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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, ON THE CONTINENT OF
SOUTH AMERICA,*

AND AT

THE CAPE OF GOOD HOPE.

[In continuation of the Papers presented in the Year 1826.]

PART II.—1827.

LONDON:

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

SCHEDULE

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

DOMINICA.

No.	Date.	1826.	SUBJECT.	Page.
1.	March 19,		Earl Bathurst to Major-General Nicolay, refers to the Resolutions of the House of Commons of 1823, to the Trinidad Order in Council of 1824, and to the Measures recommended by Government for carrying the same into effect, and intimates his intention of sending out all the Measures of the said Order, classed under separate heads, in order to enable him to bring the whole subject under the consideration of the Assembly — — — — —	1
2.	May 21,		Earl Bathurst to Major-General Nicolay, transmitting the substance of eight Bills, classed under separate heads, containing the provisions of the Trinidad Order in Council, also his Correspondence with the Governor of Trinidad and the Lieut.-Governor of Demerara on some of the provisions, and directing how they are to be introduced to the consideration of the Legislative Council and Assembly —	2
3.	May 25,		Earl Bathurst to Major-General Nicolay, notifies the impossibility of entering into a minute examination of the Slave Melioration Act in the present Dispatch, and intimates his intention of offering by the first opportunity his observations thereon — — — — —	4
4.	Aug. 28,		Major-General Nicolay to Earl Bathurst, intimating that it would be desirable to be made acquainted with the result of his Lordship's examination of the Slave Melioration Act — — — — —	<i>ibid.</i>
5.	Feb. 1,	1827.	Major-General Nicolay to Earl Bathurst, stating that the measures recommended by Government were introduced to the House of Assembly; that the Session had terminated before the Bills came under discussion; that at the opening of the present Session he had again called the attention of the Legislature to the same, and that he had received assurances from both Branches of their anxiety to meet the wishes of His Majesty's Government — — — — —	<i>ibid.</i>
6.	Feb. 24,		Major General Nicolay to Earl Bathurst, states that the 1st Clause of a Bill "For establishing a Protector and Guardian of Slaves" had been rejected by the House, as well as a Bill "For regulating the Manumission of Slaves"; and also a Bill "To prevent the separation of Slaves, being Members of the same Family, by virtue of any legal process"; and intimates that there appeared a disposition among the Members to consolidate all the Laws relating to Slaves into one Act	5
7.	April 3,		Earl Bathurst to Major-General Nicolay, inclosing an Order in Council whereby His Majesty has been pleased to order that the Acts passed in Dominica in 1825 and 1826, for repealing the Tax on the Manumission of Slaves, and for the improvement of their condition, should be confirmed, and communicating remarks with respect to the same	6

GRENADA.

1.	March 19,	1826.	Earl Bathurst to Major-General Sir J. Campbell, referring to the Resolutions of the House of Commons of 1823, to the Trinidad Order in Council of 1824, and to the Measures recommended by Government for carrying the same into effect; and stating that in order to enable him to bring the whole subject under the consideration of the Assembly he should send out all the measures of the said Order classed under separate heads — — — — —	9
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No.	Date.	1826.	SUBJECT.	Page.
2.	April	7,	Major-General Sir J. Campbell to Earl Bathurst, transmitting Copies of two Acts, one "To remove doubts respecting the repeal of certain Acts relating to the payment of £100 upon the Manumission of Slaves"; and the other "To declare the Ecclesiastical Laws in England to be in force in these Islands" (Two Inclosures) —	10
3.	May	21,	Earl Bathurst to Major-General Sir J. Campbell, transmitting the substance of the Trinidad Order in Council, classed under separate heads, also his Correspondence with the Governor of Trinidad and the Lieut.-Governor of Demerara on some of the provisions; and notifying how they are to be introduced to the consideration of the Legislative Council and Assembly — — — —	14
4.	June	30,	Major-General Sir J. Campbell to Earl Bathurst, acknowledging the receipt of No. 3 — — — —	16
5.	Oct.	3,	Major-General Sir J. Campbell to Earl Bathurst detailing the proceedings adopted in regard to the Measures recommended by His Majesty's Government for the Melioration of the Slave population (Four Inclosures) — — — —	<i>ibid.</i>
6.	Dec.	7,	Earl Bathurst to Major-General Sir J. Campbell, acknowledging the receipt of No. 5, and expressing regret at the rejection of the separate Bills brought forward for the consideration of the Assembly —	25
7.	Dec.	22,	Major-General Sir J. Campbell to Earl Bathurst, transmitting Copy of a Communication from the Board of Council (One Inclosure) —	<i>ibid.</i>

ANTIGUA.

