands, or his lawful Deputy, to take possession of such Slave or Slaves, and to cause him, her, or them, to be forthwith sold and disposed of to such person as he shall judge proper, and for such price as he shall deem fair and adequate, and can be procured for the same; and after deducting the expence of clothing and supporting of such Slave or Slaves while under his care out of the money to arise by such sale, he shall pay such balance as may remain in his hands to the owner as aforesaid; and such sale by the said Provost Marshal General, or his lawful Deputy, shall be deemed valid and sufficient in law to vest the absolute property of such Slaves or Slaves in the purchaser or purchasers thereof; or the said Court, in their discretion, are hereby authorized to declare and adjudge such Slave or Slaves to be free and discharged of and from all manner of servitude whatsoever; and to order and direct any part or portion of any fine by them imposed upon the owner or other person in charge of such Slave or Slaves to be paid by way of annuity out of the public treasury of this island for the support and maintenance of such Slave or Slaves, with which order the Public Treasurer for the time being is hereby strictly enjoined to comply.

CLAUSE 14th.—And be it further enacted by the authority aforesaid, that upon the prosecution of any person for wantonly and improperly punishing or confining a Slave, such person being the owner, possessor, or party under whose immediate charge or protection such Slave may have been, or be the Slave so alleged to be illegally punished, shall and may be produced and examined before the Grand Jury, and if the Grand Jury shall find a bill of indictment against the party so accused, it shall and may be lawful for the Court before which such prosecution shall be instituted, to admit such Slave as a competent witness to be examined on the trial of such indictment, notwithstanding such Slave shall be unable to produce to the Court the certificates required by this Act to render him a competent witness in the cases hereinafter provided for.

CLAUSE 15th.—And be it further enacted, that in case any Justice of the Peace shall receive any complaint or probable intelligence from any Slave, or otherwise, that any Slave or Slaves has or have been wantonly or improperly punished or confined, contrary to the true intent and meaning of this Act, it shall and may be lawful to and for such Justice to associate one or more Justices with him, and for such Justices to issue their warrant to any constable, ordering him immediately to proceed to the place where such Slave or Slaves is or are, and to bring him, her, or them before the said Justices, who are hereby authorized to commit the said Slave or Slaves to the gaol, or such other place as they shall deem proper, until enquiry shall be made into the facts; and if upon such enquiry it shall be found that the said complaint is true, the said Justices thereupon shall take such measures as to them may seem proper for the prosecution of the person or persons against whom such complaint is made, and shall and may direct, by warrant under their hands to be directed to the Public Treasurer, such allowance to be paid to such Slave or Slaves as they shall deem sufficient until such Slave or Slaves shall be discharged, or otherwise disposed of; but if it shall appear that such complaint was groundless, the said Justices shall punish the complainant, and the person giving information thereof, if a free person, by imprisonment, not exceeding thirty days, and, if a Slave, by any number of stripes not exceeding thirty-nine, or commitment to hard labour for a period not exceeding thirty days, and the costs and charges of the prosecution of the offender, and maintenance of the injured Slave or Slaves, shall be borne and paid by the public, unless the Justice before whom such complaint shall be made shall order and direct otherwise.

CLAUSE 16th.—And whereas it is very dangerous to the peace and safety of these islands to suffer Slaves to continue out as runaways, and it is necessary to declare and make known what Slaves shall be deemed runaways, be it further enacted, that any Slave or Slaves who shall be absent from his, her,

or their owner or employer without leave on any working days for forty-eight hours, without a ticket or permit shall be deemed a runaway.

**CLAUSE 17th.**—And be it further enacted, that after any Negro or other Slave is runaway from his or her master, mistress, owner or renter's service, or the service of any person or persons having the charge of such Slave or Slaves, or who shall escape from confinement, each and every person who shall entertain, harbour, receive, or conceal, or anywise aid, assist, comfort, or give any sustenance to such Slave, knowing him or her to be so runaway, shall upon conviction before one of the Justices of the Peace, for each offence, if a free person, forfeit and pay the sum of ten pounds currency of this island for every Slave so harboured, and the further sum of six shillings per day for each and every day such Slave or Slaves shall be so harboured or employed, and if a Slave, he or she, shall be publicly whipped with any number of stripes not exceeding twenty-five; and if it shall happen that any such offender or offenders, being Slaves, shall be convicted the second time of the like offence, he, she, or they upon such second conviction shall be adjudged to be publicly whipped with any number of stripes not exceeding thirty-nine, and so in proportion for each subsequent offence.

**CLAUSE 18th.**—And be it further enacted, that it shall and may be lawful for any person or persons to apprehend and take up any Slave or Slaves that shall be found off or from the plantation of his or her owner, renter, or employer, or out of the town or plantation wherein his or her owner, renter, or employer actually then is or usually resides (except Negroes employed in bringing water or other necessaries for the use of; or shall be attending upon such owner, renter, or employer) without a permission in writing by him or them signed; and the person so apprehending such Slave is hereby required to conduct, or cause him or her to be conducted in forty-eight hours to the plantation, habitation, or usual place of residence of the owner, renter, or employer of such Slave, who is hereby required to pay the apprehender of such Slave nine shillings if taken up within two miles of such owner, renter, or employer's plantation or habitation, or the town or plantation wherein or whereon he or she usually resides; or at the time of such apprehending actually had been at least forty-eight hours absent from the service of such owner, renter, or employer; and if taken up at any greater distance nine shillings, and three shillings for every computed mile such Slave is conducted; and if the owner, renter, or employer of such runaway shall refuse to pay such reward and charges if sent to him or her, then such runaway shall be sent to the common gaol, and the Provost Marshal, or his lawful Deputy, is hereby directed to pay the same reward and charges for bringing in the said runaway at the rate per mile aforesaid, and also the sum of nine shillings over and above the said reward and charges. And if such owner, renter, or employer of such runaway shall detain such runaway in his or her possession, without paying the reward and charges as aforesaid, the same, with the penalty of nine shillings, shall be recovered in a summary manner, before any one Justice of the Peace upon complaint, and the oath of the informer of such offence, which said Justice shall issue his warrant of distress in nature of an execution directed to any Constable to levy the same with the charges on the goods, chattels, or other effects of such owner, renter, or employer. And the goods, chattels, or other effects of such owner, renter, or employer so levied on, such Constable is hereby required to expose to sale under the same regulations, conditions, and restrictions, as are appointed for the sale of the goods and chattels of defendants taken in execution by the Provost Marshal of these islands. And it shall and may be lawful for such Constable to take and deduct the same fees as the said Provost Marshal may in like cases legally take, receive, and deduct.

**CLAUSE 19th.**—And be it further enacted, that the Provost Marshal General, or his lawful Deputy, shall receive all runaways into his custody, and if brought by a Slave to be accompanied by a note from a white or free person,

which note the Marshal shall produce if required; and the said Provost Marshal General, or his lawful Deputy, shall keep the said Slave or Slaves in safe custody, and shall affix a list of the names of such runaway Slaves in his custody on the Court-house door, and shall further cause an advertisement to be inserted in the public Gazette of this island, within six days after receiving each Slave into the common gaol, containing the name or names of such Slave or Slaves in his custody, the name of the owner or owners if known, but if not known an exact description of the person of such Slave or Slaves, which advertisement shall be republished once in every month whilst such Slave or Slaves shall continue in gaol and not oftener.

**CLAUSE 20th.**—And be it further enacted, that in case any negro or other person committed to the common gaol as a runaway Slave, shall alledge himself or herself to be free, it shall and may be lawful for any Justice of the Peace upon application made to him, to associate with him two or more Justices of the Peace for the purpose of enquiring into the truth of the matters, which Justices shall within ten days after such application cause due notice to be given in the several newspapers of this island, and the said Justices shall investigate, enquire, and examine the truth of such allegation; and if it shall appear to such Justices that such person so detained as a runaway Slave is free, such person shall be forthwith discharged, and in case it shall appear to such Justices that such person is a Slave, he or she shall be remanded to the common gaol: provided always, and it is hereby declared, that the decision of such Justices shall be without prejudice to the party claiming any right or title to such person as a runaway Slave, or to their prosecution by such person detained as a runaway, of his or her right or title to his or her freedom, or for damages by reason of his or her illegal detention or imprisonment.

**CLAUSE 21st.**—And be it further enacted, that the Provost Marshal General, or his lawful Deputy, shall be entitled to and be paid seven shillings and sixpence for taking such Slave into his custody, and one shilling each twenty-four hours the Slave shall continue in prison for his or her maintenance, and upon the delivery of any Slave to the owner or possessor of the same, he shall be paid the further sum of four shillings and sixpence, besides the nine shillings for taking up, and three shillings per mile, and the nine shillings penalty which the party who may have brought the said Slave to gaol shall have received; and if any Slave or Slaves shall continue in prison for three months after publication as aforesaid, such Slave or Slaves shall be sold at public sale, and the proceeds of such sale shall, after payment of all lawful charges, together with five pounds per centum commission on the sale, be returned to the owner of such Slave, or if such owner be unknown, to the Treasurer for the time being, for the use of the public until the owner shall appear; and the Provost Marshal, or his lawful Deputy, shall be obliged upon oath to account and pay over once in every year at least, unto the Treasurer for the time being, all such sums of money as he shall have received on account of the sale of such Slaves, under the penalty of one hundred pounds for every neglect or default.

**CLAUSE 22d.**—And be it further enacted, that no negro or other person detained as a runaway Slave or Slaves so claiming their freedom as aforesaid, shall be sold by the Provost Marshal General until such meeting of Justices has been convened and held, and such investigation, enquiry, and examination had, and without the same being certified by the Justices attending such meeting under their hands and seals, and filed with the Clerk of the Crown at the public expense, and the sale of any runaway Slave or Slaves so claiming their freedom, made without such certificate being obtained, shall be, and the same is hereby declared to be null and void to all intents and purposes whatsoever.

**CLAUSE 23d.**—And be it further enacted, that in case the Provost Marshal General, or his lawful Deputy, shall refuse to pay the person apprehending any

runaway the several sums of money hereinbefore directed to be paid, or shall refuse to receive the said Slave so apprehended, or shall neglect or refuse to put up and publish his, her, or their names, or shall wilfully or negligently suffer any runaway received by him to escape, or shall refuse to deliver any runaway to his owner, or possessor, on tender of his legal fees, and all disbursements, for every such offence the Provost Marshal General, or his lawful Deputy, shall forfeit and pay a sum not exceeding two hundred pounds current money, to be levied on his goods and chattels by warrant under the hand and seal of any Justice of the Peace to be directed to the Coroner.

CLAUSE 24th.—And be it further enacted, that if any Slave shall run away from his or her owner, or possessor, and continue absent for a term exceeding six months, such Slave being convicted thereof before any two Justices of the Peace shall be sentenced to be confined to hard labour for such time as such Justices shall direct, or be transported for life according to the magnitude of the offence; and if any Slave shall run away as aforesaid, and continue absent for any time not exceeding six months, such Slave upon conviction thereof shall for the first offence suffer such punishment, by whipping or confinement to hard labour not exceeding three months, as the said two Justices shall think proper to direct, but if the said Slave hath frequently run away, and is proved to the satisfaction of such Justices to be an incorrigible runaway, he shall be subject to the same punishment as if he or she had been runaway from his or her said owner or possessor, and continued absent for a term exceeding six months, and such Slave being convicted thereof, shall be sentenced to hard labour, or be transported for life as the said Justices shall direct.

CLAUSE 25th.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any Justice of the Peace, and he is hereby authorised and required, upon complaint made to him on oath that any Slave or Slaves are runaway, and have absented themselves from the service of their owners or employers, to grant a warrant to search for and apprehend all such runaway Slaves, as also such Slaves as the complainant shall have just cause to suspect to be guilty of wilfully entertaining, harbouring, or concealing such runaway Slaves; and it shall and may be lawful for any person or persons so authorised by warrant as aforesaid, to enter any Negro-house or houses, or other place occupied by any Slave or Slaves, either in town or country, by day or night, to search for any Slave or Slaves, having first given notice to the master, owner, manager, or overseer on the plantation to which such house or houses, or other place as aforesaid, belong, or proprietor, or occupier of any house in town not belonging to any such plantation, and after such warrant obtained, and notice given as aforesaid, to break open the door or doors of such Negro-houses or rooms into which admittance shall have been refused.

CLAUSE 26th.—And be it further enacted, that if any Slave or Slaves shall be absent from the plantation to which such Slave or Slaves belong with any fire arms, cutlass, sword, pike, lance, or other hurtful arms, unless such Slave or Slaves shall be so possessed thereof for the purpose of cultivating his master's land, or his or their own garden or gardens, not having a ticket from the owner or possessor of such Slave for carrying the same, or not being in company or under the direction of a free person, any person or persons may seize such Slave with the arms or weapons, or the arms and weapons alone, and carry such Slave and arms, or arms only, before a Justice of the Peace, and it shall and may be lawful for such Justice to order such arms to be forfeited.

CLAUSE 27th.—And it is further enacted, that if any person whatsoever shall hereafter sell, barter, or give any Slave any fire-arms, cutlasses, or offensive weapons without a ticket or leave from the master of such Slave, he, she, or they shall forfeit ten pounds current money of these islands for each offence.

CLAUSE 28th.—And be it further enacted, that it shall not be lawful for

any Slave or Slaves to beat any drum, or use any other loud instruments for their diversion or entertainment after the hour of ten o'clock at night, and if the owner or possessor of any plantation in the country, or house in any town in these islands shall knowingly permit his or their Slaves to beat any drums or use any other loud instruments after the hour of ten o'clock at night, such person or persons so offending on conviction before any Justice of the Peace shall forfeit and pay the sum of ten pounds currency.

CLAUSE 29th.—And whereas several Slaves have found means to desert from their owners and depart from these islands, and there is reason to believe that such Slaves have been aided and assisted in such escape and departure by other persons; be it therefore further enacted, that if any person or persons whatsoever shall carry off, or attempt to carry off, any Slave or Slaves from these islands, without leave of the owner of such Slave or Slaves, or shall aid, abet, or assist therein, and being thereof convicted, such person or persons so offending shall be, and he, she, or they are hereby declared and adjudged to be guilty of felony, without benefit of clergy: and if any free person or persons shall aid or assist, or shall persuade, entice, delude or endeavour to prevail on any Slave in the lawful possession of another to leave these islands, or to go away from the service of the party so in possession, with a view or design of afterwards leaving these islands, such person or persons shall and may be prosecuted before the Supreme Court of Judicature for a misdemeanour, and shall and may be fined and imprisoned at the discretion of the said Court; and if a Slave or Slaves, he, she, or they shall and may, on conviction before any two Justices of the Peace, be punished by their order, in such exemplary manner, not extending to life or limb, as they shall think fit; and that if any Slave or Slaves shall run away from his or their owner or owners, employer or employers, and go off, or conspire or attempt to conspire to go off from any of these islands in any ship, boat or canoe, or other craft whatsoever, he, she or they so running away, and going off or conspiring and attempting to go off, and being thereof convicted, shall in like manner be punished by the order of any two or more Justices of the Peace, in such exemplary manner, not extending to life or limb, as they shall think fit: provided always, that if any person guilty of having been aiding or assisting only in unlawfully carrying off any Slave or Slaves as aforesaid, shall voluntarily make discovery and information, on oath before any Justice of the Peace of these islands, of any master of a vessel or other principal person so carrying off, or ordering and directing the unlawful carrying off of the same, or of any other Slave, so that such master or other principal person shall be apprehended and brought to justice; every offender so discovering and informing shall stand acquitted and discharged of any such his offence then before committed, and for which no prosecution shall then be commenced.

CLAUSE 30th.—And be it further enacted, that if any person or persons (free or Slave) shall be found at unseasonable hours of the night lurking, waiting or loitering near the sea in any part of these islands, and appearing to have correspondence with any vessel at anchor or hovering near the coasts of the same, or from any other circumstance suspected to be there with intent to carry off, or to aid or assist in the carrying off of Slaves, any person or persons whatsoever shall and may on the spot, and without warrant, seize and apprehend such person or persons so lurking, waiting or loitering, and detain him, her or them in custody, until he, she or they can conveniently be carried before some Justice of the Peace; and if such person or persons shall not give a satisfactory account of themselves and of their business there, or otherwise make it appear to the satisfaction of such Justice that they were not there for any unlawful purpose, every such person shall and may be committed by such Justice for trial for such offence.

CLAUSE 31st.—And whereas great abuses and dangerous consequences have resulted from a practice of many of the inhabitants, both in town and country, selling rum to Slaves without a permission from their owners, renters or

employers : for remedy whereof, and prevention of the same, be it enacted by the authority aforesaid, that no person whatsoever by himself, or any Slave, either in town or country, shall sell or barter rum, or any other spirituous liquors, be the quantity ever so small, to or with any Slave, without a permission under the hand of the owner, renter or employer of such Slave, under the penalty of fifty pounds current money of these islands for each offence.

CLAUSE 32d.—And be it further enacted, that if at any time between the hours of nine o'clock at night and four o'clock in the morning any Slave or Slaves shall be found in any streets, lanes or squares in the town of Saint George, unless such Slave or Slaves shall be in the actual attendance upon his, her or their owner or possessor, or have a permission in writing from such owner or employer, it shall and may be lawful to and for any free person or persons, and he and they, and every of them are hereby authorized and required to apprehend, take up and carry such Slave or Slaves to the cage in the said town, and there deliver him, her or them to the keeper thereof, who is hereby required to keep and detain him, her or them in the said cage until the next morning, unless the owner or employer of such Slave or Slaves shall sooner demand him, her or them.

CLAUSE 33d.—And be it enacted by the authority aforesaid, that if any Slave or Slaves shall be found swearing or uttering obscene language, or committing any indecent act in the public streets, highways or any other place, or gaming, getting drunk in tippling-houses, quarrelling or fighting, cruelly whipping, beating or ill-using any animal, or furiously driving any cart, waggon or other carriage, or shall wilfully gallop, canter or trot any horse or mule within the precincts of the town of Saint George, such Slave or Slaves shall, on conviction before any Justice of the Peace, be punished at the discretion of such Justice, not exceeding twenty-five lashes; and all constables are strictly enjoined and required to use their best endeavours to prevent Slaves from gaming, assembling in tippling-houses or grog-shops, or meeting at unlawful hours for the purpose of dancing or otherwise.

CLAUSE 34th.—And be it further enacted, that if any free person or persons, or any Slave or Slaves shall knowingly suffer any person to game in any house or outhouse in his charge, or shall be found gaming with any Slave or Slaves, such person or persons shall and may be apprehended and taken before a Justice of the Peace in the parish in which such person or persons shall be apprehended, who is hereby authorized and empowered to inflict on such person or persons, if a Slave or Slaves, such corporal punishment, by whipping, not exceeding twenty-five stripes, as any such Justice shall, upon conviction thereof before him in his discretion order and direct, and if a free person, shall and may commit such free person to the common gaol of this island, for any period of time not exceeding six days.

CLAUSE 35th.—And whereas it is absolutely necessary to use all practicable efforts to prevent the many mischiefs that may hereafter arise from the wicked persons going under the appellation of "Obeah men and women," and pretending to have communication with the Devil and other evil spirits, whereby the weak and superstitious are deluded into belief of their having full power to exempt them, whilst under their protection from many evils that may happen: be it therefore enacted, that any person or persons, whether free or Slaves, who shall pretend to use any art or mystery with the intent, or so as to affect the life or health of any Slave or other person, or who shall mix or prepare, with an intent to give or cause to be given, any poison or poisonous or noxious drug, pounded glass, or other deliterious matter in the practice of obeah, or otherwise, although death may not ensue on the taking thereof; or who shall have in his, her, or their possession any poisonous drugs, pounded glass, parrott's beaks, dog's teeth, alligator's teeth, or other materials notoriously used in the practice of obeah or witchcraft; and in a state of evident preparation for carrying on such dan-



gerous and nefarious practice, or who shall be found at any meeting formed either for the purpose of administering unlawful oaths, by drinking human blood mixed with rum, grave dirt, or otherwise, or for any other unlawful or dangerous purpose whatsoever, such person or persons shall, upon conviction thereof, be deemed guilty of felony, and shall suffer death, transportation, or such other punishment as the Court shall think proper to direct.

CLAUSE 36th.—And be it further enacted; that if any person or persons having knowledge of such unlawful practices or meetings as aforesaid, shall not forthwith give information thereof to a Justice of the Peace, such person or persons, if free, shall and may be prosecuted before the Supreme Court of Judication, and on conviction shall suffer such punishment by fine or imprisonment, or both, as the said Court shall order and adjudge; and if a Slave or Slaves, shall and may be prosecuted before any two Justices of the Peace, and on conviction suffer such punishment by public whipping as such Justices shall direct.

CLAUSE 37th.—And be it further enacted, that if any Slave or Slaves shall enter into or be concerned in *any rebellion or rebellious* conspiracy, or commit any murder, manslaughter, felony, burglary, or robbery, or wilfully set fire to any houses, out-houses, Negro-houses, cane pieces, grass, or corn pieces, or break into such houses, out-houses, or Negro-houses, in the day time, no person being therein, and steal thereout, or shall steal any horned cattle, sheep, goat, hog, horse, mare, mule, or ass, or shall kill any such horned cattle, sheep, goat, hog, horse, mare, mule, or ass, with intent to steal the whole carcase or any part of the flesh thereof, or *compass or imagine the death of any free person, and declare the same by some overt act*, or commit any other crime which would subject free persons to be indicted for felony, such Slave or Slaves shall for such offence or offences be indicted and tried in the Supreme Court of Judicature of this island, in all respects in the same manner as such free persons, and upon conviction thereof, suffer death, transportation, or such other punishment as such Slave, if free, would be liable to suffer; and the Court shall assign counsel for each prisoner or prisoners, and the fees and expenses necessarily incurred in the defence of such prosecution shall be chargeable to the public of this island, and the several accounts thereof be rendered annually to the Committee of Public Accounts, and provided for and paid as other accounts against the public.

CLAUSE 38th.—And be it further enacted, that if any Slave or Slaves, when lawfully committed for any treason or felony, shall escape, break loose, or run away from the place of his, her, or their confinement, such Slave or Slaves shall on conviction thereof be declared guilty of felony, without benefit of clergy; and if any Slave or Slaves who shall have been by sentence of any Court transported from the Government shall return thereto, he, she, or they shall on conviction thereof be declared guilty of felony, without benefit of clergy.

CLAUSE 39th.—And be it further enacted, that if any master of any ship or vessel shall knowingly or wilfully bring back to this island any Negro or other Slave who shall have been transported from this island, under and by virtue of this Act, or any other Act heretofore in force respecting Slaves, such master, being convicted thereof by indictment in the Supreme Court of Judicature of this island, shall forfeit the sum of one hundred pounds for each Slave so brought back, and shall suffer imprisonment at the discretion of the Court for any space of time not less than three months, and not exceeding twelve months, without bail or mainprize.

CLAUSE 40th.—And be it further enacted, that when any Slave shall be sentenced to death, transportation, or confinement to hard labour for life, the Court and Jury before which any such Slave or Slaves so sentenced shall be tried and convicted, shall value the said Slave at such sum as they in their consciences shall deem him or her to be worth, and shall certify the same to

the Public Treasurer of the island of Grenada, who is hereby authorised to pay to the owner the amount of the sum mentioned in such certificate; and all Slaves condemned to confinement in chains to hard labour for life, or to be transported, shall from and immediately after such appraisalment become the property of the public, and the owner be divested of all claim therein.

**CLAUSE 41st.**—And be it also enacted, that if any Slave or Slaves shall be guilty of any offence, which, by the laws of England, or the laws in force within this Island, would be deemed petty larceny, misdemeanour, or other inferior offence, for the trial whereof no other provision has been made, such Slave or Slaves shall be tried in a summary manner before two or more Justices of the Peace, reasonable notice of the time and place of such trial being given to the owner or possessor of such Slave or Slaves, or, in his absence, to the attorney or attorneys, or other person or persons having the care of such Slave or Slaves; and the said Justices of the Peace shall, on conviction of such Slave or Slaves, order and direct such corporal punishment as they shall think proper, not exceeding fifty stripes, or imprisonment for any term not exceeding six months, or confinement to hard labour.

**CLAUSE 42d.**—And be it enacted, that the clerk to the Magistrates of the parish, town, or district, before whom any Slave shall be tried, shall receive for his attendance and making out the order of the Magistrate on such trial the sum of thirty-six shillings per day; and the constable, for attending the trial and execution of the order of the Magistrates thereon, shall receive the sum of eighteen shillings per day, which said several fees shall be paid upon the order of the Magistrates either by the prosecutor, the proprietor of the Slave, or, in his absence, on his account by his attorney, or the person having charge of the Slave against whom complaint is made, or by the public, at the discretion of such Magistrates.

**CLAUSE 43d.**—Whereas it is necessary that all public punishments of Slaves, in pursuance of the sentences of one or more Magistrates, under and by virtue of this Act, should be inflicted under the direction of a prudent and discreet person; be it therefore enacted, that the superintendence of all corporal punishment, in pursuance of any sentence or sentences of any one or more Magistrates, shall be annexed to the office of the clerks of the markets of the respective towns within this island, who shall severally provide a proper person or persons, at his or their own expence, to inflict all such punishment, and shall keep and take care of all such Slaves during their confinement in the cage; and the said clerks of the markets shall be entitled to demand from the Public Treasurer of this island, for the superintendence of each punishment, the sum of six shillings currency.

**CLAUSE 44th.**—And whereas frequent thefts and burglaries have of late taken place, and there is reason to believe that such thefts and burglaries have been committed by free persons, aided and assisted by Slaves; and whereas it will tend very much to the protection of property and to social order to admit the testimony of Slaves in certain cases, be it therefore enacted, by the authority aforesaid, that from and after the publication of this Act, if any free person or persons shall be found associating with any Slave or Slaves, gaming, dancing, drinking in tippling-houses, or in the commission of any crime or offence, or who shall harbour or employ any runaway Slave or Slaves, knowing them to be such, the testimony of any Slave shall be received against such free person or persons in all cases except where the life of such free person or persons may be affected.

**CLAUSE 45th.**—And whereas by the laws at present in force for regulating the public markets the hours thereby limited may not afford sufficient time for the sale of provisions and other articles necessary for the consumption of the inhabitants, be it therefore enacted, by the authority aforesaid, that, in addition to the time already appointed for holding such markets, the market

hours on Thursday throughout the year shall be extended from six o'clock in the morning until six o'clock in the evening.

**CLAUSE 46th.**—And be it further enacted, by the authority aforesaid, that no shop or store in any of the towns in this island shall be kept open on Sundays, under a penalty of ten pounds for every offence; provided that nothing herein contained shall extend to prevent the dressing or selling meats, bread, fish, and other necessaries of life, on that day, by any person or persons whatsoever.

**CLAUSE 47th.**—And be it enacted, by the authority aforesaid, that when any person or persons shall be charged or accused of the crime of murder, felony, or other offence, which, under the laws now in force, shall subject any person or persons to suffer death or transportation, it shall and may be lawful to examine as a witness or witnesses, on his, her, or their corporal oath or oaths, any Slave or Slaves before any Judge, Justice of the Peace, Grand Jury, or Petty Jury, in any Court within these islands having cognizance of such crimes; provided always that the Slave or Slaves produced as a witness or witnesses shall produce before such Judge, Justice of the Peace, or the Court to which such Grand Jury or Petty Jury are summoned, a certificate of his, her, or their baptism, under the hand of the clergyman of the parish in which he, she, or they shall have been resident at the time of his or their baptism, or an extract of the entry of such baptism from the registry of such parish or cure; and also a certificate, under the hand of a clergyman, or of the proprietor, or attorney of the proprietor of such Slave produced as a witness or witnesses, that such Slave or Slaves is or are of good character and repute, and that he, she, or they has or have been so far instructed in the principles of religion as in the judgment of the party certifying adequately to understand the nature and obligation of an oath; and provided also, that if, on examination by the Court before which such Slave or Slaves is or are produced as a witness or witnesses, the Court shall be satisfied with such certificates, and of the accuracy of the facts therein certified; and provided also, and it is hereby expressly declared, that no white or free person shall be convicted of any of the crimes aforesaid on the testimony of any Slave or Slaves, unless two of the Slaves produced as witnesses shall, clearly and consistently with each other, depose to the same fact or circumstance; and also unless such testimony shall be corroborated by circumstantial evidence to the satisfaction of the Court and Jury; and provided that no white or free person shall be convicted of any of the crimes aforesaid on the testimony of any Slave or Slaves, unless the person or persons be charged and prosecuted for the same crime or crimes within twelve months after the commission thereof; and the clergyman of each parish within these islands and the island of Carriacou shall, under a penalty of ten pounds for each name omitted, enter in a book to be kept for the purpose the names of such Slave or Slaves, and the estate or owner to whom such Slave or Slaves shall belong, as such clergyman shall baptize; and shall, and he is hereby required to give each Slave so baptized a copy of such entry, which shall be lodged in the Register's office for registration in a book to be kept for that purpose, and in default of such registration no certificate shall be deemed valid; and each and every Slave omitting to register the certificate, shall, during the time the certificate remains unregistered, be disqualified to give evidence before any Judge, Justice of the Peace, Grand Jury, or Petty Jury in any Court within these Islands.

**CLAUSE 48th.**—And be it further enacted, by the authority aforesaid, that whenever any question, shall arise touching the liberty of any person detained or claimed as a Slave, the proof of the slavery shall in all such cases lay upon the claimant of such person as a Slave; and that when the competency of any person as a witness in any Court of Justice, or other tribunal, shall be disputed on the ground of his or her being a Slave, the party taking such objection shall be bound to prove the slavery to the person so challenged or objected to as aforesaid.

**CLAUSE 49th.**—And be it further enacted, by the authority aforesaid, that in case any Slave or Slaves shall wilfully and corruptly give false evidence on any trial had under this Act, such Slave or Slaves shall receive such punishment, by whipping or otherwise, as the Justice or Justices trying the cause, or before whom such false evidence is given, shall think proper to direct.

**CLAUSE 50th.**—And be it further enacted, by the authority aforesaid, that it shall not be lawful for the Provost Marshal, or his lawful Deputy, or any other person, to levy upon and sell, in execution of any judgment, sentence, or decree of any Court of Justice, or order of any Justice of the Peace, or other authority whatsoever, any married Slave having a child or children under the age of twelve years, or any female unmarried Slave having a child or children under the age aforesaid, who may be the property of the same person or persons, unless such married Slave or Slaves' child or children, or such unmarried female Slave and child or children, shall be sold together to the same person or persons; and if in the execution of any such judgment, sentence, decree or order, any Slave or Slaves shall be sold separate and apart from their husband or wife, or child or children; or if any such unmarried female Slave and child or children shall be sold separate and apart from each other, such sale shall be absolutely null and void to all intents and purposes whatsoever.

**CLAUSE 51st.**—And be it further enacted by the authority aforesaid, that in case any owner or owners of any Slaves, on which any mortgage, settlement, lease or other charge may have been executed, may be desirous to give manumission to any such Slave or Slaves, it shall and may be lawful for such owner or owners to manumit the same without the permission of the mortgagee, lessee or other incumbrancer, or when such consent or permission of such incumbrancer cannot be obtained on substituting another or other Slave or Slaves of equal value in the place of such manumitted Slave; and such owner or owners shall and may apply to any two or more Justices of the Peace to nominate one or more person or persons for the purpose of valuing such Slave or Slaves so proposed to be manumitted and substituted; and the said Justices are hereby required to make such nomination of appraisers, who shall make an impartial appraisal of the Slave or Slaves so proposed to be manumitted and substituted, and certify the same under their hands to the said Justices, and if it shall appear to the satisfaction of such Justices that the value of the Slave or Slaves to be substituted is or are of equal value with the Slave or Slaves so proposed to be manumitted, they are hereby authorised and required to grant a certificate of such valuation; and thereupon such owner or owners shall and may grant such manumission as aforesaid, and the same shall be as valid and effectual as if such mortgage, settlement, lease or other charge did not exist.

**CLAUSE 52d.**—And whereas by the usage of these islands, Slaves have been permitted to acquire, hold and enjoy personal property free from the controul or interference of their owners, and it is expedient that such laudable custom should be continued and established by law; be it therefore enacted by the authority aforesaid, that if any owner or possessor of any Slave or Slaves, or any other person or persons whatsoever, shall unlawfully take away from any Slave or Slaves, or in any manner deprive, or cause him, her or them to be deprived of any species of personal property by him or them possessed, such person or persons shall forfeit and pay the sum of ten pounds over and above the value of any such property so taken away as aforesaid.

**CLAUSE 53d.**—And be it further enacted by the authority aforesaid, that in all cases where the evidence of Slaves is admitted to be given in any Court or Courts of Justice in this island, under and by virtue of this Act, a writ of subpoena shall and may issue under the hand of the Secretary of the island, or his lawful Deputy, and under the seal of the Court in the usual manner, upon the application of any person or persons requiring the testimony of such Slaves, directed to the owner or possessor of such Slave or Slaves, or the person under

whose immediate charge such Slave or Slaves may be, requiring him or them under the penalty of fifty pounds to bring and produce, or cause to be brought and produced, in Court such Slave or Slaves for the purposes aforesaid.

**CLAUSE 54th.**—And be it further enacted, that all penalties and forfeitures in this Act mentioned, not exceeding ten pounds, shall be recovered before any Justice of the Peace in the parish wherein the offence shall have been committed, who is hereby authorized and empowered to issue his warrant to summon the party or parties complained of before him, and on conviction to enforce payment by warrant of distress against the offender or offenders, directed to the Provost Marshal or his lawful Deputy, or to the Constable or Constables of such parish, which penalties shall be paid into the hands of the party or parties complaining; and all penalties exceeding ten pounds shall be recovered in the Supreme Court of Judicature by action of debt, bill, plaint, or information, one half whereof shall be paid to the informer, or him or them who shall sue for the same, and the other half to be paid to the Public Treasurer of this island for the public uses of the colony: provided always, that all proceedings for the recovery of all penalties under this Act, shall be instituted within four months after the offence committed.

**CLAUSE 55th.**—And be it further enacted by the authority aforesaid, that this Act shall not be in force until His Majesty's pleasure be signified in this colony.

Passed the Assembly this 21st day of April 1825.

(Signed) JOHN CH. KER, Clerk of Assembly.

Passed the Council this 22d day of April 1825.

(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Dated at the town of St. George, in the island of Grenada, this 26th day of April, in the sixth year of the reign of our Sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord 1825.

(Signed) JNO. HOYES, Speaker.

Assented by his Honour the President and Commander-in-Chief, this 26th day of April in the year of our Lord 1825, and in the sixth year of His Majesty's reign.

(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Proclaimed in the town of Saint George, in the island of Grenada, this 7th day of May, in the sixth year of His Majesty's reign and in the year of our Lord 1825.

(Signed) J. BOUCHER, P. M. General.

(Signed) GEO. (L. M. S.) PATERSON.

No. 3.

SIR,

*Downing-Street, 20th October 1825.*

THE Act for consolidating the Slave laws of Grenada, which accompanied your dispatch of the 5th of May last, was yet under His Majesty's consideration, when in August last I felt it necessary no longer to delay expressing to the Governors of the colonies in the West Indies my apprehensions of the consequences which might follow in the next session of Parliament, from the sense entertained by the Legislature and the country of the opposition made to their united wishes for the melioration of the condition of the Slave population.

I have great satisfaction in finding myself enabled to address you under circumstances which justify more pleasing anticipations; for, although after a full consideration of the Grenada Act I cannot but be sensible that it falls short of what has been recommended, yet it deserves to be considered as an important improvement of the existing code. Its provisions are all of a beneficial nature as far as they go, and contain nothing that can stand in the way of its confirmation. Where the enactments are deficient either in defining or securing their objects, there is a manifest good intention which assures me that these inadvertencies will be readily corrected. In order to give the Legislature every facility for this purpose, and in the confidence that they will enable me to lay their work before Parliament in a more complete form, comprising all that is necessary to render it effective in operation, I have pointed out in a separate dispatch the provisions which will require to be revised; but I cannot avoid calling your attention to the entire omission in the Act of any clause for the appointment of a Protector of Slaves, or of some officer under any other title, but invested with similar authority, for I am not pertinacious as to titles, provided there be some individual legally authorized, and known to be legally authorized, to enforce the due execution of all laws intended for the benefit of the Slave population. I need not I am sure also observe, that in this Act the corporal chastisement of women is not prohibited; that there is no efficient enactment for the registration of punishment of Slaves; nor any provision to enable Slaves to purchase their own manumission, or that of their relations. The omission of such important subjects as these makes it incumbent upon me to impress upon you, that, however beneficial and praiseworthy this Act must be considered in itself, the expectations of Parliament and of the country have been formed upon a wider basis, and legislation upon all these omitted subjects is essential to their ultimate fulfilment.

It would be an injustice to the Legislatures of the West Indies to suppose that they would not be desirous of making some return, and none can be more acceptable, for all the exertions which have been made for their benefit in the last session of Parliament: their trade has been opened to foreign countries—their ports have been opened to foreign ships, and some of them privileged as free warehousing ports, where entrepôts may be formed between the nations of Europe and America, to receive and exchange the produce of both. Fees levied on their shipping have been either modified or abolished, and duties have been lowered for the encouragement of some, and for the relief of other articles of export, besides those which are considered the staple production of the colonies. When the Colonial Legislatures are reminded that these efforts have been made by the Imperial Parliament to advance the interests of the planters and merchants in the West Indies, I cannot but persuade myself that they will reconsider in a more favourable spirit the measures recommended to them in behalf of that part of the population whose interests they are in a more peculiar manner called upon to protect and promote; still less can I anticipate that these considerations will want their due weight with the Legislature of Grenada, which has already to an important extent manifested a disposition to carry the suggested improvements into effect.

It is therefore under no discouraging circumstances that I instruct you, at the same time that you convey to the Legislature His Majesty's gracious approbation of what has been done, to recommend, first, that they should revise those enactments in the late Act to which I have more particularly called their attention in a separate dispatch, and, secondly, that they should take into their serious consideration the important measures which are yet wanting to fulfil the expectations entertained from them.

I have, &c.

(Signed) BATHURST.

*The Officer Administering the Government.*

## No. 4.

SIR,

*Downing Street, 20th October 1825.*

I HAVE received and laid before the King your dispatch of the 5th May last, inclosing an Act of the Legislature of the island of Grenada for consolidating and amending the laws relating to Slaves.

In my dispatch of this date I have instructed you to signify to the Legislative Council and Assembly His Majesty's gracious approbation of this Act, and I have there also shortly adverted to the more important omissions which I have observed in it. It is my present purpose to enter more at large into the details of this Act, and to direct your attention to those particular enactments which are inadvertently (as I am willing to believe) left open to objection, inasmuch as they imperfectly execute what the Legislature appear to have intended to accomplish.

I have to remark that this law contains no express prohibition of Sunday markets; nor is it distinctly declared that they shall cease so soon as adequate provision is made for the religious instruction of the Slaves, but from a comparison of the 45th and 46th clauses, I am disposed to infer that the real intention, however imperfectly expressed, was to suppress Sunday markets immediately and altogether. The terms employed do not necessarily convey that meaning, but a few additional words would render the law on this head perfectly explicit.

I am happy to observe that the principal of prohibiting compulsory labour on Sunday is fully recognized. To give effect to this important regulation it will be necessary to define the hours on which the Sunday is to be understood to begin and to end. It will be proper also to remove the ambiguity which arises from the language employed in the 8th section, which might possibly lead to the supposition that it was intended to confine the penalty to one class only of the offences there enumerated. The prohibition ought also to be extended to the case of a person employing Slaves the property of another; and the enactment would be rendered more clear and unambiguous if it were extended to the employment of a Slave in the singular number, and not confined as at present, to the employment of Slaves in the plural.

With respect to the use of the whip, either as an instrument of coercion or as an emblem of authority, I have to call your attention to the following observations. The words employed on this subject by the framers of the Act are unfortunately such, that in a great variety of cases the prohibition must be nugatory. The single case expressly provided for is that of the whip being carried by a Slave, as an emblem of authority, while superintending the labour of any other Slave on any plantation. A Slave might therefore carry and use the whip as an instrument of coercion; he might use it even as an emblem of authority, beyond the limits of the plantation; and it is not prohibited at all in the hands of a free person, whatever may be the purpose for which it is carried. It will therefore be extremely desirable that a considerable addition should be made to the terms of this clause.

The punishment of Slaves by the domestic authority of the Master is prohibited if the punishment exceeds twenty-five lashes. On referring to the Act you will perceive (what is probably an error in composition) that the penalty will not be incurred by the infliction of a greater number of lashes than twenty-five, if the punishment does not take place on the day on which the offence is committed. The provisions of the present Act have moreover established a rule for which I am not aware that any precedent exists, and which I think the Legislature will be willing to reconsider, since I cannot avoid regarding it as a dangerous innovation.—I advert to the power with which Magistrates are invested of punishing at their discretion all offences of such peculiar enormity as require a more severe correction than the Master is permitted to inflict. These, of course, must be cases not coming within the reach of the general criminal law.

The regulations for keeping a record of domestic punishments are important as a recognition of the utility of such a measure. But in practice the law can be attended with little or no effect until it is amended so far as to prescribe the form and manner in which the record is to be kept,—the penalties of disobedience,—and the method of securing accuracy and punctuality in making and preserving these documents.

The separation of families under judicial sales is the next in order of the subjects to which I am to advert. There is a want of distinctness in the language of the Act on this subject, from which I am led to doubt whether it would extend to prevent the separation of husbands and wives. Respecting the separation of the reputed father from his children, or of reputed husbands and wives, the law is silent.

The protection by law of such property as the custom of the island has hitherto permitted Slaves to acquire is a subject to which I have already adverted so fully in my former correspondence, that for the present I shall confine myself to the following remarks: this Act has not given the Slave a right of action for recovering or protecting his property; the provision, by which in certain cases a criminal information is authorized when property is taken away from a Slave, does not appear to be (what the Legislature has probably considered it) a sufficient substitution for that right; for, independently of all the difficulty with which such a proceeding must be attended, you will observe that the information can be brought only when property is unlawfully taken away: the far more common cases of property being unlawfully withheld, of the non-payment of debts and legacies, and the breach of contracts, are not provided for at all. It may be said indeed that the owner might sustain the action on behalf of the Slave; but without entering upon a discussion of what is a mere question of law, and assuming that the owner could sue and be sued for his Slave, there would still be no provision for the instances in which the owner himself might be the wrong doer, or labouring under some legal or natural incapacity, or be absent from the island; or where the title of the owner to the Slave might be disputed by the opposite party, or where the owner should refuse to afford the Slave his assistance.

Although, as I have remarked in the accompanying dispatch, the important subject of manumission, whether voluntary or compulsory, is altogether omitted, yet I observe that the owner of a Slave subject to any mortgage or family settlement, is able to effect his manumission by substituting for him a Slave of equal value, the question of value being decided by appraisers to be nominated for that purpose by two Justices of the Peace on the application of the owner. I advert to this clause chiefly with a view to point out that the words "the Owner" are susceptible of many different constructions, and may be interpreted to mean either the absolute owner in fee simple, or any person having a more limited interest. Some explanation of the term would therefore appear to be desirable.

Comparing together the various rules which are to be found in the different parts of this Act on the subject of the evidence of Slaves, I should infer that Slaves who have been baptized in the Roman Catholic faith, or by teachers of religion dissenting from the Church of England, could not be admitted as evidence, and that the testimony of a Slave against a free person can never be admitted at all, unless when the offender is charged with a crime amounting to felony. These are consequences of the Act which I take for granted were not contemplated by the framers of it, and which I presume therefore will be readily obviated by an explanatory clause.

Such are the comments which, for the purpose of giving the Legislature all the aid in my power for the completion of their own work, I have felt it my duty to make upon the imperfections of this Act, as compared with the objects which it appears designed to embrace. Where the designed objects have fallen short of what has been recommended in the several branches of the subject I have refrained from dwelling upon the differences in detail, since they will be sufficiently indicated by a reference to my former dispatches.



It now therefore only remains for me to do the Legislative Council and Assembly of Grenada the justice of acknowledging the spirit of liberality and benevolence by which some of the provisions are characterized, which, without any suggestion from His Majesty's Government, have been spontaneously devised and executed by the Legislature. I might indeed point out errors and omissions which have occurred in framing some of these clauses, and which, unless corrected, would be found to defeat their operation. I refer especially to the rules relating to the food, lodging, and clothing of Slaves, and their treatment when sick; but the revision and improvement of these clauses may be safely entrusted to the experience and correct feelings of the gentlemen with whom they originated; and I am enabled to signify to you His Majesty's entire and unqualified approbation of the enactment which, in the event of any question arising touching the liberty of any person claimed as a Slave, imposes upon the claimant the obligation of proving the fact of slavery.

I have, &c.

*The Officer Administering the Government.* (Signed) BATHURST.

### No. 5.

MY LORD,

*Grenada, November 23, 1825.*

I HAVE the honour to acknowledge the receipt of your Lordship's dispatches under date the 20th of October.

Their contents cannot but afford to the colony and to myself much gratification, mingled, however, with some regret, as I fear there are points which seem to your Lordship indispensable to be added to the bill, which, after the most serious and mature consideration, the Legislature of this island have deemed it (at least for the present) impossible to comply with, namely, the total prohibition of the whip as an instrument of correction of females, and the right of Slaves to purchase their freedom. The other objections pointed out I should hope may be modified, explained, or obviated to the satisfaction of your Lordship at its next session. As it only closed its sittings two days before the receipt of your Lordship's communication, and it will be some time before the members again assemble, I shall take the liberty of explaining to your Lordship my view and idea of their intentions with regard to this law; and your Lordship may rest assured, if I am in the administration of the Government at their next meeting, I shall not fail to urge the points which you have recommended.

The first general objection appears to be:—

- 1.—*No appointment of Protector of Slaves or Officer, authorized to enforce laws intended for benefit of Slaves.*

There is no such officer known to the British Constitution, or in any Colony or Government enjoying British laws.

By the Act under review, full authority is given to the Magistrates to exercise their judgment and afford their protection in all cases where the Supreme Court of Judicature has not jurisdiction, to whom a like discretion is allowed, as is given to those named in the Commission of the Peace over apprentices, persons employed in the cotton manufactories, and various other descriptions of His Majesty's subjects in the mother country.

The Magistrates in these colonies are selected from men of the first note, many of them members of one or other branch of the Legislature, and all interested in the welfare of the Slave population; who, being resident in the different quarters of the island, can afford the injured Slave more immediate redress than he could receive, was there but an officer vested with this authority resident at the capital town, perhaps upwards of twenty miles distant

- 2.—*No prohibition of Corporal Punishment of Females.*

The females compose the most numerous and effective part of the field

gangs of the estates; from the indulgencies already extended to them they have shewn themselves to be the most turbulent description of the Slaves, and would become perfectly unmanageable if they knew that this description of correction was abolished by law. It is therefore absolutely necessary (for the present) that it should be held in *terrorem* over them. It is however only put in practice in extreme cases and for example's sake, and there can be little doubt that as they become more enlightened and moral it will gradually fall into disuse, but if suddenly prohibited it is impossible to say what might be the consequences, and I cannot conceal from your Lordship, that I agree in opinion with the other branches of the Legislature that it could not be immediately given up with safety.

### 3.—*No effectual Registration, &c. of Punishments.*

It has been the practice on many estates to keep regular entries of all punishments in the journals; and there can be little doubt but that the objection will be remedied in the amending Bill, the only difficulty which would arise from a general legislative enactment to this effect, would be in regard to free coloured persons possessing a small number of Slaves employed in the cultivation of trifling settlements in coffee, cocoa or provisions, and this was possibly the reason why the alterations recommended were not adopted.

### 4.—*No provision for the purchase of Manumission by Slaves, for themselves or relations.*

The Legislature I apprehend purposely avoided the allowance of this right from most insuperable objections to it; it would I fear be tantamount to gradual, perhaps, but ultimate ruin to the proprietors of land, as the land is totally useless without Slaves to work it. No true appraisement or value can be put by a third person to really valuable and well-disposed Slaves attached to plantations. The provision, if adopted, would render the Slave unhappy, and decrease his value most materially to his owner. The Slaves who would be candidates for freedom would be the most useful, (consequently those least to be spared from a property), and the most profligate. The most industrious for themselves are naturally from their dispositions and habits the most so for their masters; and those of no character, although probably able working people, would leave no vice unpractised to accomplish their end: thus the proprietor might be deprived of the very essence of his property, and reduced in a few years to utter ruin; and such is the nature (unfortunately) of Negroes in their present unenlightened state, that many who were aware of the existence of such an enactment would use means to reduce themselves from a healthy to an unhealthy state, in order that their appraisers from their apparent condition when produced for valuation might put a less price on them.

### 5.—*The total prohibition of Sunday Markets not provided for, nor that they should cease so soon as adequate provision made for Religious Instruction.*

It was not the intention, or thought politic to abolish too suddenly the Sunday markets, though intended gradually to prohibit them. A proclamation was issued to enforce strict and due attention to the hours limited on the Sabbath-day by the "Market Act," namely, the hour at which Divine service commences: the law however prohibits totally the sale of goods, or opening of shops by white or free persons on the Sabbath, and another day was appointed as a market day, in order to induce the Slaves of themselves to change it. As the markets are held in the several towns where the places of worship are situated, it was thought that allowing the Slaves to bring with them their little articles of stock and provisions, they would after the disposal of them be induced to attend Divine worship, and thus receive the benefit of religious instruction, whereas if the market on that day had been prohibited entirely, few

in their present uninformed state would leave their homes for the purpose of going to church. It may be here necessary to observe, that the enforcement of the market hour caused amongst them at first much dissatisfaction, but in the course of a little time, it is hoped that the Sunday markets may be abolished *in toto*, and then the Legislature I have no doubt will not withhold the amendment required in this respect to its fullest extent.

6.—*Sunday labour hours not sufficiently defined.*

By the seventh section of the Act no Slave can be worked on any day before day-break or after sun-set, this I conceive must include the Sunday; and in regard to the exception which relates to the manufacture of sugar, the hour is limited to ten o'clock on Saturday night; it can therefore, with all due deference to your Lordship, scarcely in the subsequent clause require further explanation, if however this should be thought necessary the Legislature will, I have no doubt, make any addition which may define their intention more clearly: the using the words "their Slaves" in the eighth section, instead of the words "any Slave or Slaves," is, I am certain, unintended, as was the attaching the penalty in the same section to one class only of the offences therein mentioned, and the law in this respect will I am fully persuaded be amended to meet your Lordship's wishes.

7.—*The Use of the Whip as an Emblem of Authority, or Instrument of Correction.*

The use of the whip was not intended to be prohibited, but the exhibition of it in the field is interdicted not only as the emblem of authority, but as an instrument of coercion, excepting when sent for or taken to the field for the purpose of punishing an offence previously committed, and requiring immediate correction, such immediate correction being conceived in many instances to be consistent with both policy and humanity, as tending to check insubordination, and to render severe punishment unnecessary: this it is humbly conceived may be the reason why it is thought expedient to apply summary correction in the army, the navy, and even in public schools, and other institutions, where without discipline subordination could not be kept up.

The alteration of this clause, however, with regard to the prohibition of the use of this instrument altogether in the hands of white or free persons, will meet with no opposition, such a practice being unknown in this colony, was therefore not contemplated, and the same reason will apply with regard to its being used beyond the limits of a plantation.

8.—*Extent of Punishment of Slaves by domestic authority.*

It was the intention of the Legislature, in framing this part of the bill to restrict domestic punishment in all cases to twenty-five lashes; and the Act in this respect will doubtless be immediately remedied to your Lordship's satisfaction.

9.—*Power of Magistrates.*

It appears to have been intended to vest the power here mentioned in magistracy, and it is humbly conceived to them only it could be constitutionally given for offences not cognizable by the criminal law, it might have been better perhaps that their discretionary power had been limited, and in a revision of the law a recommendation to this effect will, I have no doubt, be attended to; it may not, however, be considered a presumption to observe that the Magistrates are the lawful, and I trust I may add, willing Protectors of the Slaves, as well as their Judges in all minor cases; those of a more serious nature, enumerated in the thirty-seventh section of the Act, being by the abolition of the Slave Courts transferred entirely to the Supreme Court of Judicature, where the Slave has every benefit the law admits of in the case of free persons.

10.—*Judicial Sales and separation of Families.*

It appears to me that all has been done in this respect that can be; no judicial sale can take place of married Slaves where the husband and wife are the property of the same person whereby they can be separated from each other, nor can any child be thus separated from its mother. With regard to putative husbands and wives it was thought right that the children should follow the mother, as it more frequently happens than otherwise that the putative husband belongs to a different proprietor or estate than the possessor of the wife, and it is too true that in very many instances a woman has a large family by several different men.—How therefore the law can in this respect be remedied I am at a loss to conjecture.

11.—*Property of Slaves extend only to taking away, not to withholding—no right of action in Slave to recover, &c.*

It was I conceive the intention of the Legislature to include all the cases pointed out in the objection to this part of the Act, and the recommendations in this respect, when the law comes to be revised, will, I have no doubt, meet due attention; it might probably also be advisable to obviate all doubt with regard to the right of an owner to sue, to introduce an enactment authorizing him so to do as the guardian and next friend of his Slave; it I believe seldom has occurred that the Slave has been refused the assistance or protection of his Master (or his representative when absent) in cases of this nature, and it would be well to give express authority to the magistracy, not only to enquire into all complaints of Slaves against their owners, but to award, by way of damages, such sums of money as may be proved to their satisfaction such owners may have withheld from or deprived their Slaves of, or as a compensation for any other injury such Slaves may be proved to have sustained: it would, however, it is humbly submitted, be contrary to the whole system and very existence of slavery to admit a right of action in a Slave against his owner, and what I think no West India Legislature would or could concede.

12.—*Manumissions—Definition of the word Owner.*

The manumissions of Slaves are regulated by other Acts, to which, on reference, it is hoped will be found in all respects favourable to them. The word owner in this part of the Act was intended to apply to persons having the absolute reversion in themselves subject to incumbrances by them created, and the object to permit a mortgagee, who might be unable to redeem his whole estate, to manumit a deserving Slave, on placing a Slave of equal value on the property pledged, without the consent of the mortgagee, when circumstances might render it difficult or impracticable to obtain the same. If, however, this clause is not deemed sufficiently explicit, there can, I conceive, be no objection to any explanatory enactment on this head.

13.—*Slave Evidence—Certificates of Baptism by Roman Catholic or Dissenting Ministers not provided for.*

Provision is always made with regard to Slaves who may be baptized in the Roman Catholic faith by the Clergy Act; but I do not apprehend any objection to the amendment of this clause in respect to your Lordship's suggestions when they shall be submitted to the Legislature. It appears to be desirable that all Slaves hereafter to be born should be baptized by the regular Clergy; and to this end I conceive the fourth section of the Act was framed.