1.	March	19,	Earl Bathurst to Officer Administering the Government, referring to the Resolutions of the House of Commons of 1823, to the Measures recommended by Government, and to the Trinidad Order in Council of 1824, for the improvement of the Slave population; and stating his intention of sending out all the Measures of the said Order, classed under separate heads — — — —	27
2.	May	21,	Earl Bathurst to Major-General Sir P. Ross, inclosing Copies of the Bills promised in No. 1; also Copies of Official Correspondence between his Lordship and the Governor of Trinidad, and Lieut.-Gov. of Demerara on some of the provisions, with instructions how they are to be introduced to the consideration of the Legislature —	28
3.	July	3,	Major-General Sir P. Ross to Earl Bathurst, acknowledging the receipt of No. 2, and stating that he had communicated the same to the Attorney and Solicitor-General — — — —	29
4.	Aug.	8,	Major-General Sir P. Ross to Earl Bathurst, acquainting him with the result of the introduction of the Bills to both Houses, and inclosing Copies of Letters from the Attorney and Solicitor-General, of his Messages to both Houses, and their Replies (Seven Inclosures) —	30
5.	Aug.	9,	Major-General Sir P. Ross to Earl Bathurst, transmitting Copies of four of the Bills, as prepared by the Crown Lawyers, together with Copies of the References that accompanied the Bills on their introduction to the House of Assembly; and states that the House would not authorize the printing of these References (Eight Inclosures) —	35
6.	Aug.	21,	Major-General Sir P. Ross to Earl Bathurst, transmitting Copies of the four remaining Bills, accompanied by Extracts relating to them (Eight Inclosures) — — — —	47

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2.	March	19,	Earl Bathurst to Governor Maxwell, referring to the Resolutions of the House of Commons of 1823, to the Measures recommended by His Majesty's Government, and to the Trinidad Order in Council of 1824, for the improvement of the Slave population; and states his intention of sending out all the measures of the said Order, classed under separate heads — — — —	65

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3.	May 21,		Earl Bathurst to Governor Maxwell, inclosing Copies of the Bills promised in No. 1; also Copies of Official Correspondence between his Lordship and the Governor of Trinidad, and Lieut.-Gov. of Demerara respecting some provisions of the bills, with instructions how they are to be introduced to the consideration of the Legislature —	66
4.	Oct. 7,		Governor Maxwell to Earl Bathurst, Extract of a Dispatch, stating that by the advice of the Attorney-General he had dissolved the Assembly, and had issued Writs for electing a new House; incloses Copies of his Speech to the Legislature at their meeting, of the Addresses from both Branches, and his Replies; and further states that the Attorney-General had prepared four Bills from the Heads of those transmitted by his Lordship, and that they had been ordered to be printed (Five Inclosures) — — — — —	72
5.	Oct. 7,		Governor Maxwell to Earl Bathurst, stating that the Slave Melioration Bills for Nevis had, in consequence of the illness of the Solicitor-General, been introduced by Mr. Peterson to the House of Assembly	72
6.	Nov. 16,		Earl Bathurst to Governor Maxwell, acknowledging the receipt of No. 5, and giving further instructions relative to his Lordship's Dispatch of the 19th March — — — — —	<i>ibid.</i>

NEVIS.

1.	Sept. 1,		The Colonial Agent to Earl Bathurst, Extract of a Letter, transmitting Copy of a Bill, "To legalise the Marriage of Slaves in the Island of Nevis; to declare their Property secured to them by Law; to render them competent Witnesses under certain restrictions; to regulate proceedings at law respecting them in civil and criminal cases; and further to ameliorate their condition" (One Inclosure) — —	73
2.	Feb. 24,	1827.	The Colonial Agent to R. W. Horton, Esq. inclosing Copy of a Bill for meliorating the condition of the Slaves, which passed the Assembly of St. Christopher, and stating that it was drawn up from memoranda taken in the House at the time (One Inclosure) — —	86