14.—*Slave Evidence not allowed in Civil or minor Criminal Cases.*

It was not I believe the intention of the Legislature at present to admit of Slave evidence in civil cases, in petty cases of assault, or in trivial crimes, as this might open a door to continual disturbances, and trials of this nature



## ANTIGUA.

### No. 1.

*Extract of a Dispatch addressed by Earl Bathurst to the Officer Administering the Government of Antigua, dated Downing-Street, August 20, 1825.*

AT the time when my instructions of the year 1823 were sent out, the Assembly, having been apprized of the resolutions of the House of Commons, were already engaged in the consideration of a meliorating bill, which, had it passed, would have been received with approbation, as doing honour to those from whom it emanated; and, as this bill had found a reception by no means discouraging, I could not but feel disappointment when I saw the year pass over without the accomplishment of the measures which I had suggested, and which were entirely consonant in spirit, and not materially differing in extent, from the intentions which the Assembly had appeared to entertain.

Yet as the revision of the Slave laws had been undertaken by a Committee of the Legislature, which engaged to pay diligent attention to the suggestions of His Majesty's Government, I was not without hope, when I last year directed the Governor again to press the subject upon the attention of the Assembly, that his exertions might have obtained some more satisfactory result. The Committee I understood was still sitting; I have now waited another year for the issue of their deliberations; and it is with no small regret and reluctance that I find myself no longer able to account, by any reasons of prudence or circumspection, for such protracted delays. If however you should be enabled to report that the Committee have made any progress in their work adequate to the period which has elapsed, or that its completion will be effected without further loss of time, the intelligence will be received with satisfaction: but if I am to consider that the measures are thus virtually abandoned, or will not be more earnestly and assiduously proceeded with, it is not easy for me to express the disappointment which His Majesty's Government will experience, nor can I venture to answer for the results to which such a return to these repeated representations may possibly lead in the next session of Parliament.

In again bringing this subject under the consideration of the Assembly, you will not fail to remind them of the measures of the last session, in which the interest of the West India Colonies have been so liberally consulted: their ports have been opened to Foreign ships—their trade opened to Foreign countries—duties lowered for the encouragement of some, and for the relief of other articles of produce, besides those which are considered the staple production of the colonies: large fees levied in the colonial ports have been either modified or altogether abolished—and to some of the free ports the privilege has been granted of having goods freely warehoused, from whence they may be re-exported free of duty direct to any country, and in the ships of any country; thereby establishing extensive marts, standing as it were midway between the two Worlds, from whence the wants of the new one may be supplied, and where their produce in return may be advantageously deposited.

You will therefore strongly impress upon the Assembly, that they cannot give a more acceptable proof of the gratitude, which it would be doing them injustice not to believe they must sensibly feel, than by proceeding to adopt

the measures which have been recommended for the security of the interests, and for the promotion of the well-being of that part of the population which the laws of the colony have placed under their immediate controul.

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## No. 2.

MY LORD,

*Government House, Antigua, October 14, 1825.*

IN reference to your Lordship's dispatch, dated 20th August, I have the honour to state that I furnished the President and Speaker with a copy thereof at the meeting of the two Houses yesterday, calling for their immediate and particular attention to the same, and I cannot I think do better than inclose a copy of their reply to me. I trust no disappointment will occur.

I have, &amp;c.

(Signed)

SAMUEL ATHILL.

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

&amp;c.

&amp;c.

&amp;c.

SIR,

*October 14th 1825.*

WE beg to acknowledge the receipt of your Honour's communication of yesterday's date, inclosing a copy of a dispatch from the Earl Bathurst, relative to the subject of ameliorating the condition of the Slaves in this colony; and we have been instructed to acquaint your Honour that the two Houses have made such order for accelerating the bringing up the report of the joint Committee, as induces a hope that the same will not be delayed beyond the period of their next meeting.

We have, &amp;c.

(Signed)

SAMUEL WARNER,

President of the Council.

NICHOLAS NUGENT,

Speaker of the House of Assembly.

*To His Honour Samuel Athill, Commander-in-Chief,*

&amp;c.

&amp;c.

&amp;c.

## No. 3.

MY LORD,

*Government House, Antigua, Nov. 14, 1825.*

BY the inclosure transmitted in my dispatch of the 14th ult. your Lordship will have perceived that the Legislature of this island are favourably disposed to enter into and meet the views and wishes of His Majesty's Government in ameliorating the condition of the Slave population of Antigua, so far as it can be practicably and consistently done. Since the receipt of your Lordship's dispatch of the 20th August, the labours of the joint Committee of the two Houses have been incessant, and they are now going on progressively, and with that earnestness which the nature and importance of the case demands. It is very satisfactory to me to be enabled to say thus much to your Lordship, and I have very sanguine hopes that the important work now under consideration and revision will speedily be accomplished, and that to the satisfaction of His Majesty's Government.

It is but fair in me to add, that one of the most efficient members of the Committee (Mr. Taylor) has been seriously indisposed, which has in a great measure retarded the progress of the Committee in the framing and bringing up their report.

I have, &amp;c.

(Signed)

SAMUEL ATHILL.

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

&amp;c.

&amp;c.

&amp;c.

## ST. CHRISTOPHER.

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### No 1.

MY LORD,

*St. Christopher, 2d of April 1825.*

WITH reference to my dispatch, covering copies of my speech to the Legislature of this island, and the addresses of the Honourable Board of Council and House of Assembly in reply, I take leave to acquaint your Lordship, that the important subject of the Law for the amelioration of the Slave population was referred to a Committee formed from both branches of the Legislature, and it is with considerable regret that I have to inform your Lordship, that little or no progress has been made in fulfilling His Majesty's gracious intention. In Nevis the same measure has been adopted, and is attended with the same delay. The Legislature of the Virgin Island has not as yet entered upon the consideration of this important subject.

I have, &c.

(Signed) CHA. W. MAXWELL.

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

&c.            &c.            &c.

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### No. 2.

*Extract of a Dispatch addressed by Earl Bathurst to Governor Maxwell, dated Downing-Street, the 22d of August 1825.*

I VERY much regret that the proceedings of the Legislature of St. Christopher make it necessary that I should now again instruct you to bring under their consideration the necessity of amending the Slave Law.

The instructions which I issued in the year 1823 were founded in almost every instance on the suggestions of the principal West India proprietors resident in this country, and the preliminary measures of the Legislature indicated so just an appreciation of those suggestions, that I looked with confidence for such a prompt and effectual amendment of the law as would have already characterized the Legislature as one of the most humane and enlightened in the West Indies. And although I have therefore received with surprise and regret your report of the dilatory manner in which the Joint Committee was proceeding to execute the duties confided to them, I am unwilling to suppose that the intentions at first entertained have undergone any change. It becomes then of the utmost importance that you should fully apprise the Legislature that if another Session passes away without any thing being done, they will completely disappoint those hopes which His Majesty's Government have indulged; and I cannot venture to answer for the results to which such protracted delays may lead in the next Session of Parliament.

In again bringing this subject under the consideration of the Assembly, you will not fail to remind them of the measures of the last Session, in which the interests of the West India Colonies have been so liberally consulted: their ports have been opened to foreign ships—their trade opened to foreign countries—duties lowered for the encouragement of some, and for the relief of other articles of produce, besides those which are considered the staple production of the colonies: large fees levied in the colonial ports have



been either modified or altogether abolished, and to some of the free parts the privilege has been granted of having goods freely warehoused, from whence they may be re-exported free of duty direct to any country, and in the ships of any country, thereby establishing extensive marts, standing as it were midway between the two worlds, from whence the wants of the new one may be supplied, and where their produce in return may be advantageously deposited.

You will therefore strongly impress upon the Assembly, that they cannot give a more acceptable proof of the gratitude, which it would be doing them injustice not to believe they must sensibly feel, than by proceeding to adopt the measures which have been recommended for the protection of the persons, for the security of the interests, and for the promotion of the well-being of that part of the population which the laws of the colony have placed under their immediate controul.

## ST. VINCENT.

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No. 1.

SIR,

*Government House, St. Vincent, 10th June 18 25.*

IT is with much pleasure I request you will do me the favour to lay before Lord Bathurst the accompanying documents, illustrating the early and earnest desire of this colony to co-operate with His Majesty's Government in all measures calculated to improve our colonial system, or increase the moral and intellectual well-being of all classes.

I have, &c.

*R. W. Horton, Esquire,*  
*&c. &c. &c.*

(Signed)

C. BRISBANE.

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SIR,

*Government House, St. Vincent, 7th June 1825.*

I HAVE the honour to acquaint you, for the information of the honourable the Board of Council, with my having directed the Register to lay before them, a copy of the commission of the Lord Bishop of Barbadoes and the Leeward Islands.

I lament I am not able to communicate more than the substance of a conversation which passed between the Lord Bishop and myself, on the subject of the establishment of a system likely to promote and extend moral and religious instruction to all classes: the principal objects are,—the erection of churches, and the foundation of public schools for the improvement of youth, in the expense attending each of which His Majesty's Government will bear a liberal proportion.

I am persuaded nothing but the depressed state of colonial resources has hitherto prevented the execution of the provisions contained in certain Acts of Assembly for building churches; but with the liberality now evinced by His Majesty's Government, I anticipate the speedy and cheerful contribution of the Legislature towards the attainment of so desirable a church establishment.

With respect to public schools, under moral, competent, and steady catechists, I propose the foundation of one or more in each parish, exclusive of a central school in this town, which will, I am confident, reform numbers of the rising generation, and make them useful members of society.

As it will require that rules for the better ordering of these institutions should be sanctioned by law, I beg to impress on the mind of the Council, that it is neither desired nor expected, but that all regulations as to hours of instruction and other arrangements should be made to suit the convenience of proprietors.

I take this opportunity to recommend strongly the repeal of the present Vestry Act, and the consolidation of all laws relating to the ecclesiastical regimen, and suggest the propriety of *equalizing* the stipend of clergymen, and abolishing fees on baptisms and burials, or at all events such a reduction thereof as to make them easy to the poor inhabitants.

The fees attending the solemnization of marriage have amounted almost to a prohibition, to obviate which I have directed the publication of banns.

I have now developed the most important points which occur to me on these subjects, and trust the Board will afford me an early opportunity of

communicating with His Majesty's Government, on the favourable result to be expected from their zeal in promoting so great and beneficial an improvement in our colonial system.

In conclusion, I request the Legislature will do me the favour to accept from their munificent provision for me, the sum of one thousand pounds, which I shall direct to be appropriated towards defraying the expense of building the first church.

I have, &c.

(Signed)

C. BRISBANE.

*His Honour the President of His Majesty's Council.*

SIR,

*Council-Chambers, St. Vincent, June 7, 1825.*

I AM commanded by the honourable the President and Members of His Majesty's Council to acknowledge the receipt of your Excellency's communication of this day's date, and to assure you that they will give their earliest attention to the subject therein contained, and will cordially co-operate with the other branch of the Legislature in such measures as may be necessary to carry into effect the objects recommended to their attention.

I am further commanded by the Board to offer to your Excellency their grateful acknowledgements of your generous proposal to contribute 1,000l. towards defraying the expence of building the first church, and to state to your Excellency that although the distresses of the colony are great, yet in their opinion they do not require such a pecuniary sacrifice on the part of your Excellency, as they place every reliance in the liberality of His Majesty's Government for such assistance as may enable the colony to carry into effect every measure connected with your Excellency's recommendation.

By command,

THOMAS GASKIN, Depy. Clerk of Council.

*His Excellency Sir Charles Brisbane,*

&c.

&c.

&c.

SIR,

*June 7, 1825.*

THE House of Assembly has received with considerable satisfaction the communication of the substance of what passed on the subject of the moral, religious and intellectual improvement of all classes of the population of this colony, between your Excellency and the Lord Bishop of Barbadoes and the Leeward Islands, during the very short period the other high and important duties of his Lordship would allow him to remain in this island; and the House now repeats its assurances to your Excellency of a hearty co-operation with the liberal policy manifested by His Majesty's Government towards the accomplishment of so desirable and praiseworthy an undertaking.

The House takes leave to state to your Excellency, that the sum of forty-five thousand nine hundred and thirty-three pounds fourteen shillings current money has been paid out of the Treasury of the island, and applied to the building and completing the metropolitan church in the town of Kingstown, and that the Commissioners under the Act for building churches within the Government, are about to proceed to contract for the erecting a church in the island of Beguia, for the use of the inhabitants thereof, and the Grenadines according to the provisions of the said Act.

The House will not fail to take into its earliest consideration the recommendation of your Excellency to repeal the Vestry Act, and to consolidate the laws of the island relating to all ecclesiastical matters; likewise the equalizing the salaries of the stipendiary clergymen of the colony, and as far as it is able the abolishing of fees on marriages, baptisms and burials.

The liberal offer of your Excellency to contribute one thousand pounds of your salary towards the expence of building a church, is received with every feeling of thankfulness, and although the times are unpropitious for the West

Indies, yet thank God the affairs of this colony are not in a state of such great depression as to justify the House in accepting of this pecuniary sacrifice on the part of your Excellency.

I have, &c.  
(Signed) JOHN DALZELL, Speaker.

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

“ Mr. Ross moved, seconded by Mr. Brown, that the Commissioners appointed to carry into effect the several clauses of the Act for building churches, &c., be directed to contract and agree with any person or persons for building and completing a church in the island of Beguia, according to the provisions of the said Act,—such church to be sixty feet in length and forty feet in width; the height such as may be agreed upon.”

The foregoing motion is an extract from the minutes of the House of Assembly of the island of Saint Vincent, held on Tuesday 7th June 1825.

Which I certify,  
(Signed) P. HOBSON, Clerk of Assembly.

“ Mr. Dasent moved for leave to bring in a bill at the next meeting for carrying into effect His Majesty’s recommendation relative to the church establishment in this island.”

A true extract from the Legislative Council minutes of the 7th June 1825, being the day of the quarterly meeting.

Which I certify,  
(Signed) THOMAS GASKIN, Depy. Clerk of Council.

## No. 2.

*Extract of a Dispatch addressed by Earl Bathurst to Rear Admiral Sir C. Brisbane, K. C. B. dated Downing-Street, August 20, 1825.*

ALTHOUGH the reception which my suggestions met with when first submitted to the Legislature was far from encouraging, yet I was willing to ascribe it to the sense which the Legislature appeared to entertain that what they had already done in their Act of 1821 had not been sufficiently understood or estimated, and to hope that the praiseworthy spirit which had dictated that Act would not be found wanting to amend it where it was objectionable, and to complete it where defective.

When I instructed you therefore last year again to press the subject upon the attention of the Legislature, it was not certainly without a hope that they would at least have undertaken the revision of their own Act, and persevered in the principles on which they had enacted it; nor could I perceive without disappointment, when another year had passed over, that they had failed to go forward in that course of conduct for which they had very justly taken so much credit to themselves.

If I may yet allow myself to anticipate a timely and effectual resumption of their work, it will be a great satisfaction to me to receive an early manifestation of such an intention on their part,—but if I am compelled to conclude that nothing more will be done, I cannot express to you in adequate terms the disappointment which His Majesty’s Government will experience, nor can I venture to answer for the results to which such a return to these repeated representations may possibly lead in the next Session of Parliament.

In again bringing this subject under the consideration of the Assembly, you will not fail to remind them of the measures of the last Session, in which

the interests of the West India colonies have been so liberally consulted; their ports have been opened to foreign ships—their trade opened to foreign countries—duties lowered for the encouragement of some, and for the relief of other articles of produce, besides those which are considered the staple production of the colonies: large fees levied in the colonial ports have been either modified or altogether abolished, and to some of the free ports the privilege has been granted of having goods freely warehoused, from whence they may be re-exported free of duty direct to any country, and in the ships of any country, thereby establishing extensive marts, standing as it were midway between the two worlds, from whence the wants of the new one may be supplied, and where their produce in return may be advantageously deposited.

You will therefore strongly impress upon the Assembly, that they cannot give a more acceptable proof of the gratitude, which it would be doing them injustice not to believe they must sensibly feel, than by proceeding to adopt the measures which have been recommended for the protection of the persons, for the security of the interests, and for the promotion of the well-being of that part of the population which the laws of the colony have placed under their immediate controul.

### No. 3.

MY LORD. *Government House, St. Vincent, 5th November 1825.*

I AM honoured with your Lordship's communication of 20th August last, upon the receipt of which I considered it expedient to convene a meeting of the Legislature, in order that I might acquaint them with the substance thereof; I have now the honour to transmit to your Lordship copies of the correspondence between the two houses and myself thereupon, and I sincerely hope your Lordship's favourable anticipations will be realized in the manifestation now evinced by the Legislature to proceed forthwith in adopting all those measures which may tend to promote the desirable improvements suggested by your Lordship.

I cannot certainly more fully explain to your Lordship the various subjects which at present occupy the attention of the Assembly, than by a reference to the answer of the House to my letter, and I flatter myself with a conviction that every amelioration and protection to the Slave may be reasonably expected from the Legislature of this island, composed as it is of resident proprietors, who are men of liberal sentiments and sound judgment.

I have, &c.

(Signed) C. BRISBANE.

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

SIR, *Government House, Saint Vincent, 20th October 1825.*

I HAVE deemed it my duty to call the present meeting of the Legislature, in order that I may communicate for their consideration the substance of a dispatch received from Earl Bathurst, wherein his Lordship in very strong terms expresses the disappointment experienced by His Majesty's Government, that the suggestions which were by direction submitted to the House of Assembly in 1823 and 1824, for the meliorating the state of the Slave population, have not yet induced them to revise their Act, and to amend it where it is objectionable, and complete it where defective.

I refer the honourable House to my letter accompanying those suggestions, which I had the honour to lay before them the 2d September 1823, in which were detailed the various improvements in our Slave Code likely to ensure

the approbation of His Majesty's Government, and in my subsequent communication of 6th September 1824, transmitting the Order in Council for the improvement of the condition of the Slaves in Trinidad, I earnestly recommended a re-enactment.

I therefore now impress upon the Legislature how nearly it concerns the honour and interest of the colony, that they should not place themselves in opposition to the concurrent wishes of Parliament and the Mother Country, by refusing to adopt suggestions, which came to them sanctioned by the judgment of those in England who are possessed of the largest properties in the West Indies, and who are most conversant in West India affairs; and at the same time I point out the propriety of at once proceeding to revise the Slave Act, with a careful reference to the Order in Council, as the only means of allaying the disappointment of Government, and averting those unpleasant results which this most important subject may lead to in the next session of Parliament if postponed or delayed.

His Majesty's Government entertain a confident expectation that the Legislature will embody in their Act, so to be revised, all the provisions in favour of the Slave population which are to be found in our Statute-books, together with the substance of the provisions of that Order in Council; and repeal such enactments as may be at variance with it, so that the whole which relates to this subject may be found incorporated in one Act.

I am directed to remind the Legislature of the measures of the last session of Parliament, in which the interests of the West India colonies have been so liberally consulted, and to assure them they cannot give a more acceptable proof of their gratitude than by adopting the measures which have been recommended for the protection of the persons — for the security of the interests — and for the promotion of the well-being of that part of the population which the laws of the colony have placed under their immediate controul.

I feel so deeply interested in the welfare of this island and its dependencies, that I cannot refrain from entreating the Honourable House to lose no time in devoting their attention to those improvements, which will lay the foundation of such a system of gradual amelioration of the condition of the Slave population, as will prove equally honourable to the Assembly, and beneficial to those for whose advantage they appear to be more immediately intended.

In conclusion, I must require the result of the deliberations of the Honourable House, for the purpose of transmitting by the earliest opportunity, and I anticipate the pleasure of representing to His Majesty's Ministers, that the course of conduct of the Legislature has not been that of procrastination, but a desire to give so important a change in our local regulations all the consideration it necessarily requires.

I have, &c.

*The Hon. John Dalzell,*  
&c. &c. &c.

(Signed) C. BRISBANE.

SIR,

*Council Chambers, 20th October 1825.*

I AM commanded by the President and Members of His Majesty's Council, to acknowledge the receipt of your Excellency's several communications of this day's date, and to assure your Excellency that this Board will be happy to co-operate in such measures with the Honourable House of Assembly, as may be deemed by them most beneficial to the well-being of the Slave population, and the general interest of the colony.

By Command,  
(Signed)

THOMAS GASKIN,  
Deputy Clerk of Council.

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

*St. Vincent, 21st October 1825.*

SIR,

I AM commanded by the House of Assembly to acknowledge the receipt of, and instructed to reply to your Excellency's communication of yesterday, wherein you have been pleased to inform the House of the substance of a dispatch lately received from Earl Bathurst, and urging with much effect the necessity of an immediate revision of the Slave Laws of this colony. The present Slave Act which is in force, it may be said, on the sufferance of His Majesty's Government, will expire by limitation on the 6th December; and I need only to refer you to the published minutes of the Assembly to shew that the House has been a considerable time anxiously and interestingly engaged in the important work of preparing a series of enactments, which it is hoped will alike secure and promote the interest and safety of the colony, and meet the most extended views of Parliament and the British Ministry on this delicate and imperfectly understood subject. We feel like men groping in the dark or walking on a precipice, who, under such circumstances, cannot be expected either to step quickly or with firmness.

I am now, however, happy to inform your Excellency that a bill has been read a second time, and yesterday passed its commitment, with an order for a third reading in December, in which the House hopes it has embodied the substance of all or nearly all that is important in the Trinidad Order, and wherein it has fairly met, and it is expected obviated the objections contained in Earl Bathurst's dispatch of the 26th July 1824, with the exception only of that which applies to the 34th clause of the present Slave Act; it will be found, however, by the bill now before the House, that the offence is made equally criminal, and the punishment equally severe on the white or other free person who may be found aiding and assisting, as on the Negroes who may be found guilty of absconding from the island in vessels or other craft: in fact I should not deal candidly with your Excellency did I not state my opinion, that the Legislature for some years to come will never pass any consolidated Slave law, which does not embrace this or a similar enactment; there would be no security for property, either in Negroes or in the Colonial shipping without it, and persons who never owned a Slave might be deprived of property to a vast amount without any chance of redress; this was the case a few years past, when some evil-disposed Negroes absconded in the night with the vessel of a person to whom they did not belong, worth one thousand pounds, which was never recovered. This the House conceives would have been deemed a capital felony in any country professing to have even the shadow of law and government.

By the present bill Sunday markets are limited to an early hour in the morning, thus taking a preliminary step towards their final abolition at a distant and proper time. Shops and stores are to be kept closed the whole of the Lord's day. The premiums to the midwives, nurses, and mothers of infant children are secured them by penalty, and likewise the exemption from hard labour on the part of the Slaves, mothers of six children. These penalties have been enacted entirely in deference to his Lordship's suggestions, for I may safely assure you the withholding of the one, or the imposing of the other would neither prove creditable or advantageous to the master. The objections to the 39th and 49th clauses the House has endeavoured to remove in a manner it is expected equally satisfactory.

Provision is made for legalizing marriages amongst the Slaves, and similar measures adopted to secure to them the possession of personal property, and penalties imposed to prevent the interference of free persons. A registry is to be kept on every plantation, in which offences of a serious nature are to be entered, as well as the nature and extent of every punishment inflicted, to be produced when required by any Justice of the Peace.

And, finally, Slave evidence is made admissible in all criminal matters on the basis of the Trinidad Order in Council, thus evincing on the part of the House of Assembly a similar desire to go to the utmost limits, nay, almost be-

yond the limits of what it deems safe and practicable, to meet the wishes of those persons in England who have the true interests of the colonies in view.

The House has viewed with much attention and interest the late important measures adopted by Parliament regarding commerce, and particularly those which comprehend, and it is supposed are calculated to promote the interest of the West Indies; but the House, without being very sanguine as to the results, is very grateful for the good intentions or even promised relief on the part of the Mother Country; and in conclusion, offers your Excellency its thanks for the deep interest you always take in every measure tending to the credit and prosperity of the colony.

I have, &c.

(Signed) JOHN DAZELL, Speaker.

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

&c.

&c.

&c.

No. 4.

MY LORD, Government House, St. Vincent, 27th December 1825.

I HAVE the honour to transmit to your Lordship a new and consolidated Slave Act, as it passed the Legislature of this colony at its recent session.

It is unnecessary for me here to offer any other remark on this Law, than to observe it engrossed, in an unusual degree, the time and attention of the Legislative Body, who, impressed with a due sense of its importance, as regards the well-being of that class for whose advantage the same is more immediately intended, have spared no pains to make it as liberal and complete a statute as our local circumstances can possibly admit.

The analysis, which accompanies the Act, will refer your Lordship to such of the new clauses as have been framed upon the suggestions of His Majesty's Government, and all other objections have been so modified as to warrant a conclusion that this statute will not only receive the Royal Assent, but the approbation of Government and the world at large.

With reference to your Lordship's directions, as to my not assenting to any Act providing a new felony, I hope the exigence of the case will justify my having so done without the suspending clause. The late Act ceased and determined on the 9th instant, and during the time which must have elapsed before your Lordship's commands could possibly reach me, recourse must have been had to martial law, or to that obnoxious Slave Act of 1767, for the preservation of good order, and the security of persons and property. Under these circumstances, I trust the present deviation may meet your Lordship's approbation rather than censure.

I have, &c.

The Right Hon. the Earl Bathurst, K. G. (Signed) C. BRISBANE.

&c.

&c.

&c.

An Act to repeal an Act intituled, "An Act for making Slaves real Estate;" and the first Clause of an Act intituled, "An Act to appoint Commissioners for the purpose of obtaining an exact account of the number of the coloured Free People, and number of Negroes within this Government and its Dependencies, and to ameliorate the condition of Slaves, and for other purposes."



C. BRISBANE.

CLAUSE 1st.—WHEREAS it is expedient that the laws now in force in these islands relative to Slaves should be revised, and other provisions enacted to promote their morals and religious instruction, by means whereof their general happiness and comfort may be increased as far as may be consistent with due order and subordination, and the well-being of these islands. We, your



Majesty's most dutiful and lawful subjects, Sir Charles Brisbane, Knight Commander of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the island of St. Vincent and its dependencies, and the Council and Assembly of the same, pray your most Excellent Majesty that it may be enacted, and be it, and it is hereby enacted by the authority aforesaid, that the several Acts intituled, "An Act for making Slaves real estate, and the better government of Slaves and free Negroes." And an Act intituled, "An Act to oblige proprietors and possessors of Slaves in their own right or right of others, managers and conductors of estates to give in returns of runaways and punish obeah men." And an Act intituled, "An Act to repeal the thirty-ninth and fortieth clauses of an Act intituled, "An Act for making Slaves real estate, and the better government of Slaves and free Negroes." And an Act intituled, "An Act to explain and amend an Act, intituled, 'An Act for making Slaves real estate, and the better government of Slaves and free Negroes.'" And an Act, intituled, "An Act to repeal the fourth clause of an Act, intituled, 'An Act to explain and amend an Act, intituled, 'An Act for making Slaves real estate, and the better government of Slaves and free Negroes,' and amend and re-enact the same, and the first clause of an Act, intituled, 'An Act to appoint Commissioners for the purpose of obtaining an exact account of the number of the coloured free people and the number of Negroes within this government and its dependencies'" may be repealed; and the same are hereby repealed accordingly.

CLAUSE 2d.—And be it further enacted by the authority aforesaid, that all Slaves shall, and are hereby declared to be real estate and not chattels, and shall descend unto the heirs of the person or persons dying seized thereof, according to the custom and manner of inheritance, held in fee simple, and widows shall be capable of being endowed thereof; provided always that any executor or administrator may inventory the said Slaves, but not take them into his custody to the intent that if there be not sufficient goods and chattels to pay the debts of the deceased, the said Slaves shall be taken and sold by such executor or administrator for the payment of the said debts, and be chattels to that purpose, and not otherwise.

CLAUSE 3d.—And be it further enacted by the authority aforesaid, that for the better preserving Slaves on estates in these islands, and for saving estates from being ruined by the entire recovery of legacies left by testators, and of debts due from their estates, which might with more care be paid without injuring any person concerned by the allowance of time for the payment of such debts and legacies after they shall become due, it shall and may be lawful for any devisee, trustee, executor, or administrator not having sufficient effects in his, her, or their hands belonging to the testator, intestate, or trust estate, out of his, her, or their own monies to pay and satisfy, or cause to be paid and satisfied any legacy or just debts after the same shall become due from the estate, that the Slaves may be preserved on the plantation, and be prevented from being levied on and carried from it, and the money which any devisee, trustee, or executor, or administrator, shall pay and satisfy, or cause to be paid and satisfied for the discharging such legacies and debts as aforesaid, shall remain charged and secured upon the estate or estates for the relief of which the same shall be so paid as aforesaid with interest thereon at and after the rate of six pounds per cent. per annum, until the same be fully paid and satisfied.

CLAUSE 4th.—And be it further enacted by the authority aforesaid, that no free black or coloured person who is now or hereafter may be seized or possessed of any lands, tenements, or other freehold, shall be considered or taken as freeholders for any other purpose whatsoever, than for the enjoyment and protection of the said tenements or freeholders and of leaving or assigning the same.

CLAUSE 5th.—And whereas by the usage of these islands Slaves have been permitted to acquire, hold, and enjoy personal property free from the controul

or interference of their owners, and it is expedient that such laudable custom should be continued and established by law. Be it therefore enacted by the authority aforesaid, that if any owner or possessor of any Slave or Slaves, or any other person or persons whatsoever, shall unlawfully take away from any Slave or Slaves, or in any manner deprive or cause him, her, or them to be deprived of any species of personal property by him, her, or them lawfully possessed or acquired, such person or persons shall forfeit and pay the sum of ten pounds over and above the value of any such property so taken away as aforesaid, the same to be recovered by warrant under the hand and seal of the Justice of the Peace, before whom the complaint shall be laid, and the facts proved.

**CLAUSE 6th.**—And be it further enacted by the authority aforesaid, that if any white or free person who is not the owner or director of any Slave, shall take away or cause to be taken away from any Slave any article or thing whatsoever, or shall take or cause to be taken away from any Slave any stock, meat, vegetables, fruit, provisions, grass, or any other article or thing which such Slave shall be authorized by any present or future existing laws, usages, or customs of these islands to sell or possess, or shall after purchasing from any such Slave any of the articles or things aforesaid, refuse or omit to pay him or her the price agreed upon for the same, or shall remove or take away by force from any Slave, or trample on the ground or scatter about or destroy any article or thing whatsoever aforesaid, or cause the same to be done in any such cases on complaint made by the owner or director of the said Slave, though it may be without oath, to any Justice of the Peace in or near the parish where the offence is committed, such Justice shall and he is hereby authorized and directed by an order in writing under his hand, stating the complaint made by such owner or director, to command such person or persons against whom such complaint was made, to appear at a time and place to be specified in such order before him and any other Justice who may be then and there present, that such complaint may be examined into, and such Justices are hereby authorized to take the examination of such person complained of upon his or her own oath with respect to the complaint, who shall be compelled to answer upon oath such questions as the said Justices may put to him or her; and if such persons shall not fully answer such questions, or having been duly summoned refuse to appear as aforesaid, he or she shall be considered as convicted of the said offence; or if such person having fully answered such questions shall not fully exculpate himself or herself, or shall be otherwise convicted before the said Justices, he or she shall be compelled to pay compensation for the full value of the property injured, taken, or destroyed, and moreover be fined by the said Justices in any sum not exceeding ten pounds current money; such compensation and fine to be recovered by warrant under the hands and seals of the said Justices directed to any constable, commanding him forthwith to levy on the goods and chattels of such offender sufficient to pay such compensation and fine, with all costs and charges attending all the proceedings aforesaid, and for want of such goods and chattels to commit such offender to the common gaol for any time not exceeding twenty days, and such constable shall execute such warrant under the penalty of five pounds current money aforesaid; and the said Justices shall, upon recovery of the said sum of money, pay the compensation to the Slave and fine into the public treasury.

**CLAUSE 7th.**—And be it further enacted, by the authority aforesaid, that no shop or store shall be kept open on Sundays under a penalty of ten pounds, provided that nothing herein contained shall extend to the prohibition of dressing or selling meats in taverns or victualling houses, nor to the sale of meat, fish, bread, and other necessaries of life on that day, so that the same do not take place during the hours appointed and set apart for Divine Service.

**CLAUSE 8th.**—And be it further enacted by the authority aforesaid, that all owners, proprietors, and possessors, or in their absence the attornies, managers, or persons having the charge and management of Slaves shall, as much as in

them lies, promote the instruction of their Slaves in the principles of the Christian religion and the moral duties of mankind, and shall cause to be baptized all Slaves hereafter to be born within six months after their respective births, which ceremony the clergyman of the respective parishes in this island and the guardians shall perform, when required, without fee or reward, and shall, under a penalty of ten pounds for each name omitted and for each child refused to be baptized when brought to him, enter in a book to be kept for that purpose, the names of such Slave or Slaves he shall from time to time baptize, and the name of the estate or owner to whom such Slave or Slaves shall belong, and shall, and he is hereby required to give each Slave so baptized a copy of such entry.

CLAUSE 9th.—And whereas it is proper and necessary to limit the duration of Sunday markets holden in the town of Kingstown. Be it further enacted by the authority aforesaid, that from and after the first day of June 1826, the markets holden in the town of Kingstown on Sundays shall be limited to the hour of ten o'clock in the forenoon, and due warning shall be given by the ringing of a bell at half-past nine o'clock to all persons to prepare and depart, and if any person or persons whatsoever shall remain therein, and expose for sale any fish, meat, poultry, vegetables, provisions, fruits, herbs, wares, merchandize, goods or effects, after the hour of ten o'clock, it shall and may be lawful for the clerk of the market, or any other constable, to seize the goods exposed for sale, and cause them on the following day to be taken before any one of the Town Warders for the said town, or any Justice of the Peace, who, upon view of such goods so exposed, shall order the same to be sold forthwith, and the proceeds thereof be applied and disposed of as follows, that is to say, one moiety to the clerk of the market or constable seizing the same, and the other moiety to the poor of the said town and parish of St. George.

CLAUSE 10th.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any Slaves who may be desirous to intermarry to apply to any clergyman of the Established Church of England and Ireland, to solemnize any such marriage as aforesaid, who are, and each and every of them is hereby required to solemnize the same without fee or reward: provided always, that each Slave shall produce to such clergyman the consent in writing of their owner or owners, manager or managers, to the celebration thereof; and provided also, that such clergyman upon previous examination of such Slaves, consider them to have a proper and adequate knowledge of the nature and obligation of the marriage vow; and provided further, that such marriage shall not confer on the parties or their issue any rights inconsistent with the duties which Slaves owe to their owners or to the government, or at variance with those rights which the owner or the government are by law entitled to assert over the Slaves and their progeny, or subject such Slaves to intermarrying to any penal infliction, the effects of which might destroy the rights or injure the property of their owners.

CLAUSE 11th.—And be it further enacted by the authority aforesaid, that during crop not only shall the Slaves as heretofore be exempted from the labour of the estate or plantation on Sundays; but that no mills shall be put about or worked between the hours of seven o'clock on Saturday night, and four o'clock on Monday morning, nor shall any boiling house be kept open after ten o'clock on Saturday night, or sugar boiled therein after that hour, under the penalty of fifty pounds to be recovered against the proprietor, manager, or other person having the charge of such estate.

CLAUSE 12th.—And be it further enacted by the authority aforesaid, that every field Slave on any plantation or estate shall, on work days, be allowed half an hour for breakfast, and two hours for dinner, and that no Slaves shall be compelled to any manner of field work upon any plantation before the hour of five in the morning, or after the setting of the sun, except during the time of crop, under the penalty of fifty pounds, to be recovered against the proprietor, manager, or other person having the charge of such estate.

CLAUSE 13th.—And be it further enacted by the authority aforesaid, that

every owner or possessor of Slaves belonging to or worked upon any plantation or estate in these islands, or their attorney, shall allow to each and every such Slave a sufficient portion of land adapted to the growth of provisions for their support and maintenance, and between the 1st day of May and the 31st day of January in each and every year, shall allow to each and every such Slave twenty-six full working days over and above the Sundays, for the purpose of cultivating the said land at the discretion of such proprietor or possessor of such Slaves, or their attorney, and as to them may be deemed most advantageous and beneficial to such Slaves; and further, shall allow to their Slaves, except those necessary about their houses and stock-keepers, Good Friday, Christmas Day, and the two days next following, for their recreation, and no more or other days during the twelve Christmas holydays; and if any person, owner, renter, or manager of any plantation or estate do not allow their Slaves the same days as before-mentioned for working their grounds, for their recreation and as holydays, or shall allow them any other or more days in the Christmas holydays than as aforesaid, the person or persons so offending shall forfeit the sum of fifty pounds current money of these islands.

CLAUSE 14th.—And be it further enacted by the authority aforesaid, that every owner or possessor of Slaves shall employ some person duly qualified in the practice of physic and surgery to attend them as occasion shall require, provided such medical practitioner can be procured; and that when any Slave shall be sick or unable from any accident or cause whatsoever to perform his or her usual labour the owner or possessor, or his or her attorney or manager, shall cause such Slave to be visited by the said medical practitioner, and shall provide such medicines, food, and other necessaries, as shall be deemed requisite by him, under a penalty of fifty pounds current money for every default, or neglect, or refusal as has heretofore been customary. The said practitioner, under the like penalty, shall keep a book upon each plantation, wherein the names of the patients, diseases, and his prescriptions shall be inserted.

CLAUSE 15th.—And be it further enacted by the authority aforesaid, that if any owner or possessor of Slaves, or in his absence his attorney or agent, shall wilfully permit and suffer any Slave or Slaves, blind, diseased, aged or otherwise disabled from working, or having any infectious disorder, to ramble or beg about town or country, such person so offending shall upon conviction be fined by any two Justices of the Peace, in any sum not exceeding ten pounds, nor less than five pounds current money for each offence, one half whereof shall be paid to the informer and one half to the public.

CLAUSE 16th.—And be it further enacted by the authority aforesaid, that for every infant Slave which shall be born within these islands, and which shall survive three weeks, the midwife and nurse shall each be entitled to demand and receive eight shillings and three pence; and if there should be no nurse in attendance, the midwife shall be entitled to demand and receive sixteen shillings and sixpence; and upon every infant Slave attaining the age of fifteen months, having been then weaned, the mother thereof shall be entitled to demand and receive forty-nine shillings and sixpence; and upon every such infant being incorporated in the grass or vine gang, the mother or person nursing the infant shall be entitled to demand and receive the further sum of sixteen shillings and sixpence; the said several premiums, or sums of money, shall in the first instance be paid by the owner or owners, or person or persons having the direction of the said Slaves, but shall be deducted by him or them so paying the same from the public taxes, which shall become due and payable by the owner or owners, possessor or possessors of the said Slaves, next after the payment by him or them of the said several sums of money, and the amount thereof charged by the Treasurer against the public, upon oath being first made before the Treasurer or his lawful deputy, that the said several premiums and sums of money have been duly and *bona fide* paid to the midwife, nurse, and mother of any such infant Slave, in manner hereinbefore directed and provided, that the said premiums shall

only be allowed and paid to children of Slaves employed on estates or in agriculture.

**CLAUSE 17th.**—And be it further enacted by the authority aforesaid, that every female Slave who shall have six children living, or who having raised from infancy, and during the period of nurture, a child or children of deceased mothers, and who shall continue to live with her as her adopted child or children, shall have of her own and of such so raised and adopted child or children six children living, shall only be employed in light labour in the field or otherwise; and the owner or possessor of every such female Slave shall be exempted from all manner of taxes for such female Slave, any thing in the Act commonly called the “Poll Tax Act,” or any other of the Tax Acts of these islands, passed or annually to be passed, to the contrary notwithstanding; and a deduction shall be made for all such female Slaves from the taxes of such owner or possessor, upon the certificate of the Justice taking the annual returns, that proof was given on oath to his satisfaction, not only that the requisite number of children, together with the mother or adopted mother are living, but also that the mother had been employed only in light field or other labour, and was provided with the means of an easy and comfortable maintenance; and any person refusing to comply with such exemption from taxes, instead of the severe labour of such woman aforesaid, shall subject himself or herself to a penalty of one hundred pounds for each and every offence.

**CLAUSE 18th.**—And be it further enacted by the authority aforesaid, that all manumissions of any Slave or Slaves, duly executed and recorded in the Register Office of these islands shall be good, valid and effectual conveyances in the law, to all intents and purposes whatsoever, and the Register of Deeds or his lawful Deputy shall publish the names of the parties executing the deed, and the names of the Slave or Slaves thereby manumitted in the successive Gazettes, or other newspapers, published next after the acknowledgment of such manumission, at the expence of the party recording the deed, the fee for which shall be four pounds currency: provided always that no owner or possessor of any Slave or Slaves, whether in his or her own right, or as attorney, guardian, trustee, executor, or otherwise, shall manumit any Slave or Slaves on account or by reason of such Slave or Slaves being rendered incapable of labour or service to his, her, or their owner or possessor, by means of sickness, age, or infirmity of mind or body, under the penalty of two hundred pounds currency to be recovered before any two Justices of the Peace, and, upon conviction, to be levied by a warrant under their hands and seals directed to the Provost Marshal General, or his lawful Deputy, which fine shall be paid to the Treasurer or his lawful Deputy, who is hereby empowered and directed to allow to each of the said Slave or Slaves, so made free, the sum of twenty pounds per annum, to be paid quarterly for his or her maintenance and support during life.

**CLAUSE 19th.**—And whereas advantages may be taken of the ignorance of persons who may have been imperfectly manumitted in order to detain them in slavery, be it further enacted by the authority aforesaid, that any person or persons who shall knowingly or wilfully keep or detain, or cause to be kept or detained, or connive at, or assist in the detention of any person or persons whatsoever in slavery who shall be entitled to freedom, he, she, or they, upon the freedom of such persons being established either by the judgment of any court, or the execution of any deed or will, or any other satisfactory proof to be produced before any two Justices of the Peace, shall forfeit and pay to such person or persons so detained treble the amount of any hire that such person or persons would have produced during the time he, she, or they were so detained in slavery, the rate of which hire shall be settled by the said Justices, to be levied on the goods, chattels, and Slaves of the offender or offenders by a warrant under the hands and seals of two Justices directed to the Provost Marshal General or his lawful Deputy.

**CLAUSE 20th.**—And be it further declared and enacted by the authority

aforesaid, that the maliciously killing any Slave shall be for the future, as it has been heretofore, deemed murder, and such person so offending shall, on conviction, be adjudged guilty of felony without the benefit of clergy, and shall suffer death accordingly; and if the Slave so killed shall be the property of any other person or persons, or if any person or persons shall have any interest whatsoever in the said Slave, the real and personal estate of the person convicted of the said offence, shall be subject to and is hereby charged with the payment of treble the value of the Slave so killed unto the proprietor, or unto such person or persons entitled to any remainder or reversionary interest therein, or under any executor or administrator entitled to claim the Slave for the payment of debts; provided always that such conviction shall not extend to the corruption of blood, or the forfeiture of lands or tenements, goods or chattels, except as hereinbefore excepted.

CLAUSE 21st.—And be it further enacted by the authority aforesaid, that in order to restrain arbitrary punishment, no Slave on any plantation or estate shall receive more than ten stripes at one time, and for one offence, unless the owner, attorney, guardian, executor, administrator, or manager of such plantation or estate having such Slave under his care shall be present; and no such owner, attorney, guardian, executor, administrator, or manager, shall, on any account, punish a Slave with more than thirty-nine stripes at one time and for one offence, nor inflict or suffer to be inflicted such last-mentioned punishment, nor any other number of stripes, in the same week, nor until the delinquent has recovered from the effects of any former punishment under a penalty not less than fifteen pounds or more than fifty pounds for every offence to be recovered against the person directing or permitting such punishment in a summary manner before any two Justices of the Peace, and, upon conviction, to be levied by their warrant directed to the Provost Marshal General, besides being subject to be prosecuted by indictment in the Court of Grand Sessions of the Peace of these islands as for an offence against this Act.

CLAUSE 22d.—And be it further enacted by the authority aforesaid, that there shall be kept upon every plantation and estate throughout this island, and upon every plantation and estate in the island of Beguia, and the other Dependencies, a book wherein it shall be the duty of the owner, proprietor, manager, or other person having the charge and management of such plantation or estate, to enter and record all and every the crimes for which punishment shall be inflicted, and the nature and extent of every such punishment, exceeding ten lashes, upon such plantation or estate; and such book so to be kept on every such plantation or estate shall be produced when called for by any Justice of the Peace, upon enquiry into any complaint of ill-treatment of any Slave or Slaves attached to or worked upon such plantation or estate under the penalty of twenty pounds, to be levied and recovered by warrant under the hand and seal of the Justice before whom complaint shall be lodged, and demand made as aforesaid.

CLAUSE 23d.—And be it further enacted by the authority aforesaid, that no Slave or Slaves shall from and after the 1st day of January 1827, carry any such instrument as is commonly called the cart whip, as a mark or emblem of his or their authority while superintending the labour of any Slave or Slaves in or upon any plantation or estate, and the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal use or exhibition of any such whip as aforesaid, shall be deemed adjudged and taken to be guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as the Court before which such misdemeanor is cognizable shall in its discretion direct.

CLAUSE 24th.—And be it further enacted by the authority aforesaid, that no person shall, on any pretence whatsoever, punish any Slave, whether his own property, or otherwise, by fixing or causing to be fixed an iron or other collar round the neck of such Slave, or by loading the body or limbs of such

Slave for any offence whatsoever with chains or weights of any kind other than a light collar without hooks, to indicate that such Slave is an incorrigible runaway, or one accustomed to commit depredations on the grounds of the other Slaves, and which collar shall only be put on by the direction of a Justice, on due proof of the offence, under a penalty not less than five pounds nor exceeding fifty pounds, to be recovered in a summary manner before any two Justices of the Peace, and all and every the Justices of the Peace are hereby authorized and required under the penalty of one hundred pounds on information and view of such offence to order such collar, chains, irons, or weights, to be immediately taken off the Slave or Slaves wearing and bearing the same, save and except Slaves committed to the gaol or cage.

CLAUSE 25th.—And be it further enacted by the authority aforesaid, that in case any Justice of the Peace shall receive any complaint or credible information from any Slave or otherwise, that any Slave or Slaves has or have been wantonly or improperly punished or confined contrary to the true intent and meaning of this Act, it shall and may be lawful to and for such Justice to associate one other Justice with him, and to issue their warrant to any constable ordering him immediately to proceed to the place where such Slave or Slaves are or is confined, and to release and bring him, her, or them before the Justices, who are hereby authorized to commit the said Slave or Slaves to the gaol, until enquiry shall be made into the facts; and if upon such enquiry it shall be found that the said complaint is true, it shall be the duty of the said Justices, and they are hereby required to prosecute the offender according to law; but if it shall appear that such complaint was groundless, the said Justices shall punish the complainant, and the person giving information thereof, if a free person, by imprisonment not exceeding ten days, and if a Slave, by a number of stripes not exceeding thirty-nine, and commitment to hard labour for a period not exceeding ten days, and the costs and charges of the prosecution shall be paid by the Treasurer, or his lawful deputy, in case the owner or owners of the Slave or Slaves shall not be capable of paying them, upon certificate of the President of the Court to that effect.

CLAUSE 26th.—And be it further enacted by the authority aforesaid, that if any owner, possessor, or other person whatsoever, shall, at his, her, or their own will and pleasure, or by his, her, or their direction, or with his, her, or their knowledge, sufferance, privity or consent, wantonly or cruelly whip, mal-treat, beat, bruise, cut, wound, or imprison, or keep in confinement without sufficient support, any Slave or Slaves, he, she, or they shall be liable to be indicted for such offence, and upon conviction shall be punished by fine not exceeding one hundred and fifty pounds, or imprisonment not exceeding twelve months, or both, for each and every Slave so wounded, punished, or confined, as aforesaid, and such punishment is declared to be without prejudice to any action that may be brought for the recovery of treble the value of such Slave or Slaves, for or on account of the same, in case such Slave or Slaves shall not be the absolute and entire property of the offender; and in atrocious cases, when the owner of such Slave or Slaves shall be convicted of such offence, the Court are hereby empowered, in case they shall think it necessary, for the future protection of such Slave or Slaves, to declare him, her or them free and discharged from all manner of servitude whatsoever, and to order and direct the said one hundred and fifty pounds to be paid to the Treasurer or his lawful Deputy, who shall pay to each of the said Slave or Slaves so made free the sum of fifteen pounds per annum for his or her maintenance and support during life.

CLAUSE 27th.—And whereas persons who illegally detain the Slaves of others, and employ them in their service, do it so cunningly and secretly, that evidence by white or free persons cannot be had against them. Be it further enacted by the authority aforesaid, that upon any suspicion of illegal detaining or employing, any Justice of the Peace shall, and is hereby required upon application, to issue a summons to the party accused, and any witnesses required by either party requiring him, her, or them to attend at a certain

day to answer the premises, directed to a constable, and on the trial such Justice shall and may examine the person or persons accused, and all the witnesses, on his, her, or their oaths, concerning such illegal detaining or employing, and if confessed by the party or parties accused, or proved by any other evidence, such Justice shall give judgment for the party injured to recover, as hereinafter directed, any sum under twenty pounds; and if any white or other person so suspected or charged, being summoned, shall refuse or neglect to attend, or, attending, should refuse to answer on oath the interrogatories of the said Justice touching his or her offence, or answering, shall confess such offence, then, and in such case, his or her absence, silence, or confession, shall be deemed signal proof of his or her guilt, and the said Justice shall give judgment against him or her as hereinbefore directed; but, should it appear to the Justice that the information is groundless or malicious, then and in that case the informer (if a Slave) shall be punished with any number of stripes not exceeding thirty-nine, at the discretion of the said Justice; and the Justice giving judgment shall make a record of his proceedings, and return it into the office of the Clerk of the Crown under his hand and seal, and the complainant or party injured may sue for the execution thereon after the expiration of three days from giving judgment by a warrant under the hand and seal of the Clerk of the Crown for this island, or his lawful Deputy, directed to the Provost Marshal General or his lawful Deputy, to be levied upon the goods and chattels of the offender, which shall be immediately carried to the next town and sold at public sale at the expence of the offender or offenders, to satisfy the debt and costs, and in default of sufficient goods and chattels of the offender being found for the purpose aforesaid, he, she, or they shall be taken and imprisoned upon such execution until satisfaction be made of the judgment and all fees, and the Justice for hearing the trial and making out the record shall be authorized to demand and receive twelve shillings, and no more; and the Clerk of the Crown shall also be entitled to receive one shilling and sixpence for filing, and three shillings for the execution, and the Marshal or his lawful Deputy six shillings for executing the warrant upon the body of such offender in default of goods and chattels, and if levied on goods and chattels, then he shall, besides the said six shillings, be entitled to eighteen-pence in the pound for levying and selling, and such recovery before a Justice of the Peace shall be a bar to any further prosecution for the same offence.

**CLAUSE 28th.**—And be it further enacted, by the authority aforesaid, that any person or persons whatsoever being duly summoned as aforesaid for the space of twenty-four hours to attend at the day of the trial as witnesses, shall neglect to attend, he, she, or they shall for such neglect forfeit ten pounds current money, to be recovered before any one Justice of the Peace, and levied by his warrant, directed to the Provost Marshal General, on the goods and chattels of the offender, and sold, as last mentioned, to the use of the party complaining, and then another day, on such failure of the attendance of any material witness summoned, shall be granted for trial on the complainant desiring such further day, and on his paying such fees and costs down for such further day as the Justice and others shall be entitled to.

**CLAUSE 29th.**—And be it further enacted, by the authority aforesaid, that any person who shall take up any Slave or Slaves belonging to another, and shall keep the said Slave or Slaves in his or her custody or possession longer than forty-eight hours without sending the said Slave or Slaves to the owner or owners thereof, if he or they can in any way know him, her, or them, (or without delivering the said Slave or Slaves to the Provost Marshal General, or his lawful deputy), shall forfeit and pay for every day each Slave (not being of any trade) is kept or entertained by him or her after the first forty-eight hours, twelve shillings; but if the Slave detained be of any trade, then the person detaining him shall forfeit twenty-four shillings each day he or she shall so detain such Slave; and if the forfeiture incurred by such detention be under twenty pounds, the same may be recovered before any Justice of the Peace, to be levied on the goods and chattels of the person offending, and in default



thereof, on his, her, or their person or persons; but if the forfeiture so incurred be above twenty pounds, then the same may be recovered by an action of debt at common law, in which no protection or wager of law shall be allowed.

CLAUSE 30th.—And be it further enacted, by the authority aforesaid, that any white or free person or persons, who shall inveigle, entice, or seduce any Slave or Slaves out of the custody of his or her or their owner or possessor by any encouragement or inducement whatsoever, shall be liable to the same penalty for every day the said Slave or Slaves by such means or procurement shall be absent from their owner or possessor, as in the case of entertaining a runaway longer than forty-eight hours, and to be recovered after the same manner; and every person, whether white, free, or a Slave, who shall violently, and by force or otherwise, take any Slave or Slaves out of the plantation or custody of his or their owner or possessor, shall be deemed guilty of felony, and shall be indicted, and suffer, as in cases of felony; and any person or persons, whether white, free, or a Slave, who shall inveigle or entice away from his, her, or their owner or owners, any Slave or Slaves, and shall carry, or endeavour to carry, such Slave or Slaves off these islands, shall be deemed guilty of felony without benefit of clergy.

CLAUSE 31st.—And whereas it is very dangerous to the peace and safety of these islands to suffer Slaves to continue out as runaways, and it is absolutely necessary to declare and make known what Slaves shall be deemed such. Be it therefore enacted by the authority aforesaid, that any Slave or Slaves who shall be absent from his, her, or their owner or employer without leave, for the space of forty-eight hours, or who shall be absent from the house, plantation or estate to which such Slave or Slaves shall belong, without a ticket or other permit to pass, except as hereinafter excepted, in going to and returning from market shall be deemed a runaway.

CLAUSE 32d.—And be it further enacted by the authority aforesaid, that when any Slave shall be run away from the service of his or her owner or employer, every other Slave who, knowing such Slave to be a runaway, shall entertain, harbour, receive, or conceal, or any way aid or assist, or comfort, afford, or give sustenance to him or her, shall upon conviction thereof before any Justice of the Peace be publicly whipped, with any number of stripes not exceeding thirty-nine, or such other punishment as the said Justice shall direct.

CLAUSE 33d.—And be it further enacted by the authority aforesaid, that any person who shall take up a runaway Slave, and knowing the owner or possessor thereof, is hereby directed within forty-eight hours either to give such owner or possessor notice thereof, or to send home the said Slave if the distance does not exceed eight miles, and if the distance does exceed eight miles it shall be at the option of the person taking up such runaway either to give notice as aforesaid, or to send such runaway to the owner or possessor, or to the common jail, and the owner or possessor of such Slave, or the Provost Marshal General or his Deputy, if such Slave be sent to jail, shall pay to the person taking up such Slave the sum of twelve shillings and twelve pence per mile for the distance sent; and if the owner or possessor of such runaway shall refuse to pay the above reward and charges, if sent to him or her, then such runaway shall be sent to the common jail, and the Provost Marshal General or his lawful Deputy is hereby directed to pay the same reward and charges for bringing in the said runaway at the rate of twelve pence per mile, and also the sum of forty shillings over and above the said reward and charges; and if such owner or possessor of such runaway shall detain such runaway in his or her possession without paying the reward and charge as aforesaid, the same, together with the penalty of forty shillings for such detainer and refusal, shall be recovered in a summary manner before any one Justice of the Peace by warrant under his hand and seal, complaint being first made on oath before him, and the owner or possessor of such runaway being first summoned to attend to answer the complaint aforesaid, and having at least forty-eight hours notice for each attendance.