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1.	March 19,	1826.	Earl Bathurst to Rear Admiral Sir C. Brisbane, referring to the Resolutions of the House of Commons of 1823, to the Measures recommended by Government, and to the Trinidad Order in Council of 1824, for the improvement of the Slave population; and stating his intention of sending out all the Measures of the said Order, classed under separate heads — — — — —	93
2.	May 21,		Earl Bathurst to Rear Admiral Sir C. Brisbane, inclosing Copies of the Bills promised in No. 1; also Copies of Official Correspondence between his Lordship and the Governor of Trinidad, and Lieut.-Gov. of Demerara on certain provisions of those bills, with instructions how they are to be introduced to the consideration of the Legislature	94
3.	May 25,		Earl Bathurst to Rear Admiral Sir C. Brisbane, stating that he had found it impossible to enter at present into a minute examination of the Slave Melioration Act, but intimating that he shall not omit the first opportunity of offering his observations thereon — —	96
4.	Aug. 3,		Rear Admiral Sir C. Brisbane to Earl Bathurst, acknowledging the receipt of No. 2 and Inclosures, and stating that the whole are under the consideration of the Crown Lawyers — — — — —	<i>ibid.</i>
5.	Aug. 23,		Rear Admiral Sir C. Brisbane to Earl Bathurst, communicating his proceedings on the Drafts relating to the proposed Measures for meliorating the condition of the Slaves, and also the Correspondence received from the Crown Lawyers (Five Inclosures) — —	<i>ibid.</i>
6.	Sept. 23,		Rear Admiral Sir C. Brisbane to Earl Bathurst, transmitting Communication from the two Houses of the Legislature (One Inclosure) —	100
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8.	April 3,	1827.	Earl Bathurst to Rear Admiral Sir C. Brisbane, stating that the Act passed by the Legislature in 1825, had been laid before His Majesty, and that it had been ordered by His Majesty in Council that it should be left to its operation, with observations thereon — —	<i>ibid.</i>

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TOBAGO.

No.	Date.	1826.	SUBJECT.	Page.
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3.	June 29,		Lieut.-Gen. Sir F. P. Robinson to Earl Bathurst, acknowledging the receipt of Dispatches of the 10th April and 21st and 25th May	113
4.	Aug. 5,		Officer Administering the Government to Earl Bathurst, Extract of a Dispatch, transmitting Copy of his Address to both Houses on the opening of the Session, and the Attorney-General's Report on the proposed Measures of His Majesty's Government (Two Inclosures)	<i>ibid.</i>
5.	Aug. 23,		Officer Administering the Government to Earl Bathurst, Extract of Dispatch, transmitting Copies of the Reply made by the Council and Assembly to his Address, and stating that he has no expectation that they will come to any decision upon the said Measures in the present Session (One Inclosure)	122
6.	Oct. 23,		Earl Bathurst to Officer Administering the Government, acknowledging the receipt of No. 4, and giving further directions in regard to the said Measures of Government	<i>ibid.</i>
7.	Jan. 26,	1827.	Officer Administering the Government to Earl Bathurst, Extract of Dispatch, incloses a Letter received from the Attorney-General, together with eight Bills therein referred to; states that he had opened the Session by an Address, and transmits a Copy thereof (Three Inclosures)	123
8.	Jan. 27,		President Brasnell to Earl Bathurst, transmitting a Copy of an Address received from the Council (One Inclosure)	125
9.	Feb. 21,		Officer Administering the Government to Earl Bathurst, Extract of Dispatch, transmits Copies of Addresses and Reports from the Council and Assembly; and states that there appeared to be differences between them on the most important points recommended by his Lordship (Four Inclosures)	<i>ibid.</i>

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2.	Aug. 15,		Major-General Mainwaring to Earl Bathurst, stating that since the promulgation of the Slave Law the greatest harmony and good feeling existed in the Colony, and that he had only heard of one complaint (Seventeen Inclosures)	<i>ibid.</i>
3.	Oct. 16,		Earl Bathurst to Major-General Mainwaring, acknowledges the receipt of No. 2; approves of the Estates being visited by a Commission; and remarks on the Inclosures that accompanied it	153
4.	Dec. 20,		Major-General Mainwaring to Earl Bathurst, transmitting Letter from the First President, in explanation of the Law in regard to the infliction of corporal punishment upon female Slaves (One Inclosure)	<i>ibid.</i>
5.	Feb. 21,	1827.	Earl Bathurst to Major-General Mainwaring, stating that he had laid before The King the Act passed for improving the condition of the Slaves, and communicating by command of His Majesty observations in reference thereto	155
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4.	May 12,		Earl Bathurst to Sir B. D'Urban, Extract of a Letter, directing him to bring under the consideration of the Court of Policy the necessity of abridging and simplifying the forms of procedure under the Slave Melioration Act — — —	169
5.	Aug. 10,		Sir B. D'Urban to Earl Bathurst, transmitting an Extract of the Proceedings of the Court of Policy at their Extraordinary Assembly, upon consideration of his Lordship's Dispatch of 25th Feb. together with Extracts from the Proceedings of the same at adjourned Meetings on the same subject (Four Inclosures) — —	<i>ibid.</i>