CLAUSE 34th.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any Justice of the Peace, and he is hereby

authorised and required upon complaint made to him on oath, that any Slave or Slaves are run away, and have absented themselves from the service of their owners or employers, and at the request of their owners or employers, or their attornies or agents, and not otherwise, to grant a warrant to search for and apprehend all such runaway Slaves, as also such Slaves as the complainant shall have just cause to suspect to be guilty of wilfully entertaining, harbouring or concealing such runaway Slaves, and bring them before such Justice to be dealt with according to law for their offences; and it shall and may be lawful for any person or persons so authorised by warrants as aforesaid, to enter any Negro-house or houses by day or night, to search for any Slave or Slaves, having first given notice to the master, owner, manager, or overseer, on the plantation to which such house or houses belong, and after such warrant obtained, and notice given as aforesaid, to break open the door or doors of such Negro-houses into which admittance shall have been refused.

CLAUSE 35th.—And be it further enacted by the authority aforesaid, that the Provost Marshal General, or his lawful deputy, shall receive all runaways into his custody, and if brought by a Slave to be accompanied by a note from a white or free person, which note the Marshal shall produce if required; and the said Provost Marshal General, or his lawful deputy, shall keep the said Slave or Slaves in safe custody, and shall affix a list of the names of such runaway Slaves in his custody on the Court-house door, and shall further cause an advertisement to be inserted in the public Gazette of this island within six days next after receiving each Slave into the common jail, containing the name or names of each Slave or Slaves in his custody, the names of the owner or owners if known, but if not known, an exact description of the person of each Slave or Slaves, which advertisement shall be republished once in every month whilst such Slave or Slaves shall continue in jail and not oftener.

CLAUSE 36th.—And be it further enacted by the authority aforesaid, that the Provost Marshal General, or his lawful deputy, shall be entitled to and be paid six shillings for taking such Slave into his custody, and two shillings each twenty-four hours the Slave shall continue in prison for his maintenance, and upon the delivery of any Slave to the owner or possessor of the same, he shall be paid the further sum of six shillings, besides the twelve shillings for taking up, and one shilling per mile, and the forty shillings penalty which the bringer of the said Slave shall have received from him; and if any Slave or Slaves shall continue in prison for three months after the proper publications as aforesaid, such Slave or Slaves shall be taken out and sold at public sale for the fees by order of two Justices of the Peace, and the overplus, if any there be, after paying the aforesaid fees and all the above-mentioned charges, together with five pounds per centum commission on the sale, shall be returned to the owner, or if such owner be unknown to the Treasurer for the time being to remain to the use of the public until the owner shall appear; and the Provost Marshal General, or his lawful deputy, shall be obliged upon oath to account and pay over once in every year at least unto the Treasurer for the time being, all such sums of money as he shall have received on account of the sales of such Slaves, under the penalty or forfeiture for every neglect or default the sum of one hundred pounds current money.

CLAUSE 37th.—And be it further enacted by the authority aforesaid, that in case the Provost Marshal General, or his lawful Deputy, shall refuse to pay the bringer of any runaway the several sums of money hereinbefore directed to be paid, or shall refuse to receive the said Slave so brought, or shall neglect or refuse to put up and publish his, her, or their names, or shall wilfully or negligently suffer any runaway received by him to escape, or shall employ him in any work, or shall refuse to deliver any runaway to his owner or possessor, on tender of his legal fees and all disbursements, for every such offence the Provost Marshal General, or his lawful Deputy, shall forfeit and pay the sum of ten pounds current money to be levied on his goods and chattels by a warrant under the hand and seal of any Justice of the Peace to be directed to

the Coroner; and if any Slave or Slaves in the custody of the Provost Marshal General, shall perish from want or neglect, he shall forfeit and pay the full value of such Slave to the owner thereof, to be recovered in the manner herein-before mentioned, and shall moreover be subject to an indictment for each offence.

CLAUSE 38th.—And be it further enacted by the authority aforesaid, that if any Slave shall run away from his or her owner or possessor, and continue absent for a term exceeding six months, such Slave being convicted thereof, shall be sentenced to be confined to hard labour for such time as the Court shall direct, or be transported for life according to the magnitude of the offence; and if any Slave shall run away as aforesaid, and continue absent for any term not exceeding six months, each Slave shall be liable to be tried before two Justices of the Peace, and upon conviction thereof shall, for the first offence, suffer such punishment by whipping or confinement to hard labour, not exceeding three months, as the said two Justices shall think proper to direct; but if the said Slave hath frequently runaway, and is by his owner, possessor, or manager, declared on oath to be an incorrigible runaway, he shall be committed to be tried as if he or she had run away from his or her said owner or possessor, and continued for a term exceeding six months, and such Slave being convicted thereof shall be sentenced to hard labour or be transported for life as the Court shall direct.

CLAUSE 39th.—And whereas several Slaves have found means to desert from their owners and depart from these islands to the great damage of such owners and evil example to other Slaves; and whereas there is reason to believe that such Slaves have been aided and assisted in such escape and departure by other persons, and their is not any adequate punishment provided by law for such desertion or departure, or conspiring to desert or depart from these islands, or for persons aiding, assisting, or abetting such deserters; for remedy whereof be it further enacted by the authority aforesaid, that if any Slave shall runaway from his, her, or their owner or owners, employer or employers, and go off or conspire or attempt to go off from any of these islands in any ship, boat, canoe, or other vessel or craft whatsoever, or shall aid, abet, or assist any other Slave or Slaves in such going off these islands, he, she, or they so running away and going off, or conspiring or attempting to go off, or so aiding, assisting, or abetting in such going off, shall be deemed guilty of felony, and shall suffer transportation or such other punishment proportionate to the offence as the Court shall direct.

CLAUSE 40th.—And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall forcibly or otherwise seize, take, or carry away any ship, boat, canoe, or other vessel or craft whatsoever, or shall embark on board of any ship, boat, canoe, or other vessel or craft whatever, with intent to seize, take, and carry away the same, and shall be duly convicted of the said offence, he, she, or they shall be adjudged to be guilty of felony without benefit of clergy, and shall suffer death accordingly.

CLAUSE 41st.—And be it further enacted by the authority aforesaid, that if any white or free coloured person, Indian or free Negro, knowingly aid, assist, or abet any Slave or Slaves in so going off these islands, and shall be convicted thereof in the Court of Grand Sessions of the Peace in this island, such white or free coloured person, Indian or free Negro, shall be deemed guilty of felony without benefit of clergy, and suffer death accordingly.

CLAUSE 42d.—And be it further enacted by the authority aforesaid, that it shall and may be lawful to proceed against the person or persons so aiding, assisting, or abetting any Slave or Slaves in going off these islands, whether the principal or principals be convicted or not, any thing in this or any other act, law, custom, or usage to the contrary notwithstanding.

CLAUSE 43d.—And be it further enacted by the authority aforesaid, that in case any Negro or other person sent in and detained in the common gaol as a runaway Slave, shall allege himself or herself to be free; it shall be the duty of any Justice of the Peace, upon application made to him, to convene

a meeting, consisting of not less than three Justices of the Peace, within ten days after such application, and of which meeting, and of the time and place of holding the same, due notice shall be given in the several newspapers of this island, and the said Justices shall investigate, enquire into, and examine the truth of such allegation; and if it shall appear to such meeting that such person detained as a runaway Slave is free, such person shall be forthwith discharged; and in case it shall appear to such meeting that such person is a Slave, he or she shall be remanded to the common gaol: provided always, and it is hereby declared, that the decision of such Justice shall be without prejudice to the prosecution of the rights and title of any person to such runaway or to the prosecutor, by such person detained as a runaway of his or her right or title to his or her freedom, or for damages for his or her illegal detention or imprisonment against the person or persons causing the same.

CLAUSE 44th.—And be it further enacted by the authority aforesaid, that no Negro or other person detained as a runaway Slave or Slaves, so claiming their freedom as aforesaid, shall be sold by the Provost Marshal General, until such meeting of Justices has been convened and held, and such investigation, enquiry, and examination had, and without the same being certified by the Justices attending such meeting, under their hands and seals, and filed with the Clerk of the Crown at the public expense, and the sale of any runaway Slave or Slaves so claiming their freedom, made without such certificate being obtained, shall be, and the same is hereby declared null and void to all intents and purposes whatsoever.

CLAUSE 45th.—And be it further enacted by the authority aforesaid, that no Slave, such only excepted as shall attend the market with firewood, grass, fruit, provisions, or small stock, and any other goods which they may lawfully sell, be permitted or suffered to go out of the plantation or estate of his or her owner or employer, or to travel from one town or place to another, unless such Slave shall have a ticket from his or her owner or employer or manager, expressing particularly the time of the departure of such Slave, and where he or she is going, and the time limited for his or her return, and any Slave found without such ticket shall be deemed and taken to be a runaway, and dealt with accordingly.

CLAUSE 46th.—And whereas the more effectually to protect runaway Slaves tickets are given by white persons, free Negroes, or coloured persons: be it further enacted by the authority aforesaid, that any white person, free Negro, or coloured person, granting or giving such ticket in their own name, or in the name or names of any other person with such intent, shall be liable to be tried for the said offence before the Court of Grand Sessions of the Peace in this island, and on conviction shall suffer such punishment by fine or imprisonment as the Court shall direct.

CLAUSE 47th.—And be it further enacted by the authority aforesaid, that if the Slave of any person shall be killed in pursuing runaways or Slaves charged with other crimes by the order of his owner, employer, or manager, or any other lawful order, the Slave slain shall be paid for by the public, and the value settled by any two Justices of the Peace.

CLAUSE 48th.—And whereas dances and other nightly meetings of Slaves are highly injurious to their health and morals; be it therefore enacted by the authority aforesaid, that if any owner, manager, or overseer, shall permit or suffer any Slave or Slaves to hold any assembly or meeting of Slaves at any time, for the purpose of dancing or for any other purpose, after the hour of ten o'clock at night, or shall permit or suffer any drums, horns, or shells to be beat or sounded upon any plantation, estate, or in any yard, house, or place under his or her care or management, if such meetings shall be held, or such drums, horns, or shells beat or sounded without his or her privity or knowledge, and he or she shall not use his or her utmost endeavour to prevent the same, either by his or her own power or authority, or in case of necessity by timely application to one of His Majesty's Justices of the Peace for the assistance of the civil power, such owner, manager, overseer, or other person

so offending, shall for every such offence upon conviction thereof, upon an indictment in the Court of Grand Sessions of the Peace, suffer imprisonment without bail or mainprize for any term not exceeding six calendar months, provided information is made upon oath as aforesaid, before one of His Majesty's Justices of the Peace, within fourteen days after the commission of such offence; but nothing herein contained shall be construed to prevent any owner or proprietor of any plantation or estate, or the manager thereof from granting liberty to the Slaves of such plantation or estate, only to assemble together upon such plantation or estate, and play and divert themselves in any innocent amusement, so as they do not make use of military drums, horns, or shells; but they shall and may grant such liberty when and as often as they please, provided such amusements are put an end to by ten o'clock at night.

CLAUSE 49th.—And be it hereby enacted by the authority aforesaid, that if any Indian, free Negro, coloured or white person, shall hereafter suffer any unlawful assembly of Slaves at his or her house, or adjoining their place of abode, or shall attend any such assembly elsewhere, every such Indian, free Negro, coloured or white person, shall upon due conviction thereof before any Court of Sessions, suffer punishment by fine not exceeding one hundred pounds, or imprisonment not exceeding six months, provided, nevertheless, that information thereof shall be given on oath within fourteen days after such unlawful meeting.

CLAUSE 50th.—And whereas camps and settlements are established by runaways and others which are of dangerous tendency: be it further enacted by the authority aforesaid, that all Slaves who shall or may establish any camp or settlement unknown to his, her, or their owner or employer, shall be liable to be apprehended, and if convicted thereof, he, she, or they shall be deemed guilty of felony without benefit of clergy, and shall suffer death accordingly.

CLAUSE 51st.—And whereas it is necessary to prevent secret and unlawful meetings of Slaves: be it further enacted by the authority aforesaid, that all and every Slave or Slaves who shall be found at any meeting, formed either for the purpose of administering unlawful oaths, or entering into unlawful compacts, or learning the use of arms, or opposing or resisting any persons employed to apprehend them, or for any other unlawful or dangerous purpose, such Slave or Slaves shall on conviction thereof be deemed guilty of felony without benefit of clergy, and shall suffer death, or transportation for life as the Court shall direct, and if any person or persons, whether white or of free condition, shall be present at any such meeting and aiding and assisting in any of the unlawful purposes before-mentioned, such person or persons shall upon conviction thereof in the Court of Grand Sessions of the Peace be punished by death, transportation off these islands for life, or fine, or imprisonment, or both, as the Court shall direct, and if any person or persons having any knowledge of such unlawful meetings as aforesaid shall not forthwith give information thereof to a Justice of the Peace, such person or persons shall on conviction before the Court of Grand Sessions of the Peace, suffer such punishment by fine or imprisonment, or both, as the Court shall direct.

CLAUSE 52d.—And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall be found to have in his, her or their custody or possession any fire-arms, pikes, sabers, swords, cutlasses, lances, gunpowder, slugs or ball without the knowledge of his, her or their Manager, such Slave or Slaves shall be taken before two Justices, who shall, if they are of opinion that the same was with evil intent, commit such Slave or Slaves to the jail to be tried as hereinafter directed, and upon conviction the said Slave or Slaves shall suffer transportation, imprisonment, or such other punishment as the Court shall direct, and if any person whatsoever shall hereafter sell, barter, or give to any Slave any fire-arms, cutlasses, or offensive weapon without a ticket or leave from the Master of such Slave, he, she or they shall forfeit ten pounds current money of these islands for such offence.

CLAUSE 53d.—And in order to prevent the many mischiefs, that may arise from the wicked art of Negroes and other persons going under the appella-

tion of obeah men and women: be it further enacted by the authority aforesaid, that any person, whether free or Slave, who shall pretend to any supernatural power for any evil purpose whatsoever, or shall use or pretend to use any such practices with an intent so as to affect or endanger the life or health of any Slave or other person, shall upon conviction thereof be deemed guilty of felony without benefit of clergy and shall suffer death accordingly.

CLAUSE 54th.—And be it further enacted by the authority aforesaid, that if any person whatsoever, whether free or Slave, shall mix or prepare with an intent to give or cause to be given to any person whatsoever, any poison or poisonous or noxious drug, pounded glass or other deleterious matter in the practice of obeah, or otherwise, although death may not ensue on the taking thereof, the said person or persons, together with accessories, as well before as after the fact, being duly convicted thereof, shall be deemed guilty of felony without benefit of clergy and shall suffer death accordingly.

CLAUSE 55th.—And be it further enacted by the authority aforesaid, that if there shall be found in the possession of any person or persons, whether free or Slave, any poisonous drug, pounded glass or other materials notoriously used, and with intent to use the same, in the practice of obeah, such Slave or other person upon conviction shall be deemed guilty of felony, and shall suffer transportation from these islands or such punishment not extending to life as the Court shall direct.

CLAUSE 56th.—And whereas the practice of ignorant, superstitious or designing Slaves attempting to instruct others has been attended with the most pernicious consequences: be it further enacted by the authority aforesaid, that any Slave or Slaves found publicly preaching or teaching any religious subject, shall upon due proof thereof be punished in such manner as any two Justices may deem proper by whipping and imprisonment.

CLAUSE 57th.—And be it further enacted by the authority aforesaid, that if any Slave shall feloniously and forcibly take from the person of another, whether a Slave or free person, goods or money to the value of twenty shillings current money, by violence, or putting him or her in fear, he or she shall be guilty of felony without benefit of clergy, and if any Slave shall break or enter in any manner whatsoever into any mansion, house, shop, works, negro-house or other out-house and take and carry therefrom, or with an intent to take and carry therefrom, goods or money to the value of six pounds current money, he or she shall be guilty of felony without the benefit of clergy.

CLAUSE 58th.—And be it further enacted by the authority aforesaid, that if any Slave shall assault or offer violence by striking, or otherwise, to or towards any white person or persons of free condition, such Slave shall upon conviction thereof be punished by transportation or confinement to hard labour for life, or for a limited time, or such other punishment according to the nature of the offence as the Court shall in its discretion think proper to inflict, and in case any white person or persons of free condition shall be maimed, injured or mutilated in body by any Slave or Slaves as aforesaid, then such Slave or Slaves being duly convicted thereof shall be deemed guilty of felony without benefit of clergy: provided such assault or violence be not by the command of his or their owner, manager or person intrusted with the charge of them, or in the lawful defence of the person or goods of their owner.

CLAUSE 59th.—And be it further enacted by the authority aforesaid, that any Slave or Slaves using any defamatory language or words of abuse tending to provoke a breach of the peace towards any person or persons whatsoever, shall and may be punished by any Justice of the Peace upon due proof of the same, by whipping or imprisonment, provided that the complaint be made to such Justice within two days after the offence hath been committed.

CLAUSE 60th.—And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall, by wantonly or cruelly cutting, chopping, sticking, or by any other manner or way whatsoever mutilate, disfigure, dismember or injure any Slave or Slaves so as to endanger life, although death shall not ensue, or that such Slave or Slaves shall become a cripple or lose any of his or

her limbs, or be deprived of the use thereof, all and every such Slave or Slaves so offending shall be tried by the Court of Sessions, and upon conviction shall for the first offence suffer such punishment not extending to life as the Court shall direct according to the circumstances of the case, and for a second offence upon conviction shall suffer death or transportation for life as the Court shall direct, and when one Slave murders another the price paid by the public on the execution of the murderer, as hereafter directed, shall be equally divided between the Owner of the offender and the Owner of the Slave slain.

CLAUSE 61st.—And be it further enacted by the authority aforesaid, that all Slaves that shall be taken fighting, or who shall draw a knife or cutlass in assaulting another, or in his own defence, shall be publicly whipped by order of a Justice of the Peace, and if in Kingstown or Calliaqua, by order of any Town Warden, with any number of stripes not exceeding thirty-nine.

CLAUSE 62d.—And be it further enacted by the authority aforesaid, that if any Slave shall steal any horned cattle, sheep, goat, hog, horse, mare, mule, or ass, or shall kill any such horned cattle, sheep, goat, hog, horse, mare, mule or ass, with intent to steal the whole carcass of any such horned cattle, sheep, goat, hog, horse, mare, mule or ass, or any part of the flesh thereof, such Slave shall on conviction thereof suffer death, transportation, or such other punishment as the Court shall direct.

CLAUSE 63d.—And be it further enacted by the authority aforesaid, that if any Slave shall fraudulently have in his, her, or their custody or possession, unknown to his or her owner, possessor, manager, or other person who shall have the charge of such Slave, any fresh beef, veal, mutton, pork, or goat, in any quantity not exceeding twenty pounds weight, without giving a satisfactory account in what manner he or she became possessed thereof, such Slave upon conviction thereof before any two Justices of the Peace shall be whipped in such manner as such Justices shall direct, not exceeding thirty-nine stripes; and if there shall be found in his, her, or their custody or possession, a greater quantity than twenty pounds weight of fresh beef, veal, mutton, pork, or goat, and such Slave shall not give a satisfactory account, how he or she became possessed of such meat, then such Slave upon conviction thereof, shall suffer such punishment by whipping or confinement to hard labour, as the said two Justices shall direct, not exceeding fifty lashes, or one month's imprisonment.

CLAUSE 64th.—And be it further enacted by the authority aforesaid, that if any Slave shall wantonly or cruelly cut, chop, shoot at, or otherwise maim or injure any horned cattle, horse, gelding, mare, mule, ass, or sheep, such Slave shall for every such offence be tried in a summary manner before two or more Justices of the Peace, and the said Justices shall on conviction of such Slave or Slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding fifty stripes to be inflicted at one or more different times, and in all cases where, from such treatment as above set forth, any horned cattle, horse, gelding, mare, mule, ass, or sheep shall be killed, or shall die within ten days after the offence committed, although the carcass or any part of the flesh thereof be not stolen, such Slave shall be tried at the Court of Sessions, and on conviction thereof suffer transportation or confinement to hard labour, or such other punishment as the Court shall direct.

CLAUSE 65th.—And whereas the practice of Slaves clearing their grounds by fire is highly dangerous to the neighbouring properties, and alarm and injury may occur for want of some restraint in that respect, Be it further enacted by the authority aforesaid, that if any injury shall arise to the owner, proprietor, or possessor of one property by a Slave or Slaves on the adjoining property clearing ground by fire, the Slave or Slaves who shall so clear ground by fire, by which injury shall result to the adjoining property, shall be proceeded against, tried, and punished, if found guilty, as and for a misdemeanor; and if the managers or other person then actually having charge of the property on which such fire shall originate, shall have knowledge that any Slave under his charge has made such fire for clearing his or her ground, and shall not forthwith use his best endeavours to cause the same to be ex-

tinguished, although such fire shall not cause injury to the neighbouring property, such manager or other person shall suffer such fine as any two Justices of the Peace shall award, not exceeding ten pounds for each offence, the complaint whereon shall be heard, determined, and the penalty, when imposed, shall be enforced in a summary manner, before any two Justices of the Peace.

CLAUSE 66th.—And be it further enacted by the authority aforesaid, that no person shall henceforth be rejected as a witness or considered as incompetent to give evidence in any cases of murder, felony, or any other offence which shall subject the party or parties guilty thereof to suffer death or transportation, by reason of the said witness being in a state of slavery; provided always that the Slave or Slaves produced as a witness or witnesses, shall at the same time produce before the Judge, Justice of the Peace, or Court to which any Grand Jury or Petty Jury are summoned, a certificate of his or their baptism, under the hand of the clergyman of the parish in which he, she, or they shall have been resident at the time of his or their baptism, or an extract of the entry of such baptism from the registry of such parish or cure; and also a certificate under the hand of a clergyman, and of the proprietor, or the attorney of the proprietor of such Slave or Slaves so produced as a witness or witnesses, that such Slave or Slaves is or are of good character and repute, that he, she or they have been sufficiently instructed in the principles of religion, as in the judgment and belief of the party so certifying to understand the nature and obligation of an oath: and provided also that the Court before which such Slave or Slaves is or are produced as a witness or witnesses, shall be satisfied on examination with such certificates, and of the accuracy of the facts therein certified; and provided also that no white person or free person shall be convicted of any of the crimes aforesaid on the testimony of any Slaves, unless two of the said Slaves at the least produced as witnesses, clearly and consistently with each other depose to the same fact, act, or circumstance; and also, unless the said Slaves are examined apart, and out of the hearing of each other; and provided also; that no white or free person shall be convicted on the testimony of any Slaves of any of the crimes aforesaid, unless such person or persons be charged and prosecuted for the said crime or crimes within twelve months after the commission thereof; and it is hereby expressly declared and provided, that no person being in a state of slavery shall be admitted to give evidence in any case where his or her owner, or the attorney, manager, overseer or person having the charge of such Slave, may be charged with or prosecuted for any of the crimes aforesaid, or in any case where any white person may be charged with or prosecuted for any offence punishable with death.

CLAUSE 67th.—And be it further enacted by the authority aforesaid, that in all cases where the evidence of Slaves is admitted to be given in any Court or Courts of Justice in this island, under and by virtue of this Act, a writ of subpoena shall and may issue, under the hand of the Secretary of this island or his lawful deputy, and under the seal of the Court, in the usual manner, upon the application of any person or persons requiring the testimony of such Slaves, directed to the owner or possessor of such Slave or Slaves, or, in his absence, to the person under whose immediate charge such Slave or Slaves may be, requiring him or them, under the penalty of fifty pounds, to bring and produce, or cause to be brought and produced in Court such Slave or Slaves for the purposes aforesaid; but before the said Slave or Slaves shall give evidence, the party prosecuting or requiring testimony shall tender to the proprietor, or pay into Court for his use, the sum of ten shillings per day for such time as the witness shall be absent from the duty of his master or employer.

CLAUSE 68th.—And be it further enacted, by the authority aforesaid, that if any Slave or Slaves shall enter into, or be concerned in any rebellion or rebellious conspiracy, or commit any murder, felony, burglary, robbery, or set fire to any house, works, out-house, negro-house, magass-house, or other building, cane-picce, grass or corn-piece, or break into such house, works, out-house, negro-house; or other building; in the day-time; no person being



therein, and steal thereout; or compass or imagine the death of any white person, and declare the same by any overt act, or commit any other crime not herein provided for, the commission of which by white persons or persons of free condition would subject them to a prosecution for felony by the laws of these islands, or the laws of Great Britain in force here, such Slave or Slaves shall for every such offence or offences, upon trial and conviction thereof, in manner hereinafter mentioned, suffer death without benefit of clergy, transportation, or such other punishment as would be inflicted upon any such white or free person, according to the nature and extent of the offence.

**CLAUSE 69th.**—And be it further enacted, by the authority aforesaid, that if any Slave or Slaves, charged with any of the before-mentioned offences, or any other offence whatsoever, which may render him, her, or them liable to the punishment of death, transportation, or imprisonment for life, shall be tried in all respects in the same manner as free persons at the Court of Sessions; and six days before the sitting of the Court, the Clerk of the Crown and Peace shall deliver a list of all the Slaves so to be tried to the President of the Court, who shall thereupon appoint a barrister to act as counsel for each prisoner, and in case of an indictment between the said six days and the sitting of the Court, then and in such case counsel shall be appointed for the prisoner as early as may be, and the Jury shall, if they find the prisoner guilty, ascertain the value of him or her, and such value of such condemned Slave shall be paid to the owner or possessor of such Slave so condemned or executed out of the public treasury of these islands, upon producing the certificate of such condemnation and appraisement, under the hand and seal of the Judge presiding at the trial of such Slave or Slaves, and also the certificate of the Provost Marshal General, of the execution, transportation, or imprisonment of such Slave or Slaves, except it shall appear that the owner or possessor of such Slave or Slaves had refused to deliver up such Slave or Slaves as hereinafter mentioned, and the Counsel so appointed to defend the prisoner shall be paid by the Treasurer or his lawful deputy the sum of sixteen pounds ten shillings currency.

**CLAUSE 70th.**—And be it further enacted, by the authority aforesaid, that the fees upon such prosecutions shall be the same as are payable on the prosecution of free persons, and the Court may order the same to be paid by the prosecutor, if the prosecution be frivolous or vexatious, or by the owner or owners of the Slave or Slaves, if he, she, or they have endeavoured to obstruct or prevent the course of justice against such Slave or Slaves; or if no such cause or causes exist, the Court may order the same to be paid by the Public Treasurer; and in cases where any Slave or Slaves shall be discharged by proclamation, the fees of the officers of the Court shall be paid by the public, unless the Court shall direct otherwise.

**CLAUSE 71st.**—And whereas there are many inferior crimes and misdemeanours committed by Slaves, which ought to be punished in a summary manner by order of two or more Justices of the Peace. Be it further enacted, by the authority aforesaid, that all misdemeanours and inferior crimes committed by any Slave or Slaves, for the trial whereof no provision has been made, shall be tried in a summary manner before two or more Justices of the Peace, reasonable notice of the time and place of such trial being given to the owner or possessor of such Slave or Slaves, or his or their attorney or attorneys, or the person or persons having the care of such Slave or Slaves, and the said Justices of the Peace shall, on conviction of such Slave or Slaves, order and direct such punishment as they shall think proper, not exceeding fifty stripes, or six months' imprisonment, or confinement to hard labour.

**CLAUSE 72d.**—And be it further enacted by the authority aforesaid, that in any case any Slave or Slaves shall wilfully or corruptly give false evidence in any trial had under this Act, such Slave or Slaves being thereof convicted shall receive such punishment by whipping as the Justices trying the cause shall think proper to direct.

**CLAUSE 73d.**—And be it further enacted by the authority aforesaid, that in

all cases where any Slave or Slaves shall be brought to trial, and sentenced to death or transportation, and valued according to the directions of the Act, the Provost Marshal General or his lawful deputy shall carry such sentence into execution as soon after the passing thereof as the Court, or the Commander in Chief, as the case may require, shall direct, and in case of sentence to transportation, shall forthwith sell such Slave or Slaves for transportation to the best advantage in his power, and shall within the space of one month from the time of such sale render to the Treasurer or his lawful deputy a just and true account, certified under his hand, of the sale or sales of such Slave or Slaves, and of the legal charges attending the same, and pay over to him the proceeds of such sale or sales, after deducting all legal charges as aforesaid, and also five per cent. commission on the sale or sales, and if it shall happen that the charges due to the Provost Marshal General or his lawful deputy for the confinement or subsistence of the said Slave or Slaves shall exceed the amount of the sales the same shall be sworn to by the Provost Marshal General or his lawful deputy, in which case the Treasurer or his lawful deputy shall pay to him such further sum as shall be sufficient to satisfy his said charges beyond the amount of such sales.

CLAUSE 74th.—And be it further enacted by the authority aforesaid, that the purchase of every Slave who by virtue of this Act shall be sold for transportation by the Provost Marshal General or his lawful deputy, shall immediately after such sale enter into a bond, with two sufficient securities to our Sovereign Lord the King, in the penal sum of five hundred pounds for every such Slave so purchased, with a condition thereunto annexed, that every such Slave shall be transported off these islands within thirty days after the date of such bond, and shall in the mean time be kept in close confinement by the Provost Marshal General at the expence of the purchaser, which bond shall be taken of the Provost Marshal General or his lawful deputy at the expence of the purchaser, and be filed among the records in the office of the Clerk of the Crown of the said island.

CLAUSE 75th.—And be it further enacted by the authority aforesaid, that every such purchaser of any Slave so directed to be sold for transportation as aforesaid, shall at the time of the execution of such bond as aforesaid, also make oath in writing on some part of the said bond before the Provost Marshal General or his lawful deputy, (either of whom is hereby authorised and required to administer the same,) that every Slave so purchased by him shall be transported according to sentence, (death, or danger of the seas, excepted,) and that the Slave so purchased shall not with his knowledge, privity, or consent be relanded in these islands.

CLAUSE 76th.—And be it further enacted by the authority aforesaid, that the Provost Marshal General or his lawful deputy shall not deliver over to any purchaser or purchasers any Slave so sold for transportation, until such purchaser shall be in all things prepared to carry the said sentence of transportation into effect according to the condition of his said bond, and in case such purchaser shall not perform the condition of his said bond within thirty days before limited, the said bond shall be deemed forfeited, and the Slave to have been transported shall also become forfeited to the Crown, and be re-sold for transportation by the Provost Marshal General or his lawful deputy in the same manner and under the like penalties as are hereinbefore enacted, and the net proceeds of such release shall be paid over to the Treasurer for the use of the public.

CLAUSE 77th.—And be it further enacted by the authority aforesaid, that every Slave sold for transportation by virtue of this Act, who shall be found at large within the islands at any time after such Slave shall have been delivered by the Provost Marshal General to any purchaser for the purpose of being transported as hereinbefore directed, may and shall be lawfully apprehended by any person whomsoever, and immediately taken before any of His Majesty's Justices of the Peace, and if it shall appear to the satisfaction of such Justice that such Slave has been formerly sold for transportation by virtue of this Act such Justice shall by warrant under his hand and seal

direct such Slave to be delivered to the Provost Marshal General or his lawful deputy, to be resold for transportation only, and the monies arising from such sale, after deducting a commission of five pounds per centum, and all necessary expences, shall be paid over, one moiety to the person apprehending such Slave, and the other moiety to the Treasurer or his lawful deputy.

**CLAUSE 78th.**—And be it further enacted by the authority aforesaid, that if any Slave who may have been transported under the directions of any other Act heretofore in force, or who shall be hereafter transported under the directions of this Act for any crime to which such punishment shall be attached, shall wilfully return from transportation, such Slave shall upon conviction be deemed guilty of felony without benefit of clergy, and shall suffer death accordingly.

**CLAUSE 79th.**—And be it further enacted by the authority aforesaid, that if the master of any ship or vessel, or any other person whatsoever, shall knowingly and wilfully bring back to these islands any Slave who may have been transported from these islands under and by virtue of any other Act heretofore in force, or who shall hereafter be transported under the directions of this Act, such person being convicted thereof by bill, plaint, or information in the Court of Grand Sessions of the Peace, or other Courts of Record, shall forfeit the sum of three hundred pounds for every Slave so brought back, one moiety whereof shall be to our Sovereign Lord the King, his heirs and successors for and towards the support of the Government of these islands, and the other moiety to the party or parties at whose suit or complaint such person was convicted, and shall also suffer imprisonment at the discretion of the Court, for any space of time not exceeding twelve or less than three months, without bail or mainprize.

**CLAUSE 80th.**—And be it further enacted by the authority aforesaid, that in all cases where the punishment of death is to be inflicted, the execution is to be publicly performed with due solemnity, and care shall be taken by the Provost Marshal General or his lawful Deputy, that the criminal shall be free from intoxication at the time of his or her execution under the penalty of twenty pounds, and the mode of such execution shall be hanging by the neck and no other, and the body shall be afterwards disposed of as the Court shall direct.

**CLAUSE 81st.**—And be it further enacted by the authority aforesaid, that if any person whomsoever shall buy, barter, or trade for, or receive by any means, of or from any Slave or Slaves, sugar, cotton, rum, molasses, cocoa, coffee, or other goods or merchandize of any sort, except firewood, fish, poultry, goats, hogs, grass, fruit, and vegetables of any sort, without the knowledge or consent of the owner or possessor of such Slave or Slaves, signified by a note in writing specifying the nature and quantity of the goods, or by sending some white or free person with such Slave or Slaves, upon complaint made to any Justice of the Peace, the person or persons so offending shall be bound to his, her, or their good behaviour, and to appear at the next Sessions of the Peace to be held for these islands, and upon conviction thereof such person or persons shall be fined in a sum not exceeding fifty pounds, or double the value of the goods so clandestinely bought.

**CLAUSE 82d.**—And be it further enacted by the authority aforesaid, that if any person or persons shall buy, barter, or truck for, or receive by any unlawful means from any Slave or Slaves any goods or chattels whatsoever, knowing the same to be stolen, although the principal felon or felons is or are not known, or convict such person or persons, shall and may be prosecuted at the Court of Grand Sessions of the Peace, and upon conviction shall be adjudged to be guilty of a misdemeanor, and fined in any sum not exceeding one hundred pounds current money of these islands, nor less than twenty pounds like money, and be imprisoned also for any time not exceeding one year; and in case such offender shall neglect, refuse, or be unable to pay the fine immediately, he or she shall undergo such corporal punishment instead of the said fine, by whipping, as the Court shall direct, and upon conviction of the like offence a second time, the person so offending shall be deemed a felon, and punished accordingly.

**CLAUSE 83d.**—And be it further enacted by the authority aforesaid, that if any person shall be convicted of a misdemeanor for buying, bartering, or trucking with any Slave contrary to this Act, such conviction shall be a bar to any other prosecution for being accessory to the felony committed by the principal, if the principal be afterwards convicted; any lost or stolen goods found on any person or persons shall be deemed evidence against him, her, or them, that they bought, trucked, or bartered for such goods of, or with a Slave, so far as to make him, her, or them liable to a misdemeanor by virtue of this Act, unless such person or persons shall give sufficient evidence to the Court, how he, she, or they came by the goods, and it shall not be anyways necessary in the indictment or information for such misdemeanor to name particularly the Slave or Slaves of whom such goods were bought and bartered, trucked, or received, but the laying it to be from a Slave unknown shall be sufficient.

**CLAUSE 84th.**—And be it further enacted by the authority aforesaid, that no retailer or retailers of strong liquors shall sell any liquor or liquors of what nature or quality soever, to any Slave or Slaves, under the penalty of five pounds current money for every such offence so committed, and the forfeiture of his or her licence; and all Justices of the Peace and constables are hereby required and empowered to disperse all immoral concourses of Slaves in or about the towns or elsewhere, and to take up, or cause to be taken up, all Slaves who shall be found armed with clubs or other offensive weapons, or playing at dice or other unlawful sports, or drinking in the public houses or other places; and such Slaves so taken up shall be whipped by order of the Justice at his discretion, so as such whipping does not exceed thirty-nine stripes.

**CLAUSE 85th.**—And be it further enacted by the authority aforesaid, that in future whenever a warrant shall be granted by one or more of His Majesty's Justices of the Peace, against any Slave, if the said Slave cannot be immediately taken on the said warrant, the owner, possessor, attorney, or manager of such Slave, shall be served with a copy of the said warrant; and if he, she, or they do not bring the said Slave before a Justice to be dealt with according to law, on the said warrant, and it should be afterwards proved that the owner, possessor, attorney, or manager of such Slave, wilfully detained or concealed the said Slave, he, she, or they shall forfeit the sum of two hundred pounds, and in case the Slave be afterwards apprehended and sentenced to death, transportation, or imprisonment for life, the owner of such Slave is hereby debarred from having or receiving from the public treasury of these islands any consideration or remuneration for any Slave so sentenced as aforesaid.

**CLAUSE 86th.**—And be it further enacted by the authority aforesaid, that all warrants from any Justice or Justices of the Peace, directed to any Constable or Constables, or to the Provost Marshal General, or his lawful deputy, to make levies, or for any other matter whatsoever, shall be duly executed by such Constable or Constables, the Provost Marshal General or his lawful deputy under the penalty of ten pounds current money, to be levied in manner aforesaid by warrant of any Justice or Justices, whose former warrant he or they shall neglect or refuse to execute, and if the Provost Marshal General or his lawful deputy shall neglect or refuse to perform or execute any of the duties prescribed unto him by this Act, and for which no penalty is declared, he shall forfeit and pay the sum of fifty pounds current money for each neglect or refusal, to be levied as aforesaid.

**CLAUSE 87th.**—And be it further enacted by the authority aforesaid, that if any Justice of the Peace shall refuse or neglect upon application made to him, immediately to take proper measures to apprehend and bring to trial any Slave or Slaves whatsoever for felony, or any other crime of a lower nature charged on any Slave or Slaves, such Justice shall forfeit fifty pounds current money of these islands, to be recovered by action, bill, plaint or information in any Court of Record within these islands, or by indictment or information before the Court of Grand Sessions of the Peace, one moiety to the prosecutor or informer, and the other moiety to His Majesty, his heirs and successors for the public use of this island.

**CLAUSE 88(h).**—And be it further enacted by the authority aforesaid, that all Justices and Constables and the Clerk of the Crown and the Provost Marshal General or their lawful deputies, shall be entitled to demand and receive the same fees as are prescribed for similar duties by the several dockets now in force, except otherwise provided by this Act, and it shall be lawful for not less than two Justices in their discretion, in cases of poverty or otherwise, to order and direct the fees of the officers, which may be incurred in cases brought before them, to be paid by the public, which they shall certify under their hands to the Treasurer or his lawful deputy.

**CLAUSE 89th.**—And be it further enacted by the authority aforesaid, that all fines and forfeitures laid by this Act, where no particular method for recovery of the forfeitures mentioned in this Act is directed, and the same do not amount to more than twenty pounds current money, the same shall be recovered by warrant from any one Justice of the Peace, directed to the Provost Marshal General or his lawful Deputy, to be levied on the goods and chattels of the offender, which goods and chattels shall be immediately carried to the next town, and sold by public sale at the expense of the offender; and in default of sufficient goods and chattels of the offender to be found, then on the body of the offender, who shall be imprisoned until satisfaction be made of the forfeitures and fees; and if the forfeitures amount to more than twenty pounds currency, then the same shall be levied by warrant from two Justices of the Peace in manner aforesaid, of which proceeding the Justices shall from time to time make a record, and return the same into the office of the Clerk of the Crown, under his or their hands and seals, four days before the sessions next following; and each Justice, for hearing the trial and making up the record as aforesaid, shall and may receive twelve shillings currency, and no more; and the Clerk of the Crown one shilling and sixpence for filing; and the Marshal or his lawful Deputy shall, for making each levy of fines and forfeitures of twenty pounds and under receive ten per cent. and for fines and forfeitures above twenty pounds five per cent.

**CLAUSE 90th.**—And be it further enacted by the authority aforesaid, that all fines and forfeitures imposed by this Act, and not hereinbefore disposed of, shall be paid into the public treasury of these islands, and to be to the use of His Majesty, his heirs and successors, towards defraying the public charges of the same.

**CLAUSE 91st.**—And be it further enacted by the authority aforesaid, that this Act shall continue and be in force for seven years from the publication thereof, and from thence until the next quarterly meeting of the Legislature.

Dated in Kingstown, the 6th day of December, in the sixth year of the reign of our Sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord 1825.

(Signed) JOHN DALZELL, Speaker.

Passed the Assembly this 6th day of December, 1825.

(Signed) P. HOBSON, Clerk of Assembly.

Passed the Council the 15th day of December 1825.

(Signed) THOMAS GASKIN, Deputy Clerk of Council.

Assented to by his Excellency the Governor-in-Chief this 15th day of December 1825, and in the sixth year of His Majesty's reign.

(Signed) THOMAS GASKIN, Deputy Public Secretary.

(Signed) C. BRISBANE.

Saint Vincent, duly published in Kingstown, this 16th day of December 1825, and in the sixth year of His Majesty's reign.

(Signed) CHARLES SHEPHERD, Acting Provost Marshal General

Lodged at 8 minutes past 12 o'clock, December 16, 1825.

(A true Copy.) (Signed) THOMAS GASKIN, Deputy Public Secretary.

## TOBAGO

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### No. 1.

*Extract from a Dispatch addressed by Earl Bathurst to the Governor of Tobago, dated Downing-Street, the 22d of August 1825.*

ALTHOUGH no Legislative measure was immediately founded on the suggestions contained in my dispatch of the 9th July 1823, the Slave Court Act passed by the Legislature of Tobago, before that dispatch had reached the colony, was conceived in a spirit which authorized a sanguine hope that the renewed recommendation, which I last year instructed you to make to the Legislature, would have led to measures not less beneficial to the interests of the Slaves than honourable to the colony. It is therefore with equal surprise and regret that I have learned from you, not only that the Legislature has failed to realize these expectations—that none of the objections to the existing Slave law have been removed, nor any new measure proposed—but that “the Assembly cannot concur in the view His Majesty’s Government has taken of the Orders in Council sent to Trinidad, as they are of opinion, that from the inconsistency that marks many of them, they would not be adapted to the island of Tobago without equal prejudice to the interest of the master and the good government and happiness of the Slave population,” and that they consider themselves to have “gone as far as prudence and propriety can justify.”

I need not remind you that the measures, which I have instructed you to suggest for the adoption of the Legislature, were founded, in almost every instance, on what have been recommended by the principal West India proprietors resident in this country; neither is it necessary for me to repeat to you that the measures have received “the sanction of Parliament and the general approbation of this country.”—The Slave law of Tobago is in many important particulars less humane, or less liberal, than what has been enacted with advantage and perfect security in other parts of the West Indies; but the Assembly of Tobago has declared its intention to do nothing more, while other West India Legislatures are either actually engaged in the improvement of the Slave Code, or have pledged themselves to go forward with it.

It is therefore matter of the utmost disappointment to His Majesty’s Government, that the Assembly of Tobago should have thought proper to declare itself opposed to the wishes of this country, and the suggestions of the West India proprietors, and that it should have adopted a course remarkable for its entire dissimilarity to that pursued by any other Legislature in the West Indies, and which, if adhered to, cannot fail ultimately to prove injurious to the best interests of the colony.

If the Legislature rest here, I cannot venture to answer for the results to which such a return to these repeated representations may lead in the next session of Parliament; but I am very unwilling to think that the Assembly, in the improved circumstances of the West Indies, will be disposed to neglect the opportunity they will have at their next meeting to revise their decision. You will therefore again bring this subject under their consideration; and you will not fail, at the same time, to remind them of the measures of the last Session of Parliament, in which the interests of the West India

colonies have been so liberally consulted: their ports have been opened to foreign ships—their trade opened to foreign countries—duties lowered for the encouragement of some, and for the relief of other articles of produce; besides those which are considered the staple production of the colonies: large fees, levied in the Colonial ports, have been either modified or altogether abolished, and to some of the free ports the privilege has been granted of having goods freely warehoused, from whence they may be re-exported free of duty direct to any country, and in the ships of any country, thereby establishing extensive marts standing as it were midway between the two worlds, from whence the wants of the new one may be supplied, and where their produce in return may be advantageously deposited.

You will therefore strongly impress upon the Legislature that they cannot give a more acceptable proof of the gratitude, which it would be doing them injustice not to believe they must sensibly feel, than by proceeding to adopt the measures which have been recommended for the protection of the persons, for the security of the interests, and for the promotion of the well-being of that part of the population which the laws of the colony have placed under their immediate controul.

No. 2.

MY LORD,

*Tobago, 4th November 1825.*

I HAVE the honour of submitting to your Lordship the address of the Legislative Council of this colony, in answer to my communication to them at the commencement of the Session, on the important subject of amendments and improvements of our Slave Court Act.

Although I do not coincide with many parts of this address, yet it evinces their duty and respect towards His Majesty's Government, very different from the conduct of the other House, as your Lordship will perceive by the copies of the messages that passed between the two Houses on the subject of a conference, to take into their consideration the various suggestions submitted to them on the further melioration of the condition of the Slave population.

The public business of the colony has received a final check from the conduct of the House of Assembly, which the Legislative Council could not counteract, and the consequence will be, by the unanimous advice of the Privy Council, a dissolution of the House.

I have, &c.

(Signed) F. P. ROBINSON, Governor.

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

*&c. &c. &c.*

To His Excellency Lieutenant General Sir Frederick Philipse Robinson, Knight Commander of the Most Honourable Military Order of the Bath, Captain General and Governor in Chief in and over the Island of Tobago and its Dependencies, Chancellor, Ordinary and Vice Admiral of the same.

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL OF SAID ISLAND IN SESSION ASSEMBLED.

*May it please your Excellency.*

THE Legislative Council having taken into their most serious consideration the very important communication made from His Majesty's Government, as contained in your Excellency's letter of the 11th instant, now

approach your Excellency with an anxious desire to testify those feelings of loyalty and attachment to His Majesty's Person and Government, as well as that respect and consideration for your Excellency which the Legislative Council of this colony have ever evinced and supported.

The Council are unwilling to allude to the very painful subject of the existing differences between your Excellency and the other branch of the Legislature, but this Board feel they only discharge their public duty in stating that it is from the failure of an attempt on their part to bring this deeply interesting subject into general legislative discussion, and the necessity which exists in the opinion of this Board, to reply to the official dispatch from the Minister for the colonies without further delay, that your Excellency now receives an answer from one branch of the Legislature instead of both Houses, thus conveying only the sentiments of the Legislative Council, which cannot of course be carried into legal enactments without the aid of that power in the Constitution which had suspended the exercise of its authority.

Although for this reason the expectations of His Majesty's Government regarding the revision of our Slave laws must be further postponed until the House of Assembly shall think proper to afford its co-operation, there are various reasons which imperatively call upon the Council not to rest satisfied, on the present occasion, with a mere general assertion of *their* readiness to coincide with His Majesty's Government in all practicable measures for the improvement of the Slave population, but rather so far as *they* are concerned at least, that they should at once bring the subject in detail before your Excellency, and record for the information and guidance of His Majesty's Government, their matured and deliberate opinion upon each individual proposition submitted to them.

While the Council in pursuing this course refute the calumnious aspersion, that *they* are unwilling to begin, or hostile to the progress of ameliorating Slave laws, they have an opportunity of recording their sentiments as to *which* of the proposed alterations in the code may be entitled to that appellation, and the reasons why they withhold their assent from the enactment of others, which they deem infringements upon the chartered rights of the colony, or the effusions of persons, who rather speculate on the subject, than approach it with the benefit of practical experience, and who are more earnest in their desires than prudent in the means of their accomplishment.

With these views the Legislative Council now beg to state to your Excellency the opinions they have formed upon each of the propositions of His Majesty's Government in detail, how far they are admissible or desirable, and to give the reasons on which they ground their decided rejection of others which they think of an opposite character.

Before entering upon this detail, the Legislative Council must, in justice to the jurisprudence of the colony, advert to the proposition "that the Slave law in this colony is in many important particulars, less humane or less liberal than what has been enacted with advantage and perfect security in the other islands."

Had the fact really been so, His Majesty's Government should not have been surprised at stricter precautions for security being taken here, than on other islands blest with a large proportion of white inhabitants, colonies wherein the Slaves are on a *four-fold* or even *ten-fold* proportion to the white inhabitants, may with safety relax enactments which might yet be quite essential to security here, where two hundred and fifty white colonists exist, surrounded by fourteen thousand Slaves, a proportion of *fifty-six to one*: but the Legislative Council beg to assure your Excellency and His Majesty's Government that the fact is not so; the practice of the colony may as to humanity challenge comparison with the most liberal of its sister isles; and while the Council remember that this colony was *foremost* in extending the benefits of English criminal law, trial by jury, and the admission of Slave



testimony in criminal cases, they feel they may with equal confidence refer to their statute book, as being at least as humane as that of any contemporary.

The first point to which the attention of the Council has been directed by your Excellency, is the appointment of permanent Commissioners, who should superintend the appraisal of Slaves about to be manumitted with the master's consent: so long as this consent is made a *necessary ingredient* in the transaction, the Legislative Council are disposed to support every measure, which may facilitate manumission; in so doing they will but in effect follow the uniform *practice* existing in this colony, and they believe a case has never occurred in which freedom has been withheld from any Slave who was in a situation to ask for it. But it would be needless for the Council in this free avowal of their sentiments to conceal from your Excellency their opinion, that many difficulties exist in the plan proposed for their adoption. They are not disposed to appoint *permanent* Commissioners, or permanent sworn appraisers: they think the method adopted at present in similar cases, of each party nominating an appraiser, with the power to choose an umpire in case of difference of opinion being vested in some public officer, far more likely than the method proposed to ensure that fair valuation which it must be the aim of all enactments on this subject to attain; the appointment of permanent Commissioners, with the train of judicial proceedings and citations which are enumerated, would lead to heavy expences, the consideration of which alone would in many instances operate as a bar to manumission, by causing the owner to withhold his consent; and even laying out of view the difficulty of the task to be imposed upon the Treasurer in making a proper investment of the value of the Slave, the Council in the last place cannot think the rights of mortgagees and other creditors sufficiently attended to, in a proposition which would compel the alienation of their Slave property at a period perhaps, when from the fluctuations incident to that species of property, it might only produce one half the price which could be obtained for it afterwards, and to accept in lieu thereof a fixed and unproductive sum of money, which no improvement in the value of West India property could ever enhance to the value which the Slave if unsold would then have been of to the creditor.

Apprehension seems to be entertained by His Majesty's Government, that the loss of the deed of manumission may lead to results detrimental to the enfranchised Slave. The Legislative Council beg to state to your Excellency, that the law of this colony as it stands contains every thing that appears wished for on this head. The registration of all manumissions, like that of every other deed, is already required by law, the common form of manumission in daily use is abundantly simple, and the acknowledgment of it by the party before the Registrar of Deeds or his Deputy is part of the statute law of the colony. The result of all this is, that the loss of the deed of manumission can be of no other consequence to the enfranchised party, than that of compelling him to produce from the Registrar a certificate of its registry, or an authenticated copy which is by the law of the island on the loss of the original of equal authority.

The Legislative Council perfectly coincide with the recommendation of His Majesty's Government that legal provision should be made for preventing the keeping judgments at present unsatisfied alive, after the debts for which they may have been obtained shall have really been satisfied, but they cannot agree that a time should be fixed beyond which no existing judgment should be capable of being enforced, as such in their estimation would be a most unjust retrospective enactment, injurious to many creditors who might not be in a situation to enforce their judgments prior to the lapse of the statutory period, and equally injurious to debtors, whose estates on the approach of that term would be dissipated by executions and all other process of the law, which creditors in justice to themselves would then enforce, however ruinous to the debtors whom a little delay might save, but which delay could not be given as it would destroy the claim of his creditors.

Equally impossible is it for the Legislative Council ever to assent to any enactment by which the *form* of future judgments should be altered to a sequestration, or by which the *rents and profits* of the land, Slaves, &c. should be exposed to sale, and held under such sale until the claim of the creditor be satisfied. The Council cannot perceive one point of good, in law or humanity, which could be attained by adopting this proposal: on the contrary they beg to express their firm conviction, that a plan more fraught with injury, both to the property of the debtor and the personal comfort of the Slaves attached to it, cannot be conceived. The ruin certain to be occasioned to a large estate, by being successively under the controul of every petty creditor of its owner, until satisfaction had been made of the amount of debt, may be easily conceived. The conversion of every creditor of the proprietor of a plantation into a Slave-holding mortgagee in possession, novel as it would be in principle, would be ruinous in practice: if the claim were large it would be perfectly in the creditors power so to manage the property as to retain possession for ever, if he deemed *that* a desirable object, and if a succession of minor claimants should enter into possession, the condition of the Slaves themselves each week, month, or year subjected to different management and varying degrees of controul would be rendered infinitely more irksome than in the worst instance now existing.

With regard to the proposed enactments to ensure the sale of lands and Negroes in one lot, and that the Slaves should not be made separate assets for the debts of deceased proprietors, the Council beg leave to refer your Excellency and His Majesty's Government to the provisions of the Court Act (sec. 64 and 66) of the colony on this subject, agreeable to which has been the invariable practice; on this reference it will be seen that every thing required by His Majesty's Government has been the rule and practice from the first settlement of the colony; a creditor cannot at present take the Slaves in execution separately from the plantation to which they are attached, but land, Slaves, utensils, cattle and every thing requisite for the maintenance of the property are sold together, and that whether the owner be living, or the levy proceed for the debts of the deceased proprietors. Thus the law already makes every provision against the dispersion of the Slaves, or their removal from the soil whereto they are attached, which is consistent with a due regard to the rights of proprietorship.

The Legislative Council are warmly disposed to support the wishes of His Majesty's Government in promoting the institution of marriage among the Slaves; they are of opinion that a law ought to pass prohibiting the sale of husbands, wives and children under fourteen years of age, (when the property of the same owner and living together in family), apart from each other; when the different members of the family may not belong to the same owner, they are willing to enact that such members thereof as are the property of a debtor on whose estate a levy may be made should be appraised in the manner they have already alluded to, and offered in the first instance, at such appraised value, to the owner of the other branch of the family, and if he shall not be inclined to purchase, *but will give his consent* to the sale of that member of the family belonging to him, that such member shall be appraised, and the whole family sold together to whosoever may be inclined to purchase them.

While, however, the Council inclined to adopt every practicable measure to promote the civilization and increase the domestic habits of the Slave, by conferring increased privileges and respectability upon such of them as become regularly married, they reject, for that very reason, any extension of those immunities to *reputed* husbands, wives, and children. No one at all acquainted with the present licentious habits and passions of the Negroes could for a moment suppose such extension practicable: their connections are in general but temporary, and often are at the same time several in number, and inextricable confusion would be the consequence of any attempt to enforce such lawless ties. The existing law moreover seems quite extensive enough in regard to the reputed offspring of such connections, when it pro-

vides that no child under ten years of age shall be sold apart from its mother.