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1.	June 2,	825.	Lieut.-Gov. Beard to Earl Bathurst, transmitting Copy of an Extract from the Register of the Proceedings of the Council of Government, and states that he has recommended that the Colony should be divided into Districts (One Inclosure) — — —	189
2.	April 25,		Earl Bathurst to Lieut.-Gov. Beard, acknowledging the receipt of Dispatch of 29th Jan. and signifies His Majesty's approval of the regulation for securing to the Slaves any benefit bequeathed to them —	190
3.	March 17,	1826.	Earl Bathurst to Officer Administering the Government, directing him to issue a Proclamation for carrying into effect the provisions adopted by the Court of Policy in Demerara for meliorating the condition of the Slaves — — —	<i>ibid.</i>
4.	March 20,		Earl Bathurst to Lieut.-Gov. Beard, transmitting an Order for dissolving the Council of Government in Berbice and instituting another; also Correspondence between his Lordship and the Lieut.-Gov. of Demerara on the subject of the Ordinance of the Court of Policy, with instructions in regard thereto — — —	<i>ibid.</i>
5.	March 20,		Earl Bathurst to Lieut.-Gov. Beard, directing his attention to that part of the Demerara Ordinance which relates to the duties of Protectors of Slaves — — —	191.
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7.	May 11,		Sir B. D'Urban to Earl Bathurst, acknowledging the receipt of No. 3, and states his intention duly to observe the instructions contained therein — — —	<i>ibid.</i>
8.	June 3,		Earl Bathurst to David Power, Esq. giving him instructions how to act in his capacity of Protector of Slaves — — —	<i>ibid.</i>
9.	July 21,		Lieut.-Gov. Beard to Earl Bathurst, stating that he had convened a new Council, and laid before them his Lordship's Dispatch of the 20th March, with the Documents therein referred to; also the Demerara Ordinance for bettering the condition of the Slaves; together with a Dispatch he had received from the Lieut.-Gov. of that Colony; and that the Council had evinced their readiness to meet the views of His Majesty's Government (One Inclosure) — — —	193
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12.	Sept. 22,		Lieut.-Gov. Beard to Earl Bathurst, transmitting Extract Minutes of the Proceedings in Council, and expresses a hope to be enabled to publish the new Slave Code the following week, and to bring it into operation on the 1st of Sept. (Four Inclosures) — — — —	197
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15.	Nov. 20,		Lieut.-Gov. Beard to Earl Bathurst, transmitting Reports of the Civil Magistrates on the promulgation of the new Slave Code, together with similar Reports from the Fiscal; states that it has been well received, and that the Colony was most tranquil (Thirteen Inclosures) — — — —	<i>ibid.</i>
16.	Nov. 21,		Lieut.-Gov. Beard to Earl Bathurst, transmitting Extract Minutes of the Proceedings in Council, shewing the tariff of wages to be paid to Slaves in pursuance of the 9th Clause of the new Slave Code for conservatory labour (One Inclosure) — — — —	228
17.	Nov. 21,		Lieut.-Gov. Beard to Earl Bathurst, inclosing Copy of a Letter from the Protector of Slaves, stating that in three weeks the deposits for the Savings Banks by a few Negroes amounted to £36 sterling (One Inclosure) — — — —	<i>ibid.</i>