The Legislative Council cannot agree to enact that all domestic punishments shall be postponed till the day after the commission of the offence, as domestic punishments are in general so trivial that the confinement in the meantime (which would be absolutely requisite, that the offender might be forthcoming next morning,) would more than double the punishment; and in the event of the offender being either the domestic, or one whose services might be essential, such postponement of punishment would completely disarrange, in the meantime the whole economy of the family.

The Council also do not deem it advisable to propose any extension of the existing law requiring the presence of another free person besides the party directing the punishment; the law already requires such presence when the punishment exceeds twelve lashes; and the Council are of opinion that its extension to all cases above three would be in many instances unattainable, highly vexatious, and, above all, that it would be totally inefficient as a measure of security to the Slave.

The Legislative Council are willing so far to adopt the suggestion of His Majesty's Government, that in all plantations a record book of punishments, in the form set forth, shall be kept and duly certified wherever the punishment shall amount to or exceed twelve lashes, that being the number which by the existing law may be given by a manager without calling in the presence of a free witness, but it must reject at once, as totally inadmissible, the proposition that marks of stripes on the back of a Slave shall afford a presumption of cruel usage by his owner, manager, or overseer, which *they* must overturn by contrary proof. The Council reject this, as they are not so forgetful of the principles of law as to require any person to prove a *negative*. They reject it as wholly inefficacious in itself to discriminate the party who might really be the offender; and lastly, they reject it because the existing law of the colony is more consonant to sound principles, and affords more protection to the Slave. By that law strained and unjust presumptions are not resorted to, but the concurrent testimony of two Slaves, of whom the injured party may be one, is at once received in *proof* of any charge of cruelty.

The last topic alluded to in your Excellency's communication of the 11th instant is the subject of saving-banks, with regard to which the Council are of opinion that they will effect very little, if any good. But so anxious are they to manifest their earnest desire to comply with the wishes of Government on every possible point, that they are willing to waive their own conviction of their inutility, and to give their establishment a fair trial.

From the same motives as have induced the Council to be so explicit in stating their opinions upon the several points contained in your Excellency's letter of the 11th instant, as they have thus been, they feel it necessary also to possess your Excellency of their sentiments on the other propositions relative to this subject contained in the former communications of your Excellency, as from circumstances well known to your Excellency the Council have hitherto had no opportunity of so doing.

The Council will first take notice of the proposed amendments to the recent Slave Act, and they are disposed on several of the points to meet the wishes of His Majesty's Government. That the offence of *compassing the death* of a free or white person should be struck out of the catalogue of capital crimes; that maiming of cattle should be reduced from a felony to a misdemeanour; that the clause for punishing *receivers* of stolen goods should be altered, by requiring proof of their *knowledge* that the goods were stolen; and that an express power should be given to punish perjury committed before the superior Criminal Court, are points which the Council are ready to concede to the wishes of Government, and to propose corresponding enactments to carry them into effect.

But the Legislative Council are not of opinion that the law inflicting the

penalty of death upon Slaves enticing others to run off the island should be altered. As benefit of clergy is allowed for the first offence, the punishment will of course be apportioned to the guilt; and if the crime is repeated, they are of opinion the magnitude of the loss which may thus be occasioned would render it highly expedient that its occurrence should be guarded against by the heaviest penalties.

The Council are not disposed to limit in the manner proposed the power of the inferior Slave Court. From the respectable composition of that Court, it consisting of two Magistrates, five Freeholders, and a Justice of the Court of Common Pleas, the Council are of opinion that the petty cases over which it has jurisdiction may with perfect safety be left to its discretion, and that in particular instances great injury might arise from any close restriction of its powers. If, however, it should be deemed of any importance to erect it into a Court of Record, the Council can have no objection to its becoming so. The Council cannot see any great inconsistency in providing a criminal prosecution at the instance of the public, and a civil remedy to the party injured for the felonious abstraction of his property; but they are willing so far to mitigate the law as to provide that, reserving to the Law Officer of the Crown his right to proceed criminally, if the case shall require it, if such criminal prosecution shall take effect, it shall operate as a bar to the right of resorting to a civil remedy.

In regard to the very important point of the admission of Slave testimony, the Council refer with peculiar satisfaction to the existing law, which they are inclined to extend, under the provisions contained in the present law from the three cases of "*murder, mayem, or cruelty,*" to "*all criminal proceedings whatever.*" But they are resolved to resist the admission of Slave testimony in civil cases entirely.

The Legislative Council have already expressed to your Excellency their anxious desire to second the efforts of His Majesty's Government in promoting the marriage of Slaves. In addition they have only to say, that they will afford every facility in their power to accomplish this desirable object.

Obstacles to manumission are proposed to be guarded against. The Council beg leave to state, that in this island none exist. The law is even more humane than the proposition transmitted for our adoption. By it, an owner, on manumitting his Slave, would be required to enter into security that for the period of fourteen years such Slave should not become burthensome to the public—a measure which would almost invariably operate as a prohibition; while, by the existing law enacted by the colony some years ago, all that is required on this head is the annexation of medical certificates to the manumission, that the party is at that time capable of earning a livelihood; if he is, the law does not throw around him its chain of *possible contingencies*, which, unless he can guard against, will still fetter him to slavery, and snatch from him that freedom which he would otherwise receive, and may be capable of enjoying.

The Council cannot conclude this detail without stating, in reference to your Excellency's communication of 1823, on this subject, that though they feel it impossible to take away the power of flogging female Slaves from persons in charge of estates, they are anxious to do all in their power to ameliorate the system of their punishment.

The Legislative Council now beg to assure your Excellency, that with regard to the various matters they have thus detailed, which they either think likely to prove beneficial, or not in themselves very objectionable, they will not stop short at this mere exposition of their sentiments, but they will, whenever the other branch of the Legislature shall be disposed to co-operate with them, prepare for consideration such enactments as may be requisite to carry them into effect. But before concluding their address to your Excellency on this subject, they feel they have a more important public duty yet to perform than any they have hitherto alluded to. They have now stated their readiness to carry into effect many of the measures proposed by His Majesty's

Government, to some of which they yield, rather from a sincere desire to conciliate public opinion and Trans-Atlantic prejudices, than from any conviction that the proposed alterations can in any way be beneficial to the Slaves; or claimed as due to the rights of humanity. But in so doing, they beg leave respectfully, but firmly, to declare, that concession will then have reached its utmost; and a deep sense of their public duty bids them implore His Majesty's Government to consider and reflect on the earnest appeal now made to their wisdom, discretion, and justice, by this the Legislative Council of Tobago, against any further alterations, or proposals of alteration, which a mistaken zeal in the cause of humanity may still consider requisite to be effected in our Slave Laws, without due deliberation on the rights of property, which such interference must destroy. In reviewing the origin of African Slavery, and its present consequences, the Council deem it but an act of justice to themselves to declare they lament its commencement; but it is not these colonies on whom rests the guilt of the original sin. The traffic was of the Mother Country's fostering. Parliamentary Enactments, and Royal Proclamations and Charters, alike held out to the settlers of these islands as an acknowledged right the power of cultivating the waste lands purchased from the Crown, by the labour of African Negroes, brought to these shores by thousands, under the cover of the British flag:—a branch of its commerce protected by bounties and every immunity which the most anxious care could dictate; a signal proof of which, if the Council are not mistaken, is exhibited by the very instructions from the Crown to the Governors of these colonies, in which, forgetful of the change of policy which Great Britain has latterly adopted, there still continues to be inserted, an earnest recommendation to *encourage* the Slave Trade. The Council refer to this, and they might lengthen their address to your Excellency by referring to a thousand other sources to shew the fact, (which indeed is undeniable) that to Britain alone is the establishment of slavery in these colonies owing.

The ancestors of the present colonists, confiding in the good faith of their country, and under the sanction of these Parliamentary and Royal authorities, became the purchasers at high rates of the lands belonging to the Crown. Trusting to the permanency of the system they found established, they not only expended their own capital, and many of them sacrificed their lives, in laying the foundation of another colony, appendant to the British empire in these seas, but the greater number borrowed large sums of money from the Merchants of the United Kingdom, (which are still due) for the purpose of still further extending the cultivation of the soil. Such was the trust and the system upon which this colony was founded, cultivated, and brought to the advanced state in which it lately existed. Though the Council cannot conceal from themselves, that amid various other depressing causes, the late change in the policy of the mother country in this subject has materially contributed to lessen the value of colonial property, yet they cannot suppose His Majesty's Government are indifferent to the misery such changes are calculated to inflict on the inhabitants of the colony, placed as they are in the midst of an overwhelming Slave population, rendered every day more discontented, not by the misconduct of their owners, but by repeated alterations in the rules for their management, effected, as they are well aware, by the influence of the mother country, from which changes they are led to expect still further concessions, and ultimate freedom at no distant period. Yet the consequences of this change, and of the illusive benefits supposed attendant on it, are an unexampled deterioration of property, and an exposure of the lives of the colonists to the highly excited feelings of the Slaves, whose extravagant pretensions must end in disappointment.

From these considerations the Council of Tobago respectfully approach your Excellency, to declare, that they have felt it their duty to the colony, to the numerous creditors of its inhabitants, and to themselves, at once to meet this subject fully and fairly. They have in the preceding pages detailed to your Excellency the length they are willing to go on the supposed work of

amelioration. But they must also declare they have therein stated their *ultimatum*. No consideration will induce them to advance one step further in sacrificing those political rights which they acquired when, under the Royal Authority, power was given them to judge of, and make all laws necessary for themselves; no consideration whatever will induce them further than they have stated to fritter away and tamper with those rights of property which they conceive rest on no less solid a foundation than the pledged faith of Great Britain, which, as they know it is yet untarnished, they are confident will not first be sullied in their instance; that further interference would effectually destroy those rights of property, the Council of Tobago humbly conceive themselves better able to judge of, than any speculators who judge of their effects at a distance. But if, contrary to their firm hope and earnest expectation, His Majesty's Government should persevere in causing further alterations or proposed alterations to be made, the Council of Tobago, in the name of the colony, invoke the *justice of Great Britain*, to which no appeal was ever made in vain, with all humility, yet with the confidence of men only demanding their rights, they *require* of His Majesty's Government, that if they stretch the hand of power to effect any further interference with the domestic management of Slave property, they will while they hold forth amelioration in the one hand, make proffer of ample compensation with the other.

Passed the Legislative Council unanimously, the 28th of October 1825,

(Signed) WILLIAM MACBEAN, acting for the Clerk of the Council.

(Signed) WILLIAM BRASNELL, President of the Legislative Council.

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*The Honourable the President and Members of the Board of Legislative Council to the Honourable the Speaker and Members of General Assembly.*

THIS Board inform your Honourable House that they have passed the following resolution, to which they request your concurrence, viz.

*Resolved:* That from the very great importance of the communication made by his Excellency the Governor to both Houses of Legislature from His Majesty's Government, requiring a revision and amendment of the laws regarding Slaves, this Board is induced to propose to your Honourable House, that a joint Committee of both Houses be appointed to prepare and submit for the consideration of both Houses, a Report upon his Excellency's communication of the 11th instant, relative to the amelioration of those laws, and that it be an instruction to the said Committee to consider and state in their said Report, whether any, and which of the proposals made to the Legislature on the part of His Majesty's Government, relative to this subject, can be enacted with safety to the Proprietors of Slaves, and benefit to the Slaves themselves, and that in regard to such of the said propositions as may appear inadmissible, the said Committee be instructed to state explicitly the reasons whereon their opinion of such inadmissibility is founded; and if your House concurs therein, this Board have appointed the Honourables Andrew Kenney and William Macbean to join three Members from your House for that purpose.

(A true Copy) (Signed) WILLIAM MACBEAN,

Council Chambers, 21st October 1825. Acting for the Clerk of the Council.

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*The Honourable the Speaker and Members of the House of General Assembly to the Honourable the President and Members of the Board of Council.*

THIS House inform your Honourable Board that they do *not* concur with your Honourable Board in your resolution of this date, requesting this House to appoint Members to form part of a joint Committee, with instructions to

~~report on the communication of his Excellency the Governor, of the 11th instant, respecting the amelioration of the Slave laws, the House having already resolved, that from the loss of all confidence in his Excellency the Governor, it would be useless for this House, at this present moment, to take into their consideration the highly important communication of His Majesty's Government respecting the revision of the Slave laws; and having further resolved, that until this House shall receive an answer to their petition to be represented to His Majesty for the removal of his Excellency Sir Frederick Philipse Robinson from the government of this island, this House will proceed with no other business but such as shall be requisite for the immediate safety of the country, or necessary for the preservation of the rights and privileges of the House.~~

(Signed) CHRISTOPHER IRVINE, Speaker.

*House of Assembly, October 21st 1825.*

(A true Copy)

(Signed) WILLIAM MACBEAN,  
Acting for the Clerk of the Council.

No. 3.

*Extract of a Dispatch from Sir F. P. Robinson to Earl Bathurst, dated Tobago, 8th November 1825.*

IT is with regret I find myself once more compelled to make an unfavourable report on the conduct of the House of Assembly of this colony.

At the commencement of the October Session, I laid before both Houses the suggested amendments and improvements in the Slave Court Act, for the melioration of the condition of the Slaves, and in the manner pointed out by your Lordship's instructions, as will appear in the minutes of the Legislature.

It was evident from the first that the House of Assembly had predetermined not to enter upon that subject in any way whatever, but it was equally so, that they were resolved to incur as little share of the blame as possible, by endeavouring to throw the odium elsewhere. They accordingly did every thing in their power to provoke me to prorogue them, and failing in that, they refused to perform any further public duty as long as I remained their Governor.

## D E M E R A R A .

### No. 1.

*Extract of a Dispatch from Sir B. D'Urban to the Right Honourable the Earl Bathurst, K.G. dated Demerara, the 15th of May 1824.*

WITH reference to my dispatch of the 5th instant, I have the honour to inform your Lordship that I have just returned from a tour through the eastern division of the colony.

In pursuance of the intentions which I have communicated to your Lordship in that dispatch, I caused deputations from the Slaves of every estate to meet me at certain points, and having read to them His Majesty's Proclamation of the 10th of March, and mine of the 3d of May, grounded upon it, I personally explained to them their true situation, with all that they have to hope from good conduct, and all they have to fear from bad. I found them every where very intelligent; perfectly comprehending what I said to them; and many of them accurately repeated to me the substance of it, which they were to communicate to their comrades upon their return to their respective estates.

I can now have no doubt that the opinion I expressed to your Lordship on the 5th was well founded, and that many of the Slaves had still continued under the delusion which I then described; indeed several of them avowed it, and evidently took leave of the hopes they had so long cherished, with strong feelings of sorrow.

Their eyes however are opened now; and they will no longer have that strong excitement to revolt which arose from the belief that they were contending for rights, (and by that belief they were unquestionably actuated in the late revolt,) which they supposed had been granted them in the mother country, but suppressed by the colonial authorities.

At the same time, that they have been now made aware that freedom, in the manner they had anticipated, is out of the question, they have also learned that many real advantages are preparing for them, if they deserve them by quiet and subordinate behaviour, and I have assured them that, as on the one hand, the severe punishment of any disorder among them will be certain, so on the other, if any individual shall at any time think himself oppressed or ill-treated, I shall always be ready to receive his complaint *personally*, and redress it if it be well founded.

Upon the whole, I incline to think that the result of my conferences with them will be salutary; and that, although a feeling of disappointed hope may continue for a time, and even produce (which however I trust it will not) partial ebullitions, yet that this will soon subside, and that, with care and vigilance, I shall keep the colony quiet. Of one thing, I am at any rate certain, that no state of the Negro mind could have been so dangerous as one of undefined and vague expectation.

I have invited, from all the respectable proprietors and managers, immediate information upon their observing any thing suspicious among their respective Negroes; and that they may do this freely, and without scruple, I have requested them to write to me direct, and confidentially. By these means I shall I think avoid the being taken by surprise, which was the greatest danger of the late revolt; when it does not appear that the Executive was aroused till within a few hours of the intended moment of explosion; although strong suspicions of impending mischief seem to have been entertained for some weeks before by various individuals resident in the eastern districts.



The estates which were in open revolt amounted to fifty, containing a Negro population of about twelve thousand, and extending about twenty-three miles. It is just, however, to apprise your Lordship, that interspersed among them are five estates (not included in the above number) containing a Negro population of about thirteen hundred, who took no part in the revolt, but continued faithful to their masters, and in several instances protected their lives at the risk of their own. The rising had already reached to within about three miles of George Town: and there is no doubt that the estates along the eastern bank of the river Demerara were in readiness to join in it. No proof however exists that the infection had yet spread to the eastward of the Mahaica or to the westward of the Demerara.

## No. 2.

SIR,

*Downing-Street, 9th July 1825.*

I HAVE received your dispatch of the 14th March last, with the amended draft of the proposed Act of the Court of Policy, for improving the condition of Slaves in the colony of Demerara.

The King has been graciously pleased to approve the decision that you adopted, of referring the draft of the Act to His Majesty for his consideration, instead of immediately promulgating it as a law in the colony.

I am further commanded by His Majesty, to direct you to signify to the Court of Policy, his approbation of the zeal with which they have proceeded to give effect to His wishes, as explained by me in my dispatch of the 20th November 1824; and you will assure the Members of the Court that His Majesty has been pleased to receive with great satisfaction this mark of their disposition to meliorate the condition, and elevate the character of the Slaves under their protection. And, although the law you have transmitted will remain imperfect until some important addition shall have been made to it, I have much pleasure in acknowledging that a great advance has now been made towards forming such a code for the Government of Slaves as may receive His Majesty's approbation.

You will, therefore, immediately on the arrival of this dispatch, convene the Court of Policy, and take the necessary measures for promulgating in the usual manner a law to be expressed in the terms of the draft you have transmitted.

The same object might have been more speedily accomplished by issuing an Order in Council; but the adoption of that measure would have been attended with the loss of the important advantage of shewing to the Slave population that the chief civil authorities of the colony are the immediate authors of the beneficial change which it is proposed to accomplish in their situation.

You will, however, distinctly explain to the Members of the Court, that in allowing them to introduce this Law as an Act emanating directly from the authority of the Court of Policy, His Majesty's Government do not acknowledge their claims to Legislative Authority, in the extent to which for so many years past they have been carried, or in any degree abandon the several rules laid down on that subject, by the recent Order in Council of the 18th of December 1824.

It will also be necessary that the Court of Policy should, at the same time, be clearly apprized, that this concession, as to the mode of enacting the law, does not involve the abandonment of any of the principles inculcated in my dispatch of the 20th November 1824, and actually enforced and acted upon in the island of Trinidad.

On the contrary, I have to impress upon you, even yet more earnestly than before, that His Majesty's Government cannot be satisfied with any thing short of a complete compliance with the propositions which were detailed in that dispatch.

On the perusal of the draft you have transmitted, I perceive four principal deviations from the plan laid down for your guidance in that dispatch, and I shall proceed shortly to draw your attention to each of these points.

First:—All labour undertaken by Slaves on Sunday for the preservation of the crops upon an estate entitles the Slaves to wages in the Island of Trinidad. In the draft which you have transmitted wages are allowed only to Slaves employed in picking coffee and cotton. No wages, therefore, can be claimed for turning and drying coffee and cotton when housed, but not cured, nor will the Slave be entitled to wages for any labour undertaken by him for the preservation of the crops on a sugar estate. The distinctions do not rest upon any sound general principle. It cannot be admitted that the Owner of a Slave is entitled to his labour on any part of the Sunday without remuneration, except only in cases of accidental and occasional necessity. Giving the Court of Policy full credit for the accuracy of their opinion, that certain operations on sugar, coffee, and cotton estates, cannot be suspended on a Sunday without much inconvenience to the proprietor; and admitting that the Slaves must be occasionally employed in these services, His Majesty's Government cannot allow that these services should be performed without a specific remuneration. It is necessary to maintain unbroken the maxim that the Owner of a Slave has no title to his labour except during six days in the week. I have, however, reason to believe, that the difficulties which the Court of Policy has felt in complying more fully with this regulation have arisen from their not having adverted to the modification of the Trinidad Order with respect to the time when this suspension of compulsory labour shall be supposed to commence; by which modification work is allowed to continue until ten at night on Saturday, instead of the hour of six as it was at first required.

Secondly:—With respect to the marriage of Slaves, I have weighed attentively the objection urged by the Court of Policy against the adoption of the general declaration contained in the Trinidad Order, that such marriages are valid, legal, and effectual, to all intents and purposes. The difficulty noticed by the Court may be well founded; yet it would seem as though it were capable of an easy solution. The law might declare in general the validity of such marriages, with a proviso in terms equally general, that they should not confer on the parties, or their issue, any rights inconsistent with the duties which the Slave owes to his Owner, or to the Government, or at variance with those rights which the Owner and the Government are by law entitled to assert over the Slave and his progeny. The advantage of adopting such a general declaration, even though thus qualified, will be, that by recognizing the validity of the marriage contract when entered into by Slaves, any one who should violate the marriage vow would then, in point of law, be deemed guilty of adultery. It is needless to point out to you how much the moral sentiments and conduct of mankind upon such subjects are regulated in reference to the maxims promulgated under Legislative authority: and it must be remembered, that whatever tends to protect the sanctity of this relation is not only of importance to the interests of the Slave, but to those of the Master.

Thirdly:—The Court of Policy would exclude a Slave from owning land or the staple commodities of the colony in any quantity however inconsiderable. I am not however prepared to sanction the restriction with respect to land in particular, until I shall be more fully informed how far the inconvenience to which it would subject the Slave population, is compensated by any equivalent advantage which the other classes of society would derive from it, and I cannot help being persuaded that the exception had better be modified than made absolute.

Connected with this subject is the disinclination of the Court to permit a Slave to maintain an action in his own name. Without controverting the statements of the Court upon this subject, I must observe that they are not sufficient to establish the conclusion intended to be deduced from them.

The ignorance of the Slave, and the established principles of legal procedure, may afford sufficient reasons for prohibiting his personal appearance in the Courts as the advocate of his own legal demand, but it does not follow that the action, instituted for enforcing those demands, should be brought exclusively in the name of the Master, and entirely at his discretion. No sufficient reason is given why the Slave should not be the nominal plaintiff or defendant, or why he should not exercise his own free will as to bringing and defending his action. If he cannot defend his property but in his Master's name and with his Master's sanction, he in fact holds his property at the will and pleasure of his Master: and if there be any serious objection to the action being in the name of the Slave, it may be in the name of the Fiscal, provided that it be imperative on the Fiscal to bring the action at the request of the Slave.

Fourthly:—The most important of all the deviations from the Trinidad Order is the refusal of the Court to invest the Slave with the right of purchasing the freedom of himself, or of his kindred in the prescribed degrees. The arguments of the Court of Policy have received all the consideration which their importance deserves; but I do not consider that they are such as would justify the abandonment of the principle which led to the recommendation of this particular enactment. To the Slave it affords a constant motive for diligence, sobriety, and good conduct, and it presents a method by which the most meritorious and useful persons in that class of society may gradually rise to the rank of free men without danger to the public peace or injustice to the proprietors.

If it be said that the Master may be thus deprived of the most useful of his Slaves, on whose skill and intelligence he chiefly depends, it must be remembered, that the price of the manumission of such a Slave will be valued accordingly, and that the Slave, who has by his industry and good conduct saved enough to reach such a valuation, is not likely to relapse into a state of indolence: he will have given no unsatisfactory security that he has felt too much the value of regulated industry to be disposed to fall into such habits; and we may reasonably expect that he will willingly continue as a free man, to discharge for an adequate compensation the same duties under his old Master, which the supposition itself implies are not those of a subordinate character. It has been stated that instances may occur of Slaves being enabled to purchase their freedom, not by their own industry, but by the interposition of others. Whatever may be the motive for such interference, it cannot go to such an extent as to make any serious objection to the establishment of the regulation. If it proceed from motives of individual kindness, (that of a parent for example in favour of his illegitimate child,) it will hardly be felt as an objection. If it should proceed from any combination, directed generally against the well-being of the planters under the plea of humanity, such an attempt could not be made in secret; and as manumissions purchased under such circumstances would be against the principle on which the regulation itself is founded, namely, that of making the manumission the result and reward of habitual industry, measures could easily be taken to defeat such a plan, if indeed provisions might not be introduced in the law itself to prevent it. The Court of Policy, in attributing the introduction of this rule of law into Trinidad to the previous existence of the same, or some similar regulation, in that island, are in error. The King in Council did not modify in this respect the existing law of Trinidad, but introduced a law which, in practice at least, was entirely new in that island.

I forbear to enter upon a discussion of those objections to the draft you have submitted which are of a mere verbal nature; on referring to it you will perceive, that in some of the last amendments the Act is framed rather in popular language than in the definite and exact style appropriate to legislation. But whenever the substance of my former recommendations has been adopted, I do not deem it necessary to dwell upon comparatively unimportant inaccuracies of expression.

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You will lay my present dispatch before the Court of Policy, and I sincerely hope that, upon further consideration, they will make such amendments, either in the present or by some subsequent Act, as will spare me the necessity of introducing into the Order in Council, which must ultimately confirm these proceedings, any material regulation which the Court of Policy shall not have previously adopted.

I have, &c.

*Major General, Sir B. D'Urban, K.C.B.* (Signed) BATHURST.  
 &c. &c. &c.

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## No. 3.

MY LORD,

*King's House, Demerara, 2d Sept. 1825.*

I HAVE had the honour to receive your Lordship's dispatch of July last, respecting the proposed Slave code for this colony; and in obedience to your Lordship's commands, I have convened the Court of Policy for Monday the 5th instant, when I will lay your Lordship's dispatch before them.

I have, &c.

*The Right Hon. the Earl Bathurst, K.G.* (Signed) B. D'URBAN  
 &c. &c. &c.

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## No. 4.

MY LORD,

*King's House, Demerara, 15th Sept. 1825.*

WITH reference to my dispatch of the 2d instant, I have the honour to inform your Lordship that, having assembled the Court of Policy on the 5th instant, I laid before them your Lordship's dispatch of July last, respecting the proposed Slave regulations. The minutes of the proceedings of the Court, upon that and the following days, are herewith transmitted.

With reference to the second recommendation, your Lordship will perceive that they have adopted it, and amended the 19th clause of the proposed code accordingly; but that upon the subjects of the 1st, 3d, and 4th, they adhere to their former conclusion.

Their reasons for their inability to go further upon these points, which they profess to labour under, are upon the minutes transmitted, and I am not aware that they require any remark from me in further explanation of them.

It is just, however, that I should state to your Lordship my belief in the integrity of their motives, and in the sincerity of the regret which they express, that they cannot, consistently with what they consider their duty to the colony, enact, themselves, the provisions required by His Majesty's Government.

Upon a careful consideration of the commencement and conclusion of your Lordship's dispatch, it has appeared to me certain, that even in the case (which exists) of the Court of Policy's not having adopted the four recommendations proposed, it is your Lordship's intention to have a Colonial Law now promulgated, in the terms of the draft transmitted to your Lordship on the 14th March, and that the Order of Council, which must ultimately confirm these proceedings, will introduce into it such alterations (adverted to in your Lordship's dispatch) as the Court of Policy have not adopted.

On the meeting of the Court on the 7th therefore, the draft (with the 19th Article amended) was, as your Lordship will perceive, put in train for

promulgation, in the usual manner; and the interval between its publication and its operation has been considered absolutely necessary to its due efficiency, as allowing time for all parties to understand it well, and for the Authorities, who are to carry it into effect and watch over its observance, to be fully prepared for the duties which they will have to perform.

The Colonial Members have thought it of great importance that the Christmas holidays should have passed before the commencement of its operation; and the beginning of the year is in some other respects a convenient period for it. Meanwhile there will have been time for me to receive from your Lordship the Order in Council, so that whatever alterations may be made in the law, as now about to be promulgated, will have been made in it before it begins to act.

I have, &c.

(Signed) B. D'URBAN.

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

&c.                      &c.                      &c.

Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and Dependent Districts of Demerary and Essequibo, at an Extraordinary Meeting, held, by adjournment, at the Colony-House, George-Town, Demerary.

PRESENT,

His Excellency Major-General Sir Benjamin D'Urban, K. C. B., Lieutenant-Governor.

His Honour Mr. President Wray.

Their Honours Charles Herbert, First Fiscal; George Baget, Second Ditto.

And the Honourable Members, James Johnstone; F. P. Van Berchet; James Allen; C. A. Baron Van Grovestines.

(After Prayers.)

*Monday, the 5th of September 1825.*

The Minutes of the Court's proceedings of the 5th and 29th of August were resumed, confirmed, and signed.

His Excellency the Lieutenant-Governor then laid before the Court a dispatch from the Right Honourable the Secretary of State for the Colonies, dated Downing-Street, July, 1825, which, having been read, was of the following contents:

Fiat Insertio.

The foregoing dispatch having been read, his Excellency the Lieutenant-Governor expressed his earnest desire that the Court should proceed forthwith to take into consideration the several points contained in the communication of the Right Honourable the Secretary of State, which he had done himself the honour to lay before it for that purpose.

Whereupon, the thanks of the Court having been returned to his Excellency for his communication, the Court, after proceeding with the consideration, adjourned until to-morrow, to meet at one o'clock.

(A true Copy)

(Signed)

WILL. WILDAN, Dep. Sec.

Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and Dependent Districts of Demerary and Essequibo, at an Extraordinary Meeting, held, by adjournment, at the Colony-House, George-Town, Demerary.

PRESENT,

His Excellency Major-General Sir Benjamin D'Urban, K. C. B., Lieutenant-Governor.

His Honour Mr. President Wray.

Their Honours Charles Herbert, First Fiscal ; George Bagot, Second Ditto.

And the Honourable Members, James Johnstone ; F. P. Van Berchel ; James Allan ; C. A. Baron Van Grovestines.

(After Prayers.)

*Tuesday, the 6th of September 1825.*

The Court, having met, proceeded to the further consideration of Earl Bathurst's dispatch, and adopted the following Resolutions with regard to the first point :

That with respect to the potting of sugar, that is, taking it from the coolers, and putting it into the casks, this is effected in the course of an hour, or an hour and a half, in the morning of the day after the sugar is made, and the Negroes so employed are sufficiently rewarded by a small quantity of sugar given to them, and what they collect from the coolers, and the tubs or pails in which it is carried to the curing-house : this may be done for three or four Sundays consecutively, and followed by an interval of as many weeks, when there is no sugar made.

That, as to the turning of coffee or cotton on the drogeries or platform, or in the logie, it is done by children and elderly and infirm Negroes, who are unfit for any kind of hard work ; and the operation of turning being performed, they sit or lie down, or go to their houses for an hour or two, until it is necessary to recommence the same work ; so that a Negro so employed does not in fact work more than five or six hours in the day—in the intervals he is at rest ; and even this work is only required during the crop season ; and in this same way they are employed daily in crop season—thus working, in a whole week, no more than between thirty-five and forty hours. Labour thus performed is not field work, but it is done in and about the buildings, and without it the crops must certainly be spoiled, and receive irreparable injury. The same reason which allows the employment of Slaves as watchmen, or for the preservation of cattle, without receiving remuneration, doubly applies to those who necessarily are employed for the preservation of the crops. In fact, the labour of these people, who only work at intervals during the day, is not by far so much as that of the domesticks—and these receive no remuneration.

His Majesty's Government supposes that the Court has not adverted to the modification of the Trinidad Order, by which work is allowed to continue until ten at night on Saturday, instead of the hour of six. This has been well attended to ; but this extension of time is of no sort of benefit to the coffee and cotton planter, whose crops require to be attended to during day-time.

Second point :

That the clause No. 19 of this draft be amended, and the following words be inserted, leaving out all the words commencing " Provided always," &c. to the end of the article.

" And such marriage, when so solemnized, shall be held and considered  
 " binding, valid, and effectual, in law ; provided, nevertheless, that such  
 " marriages shall not confer on the parties, or their issue, any rights incon-  
 " sistent with the duties which Slaves owe to their Owners or to the Govern-  
 " ment, or at variance with those rights which the Owner or the Government  
 " are by law entitled to assert over Slaves and their progeny, or subject such  
 " Slaves so intermarrying to any penal infliction, the effects of which might  
 " destroy the rights or injure the property of their owners."

Third point :

That the permission to the Slave to be a landed proprietor would be productive of considerable inconvenience to his owner and to society, without conferring any benefit on himself.

In the country districts there would scarcely occur any instances of sales of land to Slaves,—if, however, such should take place, the Slave must be always subject to be taken to a distance from his purchase, when, as not uncommonly happens, a proprietor removes his Slaves to another estate, or where the Slave and his family are taken in execution, and sold. By the universal practice of the colonies, Slaves on estates are allowed sufficient land for gardens; and when the proprietor removes, or his Slaves are sold at execution, they receive their new gardens in the estate to which they go, and in so fertile a soil as this, they sustain no loss, the quality of the land being such as not to require artificial aid. The house of the Slave is always furnished by, and remains the property of the proprietor.

If it is contemplated that the Slave may possess land to a considerable extent, it would follow that he must be himself a proprietor of Slaves, or employ Slave labour. And as the ownership of land exposes the owner to the task of making and repairing the roads and bridges which pass through it, on his failing to do so, it would be repaired at the public expense, which he, the Slave, must pay, or be subject to imprisonment, as free persons are in such cases. The domestick and other Slaves in town would be, in some instances, found to be purchasers of small lots, on which they would erect wooden houses, and all property of this description is subject to the payment of town taxes, and the proprietor subject to imprisonment, on failing to pay. As the Slaves also are in all cases provided with lodging by their master, either in his own house, or what is much more common, by separate buildings for their sole occupation in his yard, these extra houses in town would have a direct tendency to increase the number of very inferior town proprietors, such as the lower classes of free coloured people, who, living on small portions of land of this description, dedicate them, for the most part, to the purposes of drinking, gaming, and receiving stolen goods.

The permitting a Slave to bring an action at his own discretion is full of insuperable difficulties. If he is ignorant and stupid, he is incapable of judging whether there is the most remote chance that he should succeed; if he is quick and cunning, there is no check upon the fraud and falsehood of a person who is unable to pay costs in money; and if a person is made liable by imprisonment, or even by flogging, that is the loss of the master, against whom perhaps the action is brought. If it be left to the Slave's discretion, or be made imperative on the Protector of Slaves to bring actions on the Slave's request, there can be no prospective calculation made of the number of frivolous, vexatious, and fraudulent suits, which will be brought before the court of justice, nor to the ruin which such proceedings must entail on the planter, by the absence from labour, not only of the party litigant, but of all the witnesses he may think fit to summon.

The code, as it stands, gives the Slave an action whenever his Master or the Protector think it right that one should be maintained against any white or free person, and punishes at the discretion of the court, without any limit as to the extent of fine and imprisonment, owners or others who deprive the Slave of his property. This affords the Slave's property legal protection; customary protection it has long received, a custom which in no one instance has ever been found to be violated, notwithstanding the ready access of all Slaves to the Fiscal, add to which the universal detestation in which such a deed would be held, and the certain discontent and hatred it would assuredly create in the minds of all the Slaves on the estate, the value of whose happiness and content to the proprietors is too well known ever to be put to hazard by such a violation of justice.

The Protector of Slaves, or the Master, being satisfied by a previous investigation, that there is a good ground of action, may, as the code stands, bring

such action, and even this will be found practically to be attended with mischief in some cases, as is proved by what not uncommonly occurs at present. The President of the Court of Justice has the power, on being satisfied that a party is a pauper, to examine into his complaint, and if he thinks the cause just he orders the Crown Advocate to maintain the action, with directions to all public officers to act without charge. The Crown Advocate examines the papers and proofs generally with the President; yet, notwithstanding this previous check on improper actions, they still find their way into court, to the great loss of an honest defendant, who can only imprison the plaintiff where the court orders the costs to be paid, and to obviate which, as much as possible, the following order of court was issued on the 1st September, 1823:

Suitors pro deo.

“Notice is hereby given, that all persons who shall hereafter think proper to apply to his Honour the President, for an order of reference to the King’s Advocate *pro deo*, will be required not only to prove that they are by their poverty entitled to the benefit of this provision; but also that they have good, just, and legal grounds of suit or defence. And in order to prevent any abuse of this privilege, it is hereby declared, that in any case wherein it shall be made satisfactorily to appear, that the party has obtained this order, either through wilful misrepresentation, improper concealment of any fact, or other misconduct on his part, he will, on petition of the opposite party, be liable to be deprived of this benefit, and thereby become subject to the costs of the proceedings, and such further or other punishment as the case may require, and as by law is in that behalf provided.”

Fourth point:

That the court does not think it respectful to His Majesty’s Government, to enter into a discussion of the observations adduced in Earl Bathurst’s dispatch on this point. It must, however, with all deference, observe, that it cannot feel that the principles on which its original objections are founded, and the grounds on which it has pointed out the enormous mischief which must result from the measure proposed, have been in the slightest degree shaken by those observations, and therefore anxious, as it really is, to meet to the fullest extent the wishes of His Majesty’s Government, it cannot conscientiously proceed further than it has already done on such entire conviction, and is therefore most unwillingly compelled to decline adopting the recommendations proposed.

The court finally resolved, that His Excellency the Lieutenant Governor, be requested to transmit to the Earl Bathurst, a copy of this minute, with the expression of their sincere regret, that they have been altogether unable, from the weighty reasons which they have herein set forth, to meet more nearly the wishes and recommendations of His Majesty’s Government.

(A true copy) (Signed) WILLIAM WILDAN, Dep. Sec.

Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and Dependent Districts of Demerary and Essequibo, at an Extraordinary Meeting held, by adjournment, at the Colony-House, George Town, Demerary.

PRESENT,

His Excellency Major-General Sir Benjamin D’Urban, K. C. B. Lieutenant-Governor.

His Honour Mr. President Wray.

Their Honours Charles Herbert, First Fiscal; George Bagot, Second Ditto.

And the Honourable Members, James Johnstone; James Allan; C. A.

Baron Van Grovestines; The Honourable F. P. Van Berchel.

(After Prayers)

Wednesday, September 7, 1825.

THE Court having been opened, the Secretary was ordered to bring up



the Draft Slave Regulations, which were read over, and the blanks which had been left open filled up, the amendment of the nineteenth clause having been also inserted as agreed upon yesterday.

It was resolved that an additional clause be added, numbered thirty-eight, declaring that the Ordinance in question shall be in force and take effect from and after the 1st January 1826.

The Court finally ordered, that the Secretary do prepare a fair copy of these Regulations, and after the same shall have been approved and signed by his Excellency the Lieutenant-Governor cause the Act to be printed and published and sent round as customary for general information.

The Court then broke up, and the members separated.

( A true Copy) (Signed) WILL. WILDAN, Deputy. Secy.

### No. 5.

SIR,

*Downing-Street, February 25, 1826.*

I HAVE received and laid before The King your dispatch of the 15th of September last, with the minutes of the Court of Policy repeating the sentiments which that body continues to entertain upon three out of the four clauses which they objected to introduce into their Slave law, and which were remitted for their further consideration in my dispatch of the 9th July last.

With regard to the particular points which have been under the renewed consideration of the Court, I am in the first place to convey to you His Majesty's gracious approval of the modified provisions respecting marriage which the Court have agreed to enact, whereby the conjugal relations between Slaves have obtained the support of the law, although with a proviso interdictory of the civil rights which marriage under the Dutch law confers on free men, and which are incompatible with the rights of the Master over the Slave.

I have in the next place to explain to you the views of His Majesty's Government in regard to the three subjects on which legislative provision remains to be made:

I.—With regard to Sunday labour, I have already apprized you that it is necessary to maintain the maxim that the Owner of a Slave has no title to his labour except during six days of the week. I have also distinctly specified, on the one hand, the offices which it is considered Slaves may gratuitously perform on Sundays without violation of this principle, and on the other, those which the nature of circumstances requires to be performed, but which the principle above enounced equally requires to be remunerated. "All labour undertaken for the preservation of the crops upon any estate" is an exception belonging to the latter class, and in Trinidad wages are required to be paid for such labour at the rate to be fixed by the Protector of Slaves.

It is under this head that the provisions of the Demerara law respecting Sunday labour, though under others much improved since I had last occasion to consider them, continue incomplete. It is yet unprovided that this conservatory labour should be allowable on Sunday only when voluntary on the part of the Slaves employed, and when its postponement beyond that day would be incompatible with the preservation of the crop.

The Court of Policy have introduced into the clause certain provisions explanatory of those kinds of labour which are thereby defined to be for the preservation of the crop: namely, "1st, the boiling off the cane juice "that may have been expressed at the time of sun-set on Saturday (the

“boiling however in no case to extend beyond the hour of ten at night), and the potting the sugar so made.” According to the representations of the Court of Policy neither of these operations can be postponed without essential injury to the produce which has been carried through the previous processes to the stage in which these become necessary. With this understanding the labour is allowable in both cases. In the first case, during the prescribed extra hours on Saturday night, it may perhaps be allowed that the labour should be exigible from the Slave without remuneration; but in the other, in which the operation is to be performed on the Sunday morning, the principle of remuneration cannot be departed from; and it will be best maintained, not by a donation of a small portion of the produce, which is stated to be the present practice, but by the payment of ascertainable wages, to be fixed, as in other cases, by the Protector of Slaves. The second kind of Sunday labour which the Court of Policy define to be for the preservation of the crop, is, “the turning and drying of coffee and cotton already housed, and in a state of preservation, but not cured.” This labour, too, it appears, cannot be postponed without essential injury, and may therefore be performed on Sunday. But the reasons of the Court of Policy for exacting it gratuitously, are not satisfactory. The first reason is, “that the labour is of a light kind, and is performed by children, and elderly and infirm Negroes, who are unfit for any kind of hard labour,” and with intervals of rest, “so that a Negro so employed, does not in fact work more than five or six hours in the day.” But the Court of Policy will no doubt perceive that, if the capabilities of the labourer be no more than commensurate with the labour allotted him, the hardship of the task is left where it was. The divers degrees of labour required for divers operations may properly however be taken into the Protector’s estimate of its value, when he fixes the rate of wages to be paid for it.—The Court of Policy have alleged, secondly, that “the same reason which allows the employment of Slaves as watchmen, or for the preservation of cattle, without receiving remuneration, doubly applies to those who are necessarily employed for the preservation of the crops.” On this I have to observe, that, before the former exception was allowed, it had been strongly represented, that the protection of the Slave’s provision grounds, as well as the owner’s property on his plantation, required the employment of watchmen, without which security of the produce from depredation the Slave could not be induced to cultivate his provision grounds. It was not therefore thought fit to charge the owner with the payment of wages for services which were for the protection as well of the Slave’s property as of the Owner’s, and not more for the protection of either, than for the prevention of crime, and the maintenance of the public peace. As to tending and feeding of cattle, the degree of labour required in this kind (as in the case of domestics) would be so difficult to ascertain, and in many instances might be so slight, that it was admitted to be impracticable for the Protector of Slaves to assign a proportionate rate of wages applicable to the varying circumstances. But there is no such impracticability in the case which the Court of Policy would assimilate to this, since the Court itself has specified the number of hours per day, and per week, for which the Slave is required to work in the turning and drying of coffee and cotton.

By these explanations, the Court of Policy will be led to perceive, that it would be impossible for me to submit to His Majesty in Council what they have alleged, as a reason for omitting to supply what is wanting in their law upon the subject of Sunday labour.

II.—The second of the Legislative provisions which are still deficient in the law passed by the Court of Policy is that by which the rights of property are to be conferred upon the Slaves. The Court have observed that, according to the Proclamation published in Trinidad explanatory of the Order in Council, Slaves are not allowed to cultivate for their own profit the staple commodities of that island. The restriction did not originate with His Majesty’s Govern-

ment, but they forebore to disturb the operation of a pre-existing law to this effect, in support of which was urged the temptation to commit depredations upon his Owner's property to which the Slave would be exposed by its repeal. A similar law appears to be in force in Demerara. In the one colony, the Slaves are forbidden to cultivate the staple commodities; in the other, to sell or barter them. Whilst it is expedient that these laws should remain—and on consideration of the reasons alleged I am not prepared to deny the expediency—I do not contend for the Slave's right of property in what he cannot legally barter or sell, nor, as it is said, honestly acquire. I therefore consider the articles of sugar, coffee, and cotton, to be allowable exceptions.

The objections which are urged by the Court of Policy to the giving a Slave a property in land are chiefly founded upon the disadvantages which the Slave himself would labour under as a proprietor of land. But it may be presumed that a Slave who shall have acquired the means of purchasing land will be prudent enough to take into his calculation the compulsory removal to a distance which he is personally liable to; for, however otherwise ignorant, he cannot but be sufficiently sensible of what is incident to his own condition. It is also objected, that he would become liable to taxes for the repair of roads, &c. for the non-payment of which, if, as in the cases of freemen, his person were seized, an injury to his owner would ensue in the loss of his labour while in confinement. But the Court of Policy would have it in their power to obviate this objection by rendering the produce of the land, or the property upon it, or even the land itself, if necessary, liable to be taken in execution for arrears of taxes. Upon the whole, although the right of property in land, may possibly be of little immediate or general advantage to the Slaves, yet, under restrictions as to staple produce, I do not perceive such material objections to it as would place it in the light of a necessary exception (which is the only admissible exception) to the general rule.

I have considered with due attention the representations made by the Court of Policy in justification of not permitting the Slave to have an uncontrolled power of bringing an action with regard to his property. I perceive that such a power might be much abused, by ill-disposed advisers, to the Slave's own prejudice; and if the Court of Policy, will give to the Protector of Slaves a clear undoubted right to bring or defend any action in respect to the property of the Slave by whatsoever legal measures are available in other cases; and if, in addition to this, they will empower the President of the Court of Justice to direct prosecutions on the application of the Slave, nothing farther will be required on this head. It is not clear that the terms of the law, as it stands at present, are sufficiently general and comprehensive to bear the full and undoubted import of those employed in the Order in Council for Trinidad, which, were they adopted in Demerara, would enable the Protector to "bring, maintain, prosecute, and defend any suit or action in any Court of Justice, for, or in respect of any such property, as fully and amply to all intents and purposes," as could be done by a person of free condition, in respect of his own property. It is therefore desirable, that in this particular, some amendment should be introduced.

III—As the right which it is proposed should be given to the Slave to purchase his manumission is a vital part of the whole measure, it cannot be dispensed with. No system of measures would satisfy the feelings of this country, or would completely execute the purposes of the House of Commons, which did not contain some direct provision, some acting principle, by which the termination of slavery may be gradually accomplished; and the giving to a Slave a right to purchase his freedom, by the fruits of his honest earnings, on a fair estimate of the loss which the owner may sustain by that act, guards the publick, on the one hand, against the danger of indiscriminate emancipation, and secures to the planter, on the other, a pledge of an adequate compensation.

The objections which are urged against this measure are—First, That the money with which the Slave may purchase his freedom may not be the earnings of his honest labour, and that, therefore, his being able to make the purchase is not a test of his industrious habits. Secondly, That the valuation may not indemnify the Owner, who may not be able to supply the loss of his Slave by the money which is to be paid for his manumission. With respect to the first objection, it is said—that the purchase money may be obtained either by personal favour towards the Slave, or from ill-will to the Owner, or by a combination of philanthropick individuals in this country; and lastly, that the Slave may procure it by theft.

With respect to favour towards the Slave, or ill-will to the Owner, the same favour which would procure the money for the manumission of the Slave, would probably secure his well-being afterwards; and if the Owner received an adequate compensation, he would have little to fear from the effect either of favour to his Slaves or ill-will to himself; while the general operation of the measure could not be really endangered by individual instances of kindness or malevolence.

Apprehensions are entertained lest well disposed people, with ill considered zeal, should endeavour at once to get rid of Slavery by purchasing the manumission of Slaves out of a fund to be raised for that purpose. This, undoubtedly, would be an attempt to convert a gradual and discriminative principle into an abrupt indiscriminate act of manumission; it would, however, be soon found that this would not go far, and would be easily prevented; but even under such a plan it would not be difficult to shew that the pecuniary interests of the Owner would be adequately protected by the proposed arbitration. For the sake of the community, indeed, such indiscriminate manumissions ought to be prevented; for undoubtedly if the purchase money were obtained from any fund which may be formed for the liberation of Slaves, there would be no test of previous habits of industry, of which there is presumptive evidence where the money is procured by the honest earnings of the Slave. To supply this defect it may be provided, that in such cases a certificate of good conduct for five years should be required of the Protector of Slaves before the manumission should be completed.

If, lastly, the Slaves were, by this regulation, encouraged to defraud their Owners, or others, by endeavouring to obtain dishonestly the means of purchasing their freedom; it would indeed be a serious objection to the measure, as that, which is to be considered as the test of their industry, would become the result of their depravity. But the limitations which it is agreed should be made with regard to the property which a Slave may acquire, create no inconsiderable difficulties in his making those fraudulent gains; nor can it be imagined that thefts to any considerable extent can be generally practised without detection, (and individual instances cannot be urged as objections to a general measure.) As an additional security, however, a provision might be introduced—that a Slave duly convicted of larceny should be incapacitated from purchasing his freedom at least for a given number of years.

It remains then to consider the second objection, which in substance is this:—That the regulations do not secure to the owner an adequate compensation. If by these regulations an adequate compensation be not secured to the owner, it must either be because the persons who are authorized to decide upon the amount are not likely to be fit or fair arbitrators, or because there are restrictions which will prevent the arbitrators from the free exercise of their judgment. Now it must be admitted nothing can be fairer than the proposed selection of arbitrators in the Trinidad Order, viz: that in the event of the Owner and the Slave not agreeing on the price of the Slave's manumission, the Owner should appoint one, the Protector of Slaves another, and that an umpire should be appointed by the Chief Judge. It is clear that an arbitration on such a principle would protect the interests of the owner, and if there were any objection, it would be that the bias was in his favour. As to

restrictions or limitations, there are none to obstruct the free exercise of their judgments.

If indeed they were called upon to fix, once for all, one uniform price, on the payment of which all able bodied Slaves would be entitled to purchase their freedom, it might be objected, that, though at the time of such valuation the price were adequate if applicable to one Slave, it would not be so, if applied, at the same time, or at some distant period, to many in the same gang; because, though the loss of one might be compensated by the price assigned, yet if it were applied to many, the owner would suffer in an accumulated proportion. But no such uniform valuation is contemplated: on the contrary, under these regulations, each case is left to stand upon its own merits.

If then, as many contend, and as will probably in some places turn out to be the case, the Slaves, who have purchased their freedom, shall voluntarily work, either for their own master or some other, a system of free labour will be gradually introduced, which, although it may not at first operate to reduce the price, will prevent any great increase in successive valuations. But if in the process of time it should be unfortunately found that the Slaves thus manumitted altogether abandon their owners, and refuse to work as free persons, the owner not having the means, by reason of the Abolition Act, to supply the loss of his Slaves, and not being able to engage any free labourer for his sugar plantations, the price which must then be assigned to the loss of each Slave must have a direct reference to that state in which the plantation will be placed by the progressive reduction of the means of cultivating it.

Under such circumstances the price assigned may soon far exceed any possible means of a Slave to purchase his own freedom, and that will be the period, when, if individual benevolence be found insufficient, the State will be called upon to interfere, not by depriving the Owner of any part of the estimated value of the Slave, but by making up the deficiency between what the Slave may be enabled to earn by habits of industry, and what the Owner will be estimated to lose by being deprived of the labour of his Slave.

This principle of manumission will proceed on presumptive evidence, of the Slave having acquired habits of industry which may fit him for an independent existence, while it will secure to the Owner that compensation to which it may be found by experience, as the measure advances in operation, he will be fairly entitled—and it is by experience alone that this can be ascertained.

A manumission of Slaves under these regulations will be in conformity with the concluding resolution of the House of Commons in 1823, which declares, that the great object of emancipation must be accomplished, “at the earliest period which shall be compatible with the well-being of the Slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property.”

But the Court of Policy must recollect, that if, on the one hand, Parliament and His Majesty's Government stand pledged to give the planters an equitable compensation, they stand equally pledged to take such measures as may ultimately, though gradually, work out the freedom of the Slaves.

The Court of Policy may be assured, that from the final accomplishment of this object this country will not be diverted.

It remains for me only to add, that I now, for the last time, bring these regulations under the consideration of the Court, with no other alternative, in the event of their declining to admit them, than that of my humbly submitting to His Majesty the expediency of enacting them by direct Royal authority.

I have &c.

Major-General Sir B. D'Urban, K. C. B. (Signed) BATHURST.  
&c. &c. &c.

## BERBICE.

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### No. 1.

MY LORD,

*Berbice, January 29, 1825.*

I HAVE the honour of informing your Lordship, that His Majesty's Commissioners of Legal Enquiry arrived here on the 4th inst. and that I lost no time in laying before them your Lordship's dispatch of the 23d of July last, instructing me on their arrival to prepare the draft of an Order in Council to be issued in Berbice, analogous to that now in force in Trinidad. I had a conference with these gentlemen on this important subject on the 6th instant, and now have the honour of transmitting to your Lordship copy of a correspondence which I subsequently had with them relative thereto, which I hope will satisfactorily account to your Lordship for the delay in preparing the intended Order.

I proposed to the Commissioners to hold a conference with Sir Benjamin D'Urban, and themselves, in Demerara, on the subject of the intended Order in Council, if, on communicating with Sir Benjamin D'Urban, it should be thought desirable to do so for the purpose of assimilating the Order in Council for Berbice, as nearly as possible to the one for Demerara.

I have, &c.

(Signed)

HENRY BEARD.

*The Right Hon. the Earl Bathurst, K. B.*

&c.

&c.

&c.

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THE Lieutenant-Governor presents his compliments to His Majesty's Commissioners of Legal Enquiry, and respectfully takes leave to draw their attention to his instructions from Lord Bathurst of the 23d July last, which he had the honour of laying before them, regarding the framing an Order in Council for this colony, similar to the one now in operation in Trinidad, for regulating the treatment of Slaves, in conjunction with His Majesty's Commissioners of Legal Enquiry on their arrival in this colony. The Lieutenant-Governor has had the honour of holding one conference with them on this important subject, but as no draft of an Order has yet been made, nor any thing finally concluded thereon, he takes the liberty of requesting His Majesty's Commissioners to afford him their opinions in writing on the subject, to enable him satisfactorily to account to Earl Bathurst for the draft of the Order, not having been completed in pursuance of his Lordship's instructions.

*King's-House, Berbice, 24th January 1825.*

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SIR,

*Colony-House, Berbice, January 25, 1825.*

IN consequence of the conference we had the honour to hold with your Excellency on the 6th instant, respecting the proposed adoption of the Trinidad Slave Order to this colony, in conjunction with your Excellency, it appeared to you, as well as to us, after your having submitted to us the several papers connected with that subject, as well as the suggestions of the Members of your Council, that it would not be advisable at present to proceed to frame this Order, until we should have had an opportunity of seeing that which we were informed by you had lately been sent out to the Lieutenant-Governor of Demerara, and should also know His Majesty's pleasure with respect to