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2.	March 8,	1826.	Earl Bathurst to Sir R. Woodford, acknowledging the receipt of No. 1, and stating that when the Demerara Order shall have been issued, the propriety of introducing any modification into the new Order for Trinidad will be duly considered — — — —	<i>ibid.</i>
3.	Jan. 7,		Sir R. Woodford to Earl Bathurst, Extract of a Dispatch, transmitting Copy of a Proposal submitted to the Council by Mr. Barnley, for giving publicity to the complaints made by Master against the Slave or by the Slave against the Master (One Inclosure) — — — —	<i>ibid.</i>
4.	April 12,		Earl Bathurst to Sir R. Woodford, acknowledging the receipt of No. 3, and Inclosure, with instructions thereupon — — — —	232
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6.	April 27,		Sir R. Woodford to R. W. Horton, Esq. transmitting the Protector's last observations to the representations of the Attorney-General on the obligation of the Protector to inquire into the validity of the titles to Slaves brought to him for private manumission (Five Inclosures) — — — —	<i>ibid.</i>
7.	Aug. 15,		Earl Bathurst to Sir R. Woodford, acknowledging the receipt of Nos. 5 and 6, with observations and instructions thereon — — — —	244
8.	April 12,		Sir R. Woodford to Earl Bathurst, remarking on the Orders in Council of Sept. 1822, and March 1824, respecting the admission of Slave evidence in Courts of Justice; states that he had issued a Proclamation by the advice of his Council for explaining the same; submits a Copy thereof for The King's approval; and incloses the Correspondence that took place on the occasion (Seven Inclosures) — — — —	246
9.	June 22,		Earl Bathurst to Sir R. Woodford, acknowledging the receipt of No. 8, and Inclosures, with observations thereon — — — —	251
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13.	April 27,		Sir R. Woodford to R. W. Horton, Esq. Extract of a Dispatch, reporting on the practical difficulties in the execution of the Order in Council of the 10th March 1824, and transmits a Copy of a Report he has received from the Protector, and also a Note from the Chief Judge (Three Inclosures) — — — —	<i>ibid.</i>
14.	April 27,		Sir R. Woodford to Earl Bathurst, submitting for the sanction of his Lordship an Additional Rule for Savings Banks (One Inclosure) —	256
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16.	July 3,		Sir R. Woodford to R. W. Horton, Esq. Extract of a Dispatch, stating that he had lately visited those Quarters of the Island where the principal part of the cultivation is carried on in canes; that he found the Slaves generally conducting themselves well; and that the difficulties represented to arise out of the Order are three, which he details —	<i>ibid.</i>
17.	July 8,		Sir R. Woodford to Earl Bathurst, Extract of a Dispatch, suggesting to his Lordship the propriety of investing the Protector with a power of examining the Returns, and for other purposes — —	258
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19.	Feb. 26,		Sir R. Woodford to R. W. Horton, Esq. Extract of a Dispatch, inclosing a Letter from Mr. Peschier, shewing the manner in which he employs the Negroes on an Estate sequestered for a debt to the Crown, and on his own estate (One Inclosure) — —	259
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23.	Oct. 30,		Earl Bathurst to Sir R. Woodford, acknowledging the receipt of No. 22; states that he had examined the Inclosures that accompanied it, with observations thereon; and directs that the particulars of each manumission case that may be acted upon under the Order in Council may be transmitted for the information of His Majesty's Government —	268
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SCHEDULE.

Papers relating to the Religious Instruction of Slaves in the West Indies.

Diocese of Jamaica and the Bahamas.

No.	Date.	1826.	SUBJECT.	Page.
1.	Feb. 20,		Bishop of Jamaica to Earl Bathurst, inclosing an Extract of a Letter from the Rev. Griffith Griffiths, and notifying that he had visited the Eastern and Northern Parishes of the Island, and had found a growing disposition for the institution of Sunday and Parochial Schools (One Inclosure) — — — —	287
2.	June 12,		Bishop of Jamaica to Earl Bathurst, inclosing Report of his visitation to Honduras and the Bahamas (Four Inclosures) — — — —	288
3.	Sept. 1,		Bishop of Jamaica to Earl Bathurst, transmitting, at the request of the Corporate Body of Kingston, certain Resolutions on the subject of an additional Place of Worship in that City, and also an estimate of the probable expence of erecting such building (Two Inclosures) — — — —	294
4.	Oct. 14,		Bishop of Jamaica to Earl Bathurst, announcing that three of the new Chapels built by voluntary contributions had been consecrated, and another nearly finished; and inclosing a Report from the Committee appointed by the Corporate Body of Kingston, with reference to the additional Place of Worship in that City (One Inclosure) — — — —	293
5.	Nov. 9.		Bishop of Jamaica to Earl Bathurst, announcing that much progress had been lately made in the establishment of Sunday and Parochial Schools; and inclosing a Memorial from the Justices and Vestry of St. Thomas in the East, for the erection of a Chapel in Blue Mountain Valley, also the First Report of the Branch Association of the Incorporated Society for Conversion, &c. of Negroes (One Inclosure) — — — —	294
6.	Feb. 22,	1827.	Earl Bathurst to the Bishop of Jamaica, Extract of a Dispatch, acknowledging the receipt of Dispatch of 6th December last, and approves of his conduct in requiring Clergymen who hold Island Curacies in conjunction with their Stipendiary Appointments, to resign one of those Clerical offices — — — —	295

Diocese of Barbadoes and the Leeward Islands.

1.	Nov. 8,	1825.	Bishop of Barbadoes to Earl Bathurst, remarking on the deficiency of religious instruction in the Island of Anguilla (One Inclosure) — — — —	297
2.	May 11,	1826.	Bishop of Barbadoes to Earl Bathurst, Extract of a Letter, notifying that an Act had been passed for raising the stipends of the Clergy from £300 to £500 currency; another for regulating the Parochial Fees, and three others relative to the Slave population — — — —	298
3.	July 3,		Bishop of Barbadoes to Earl Bathurst, transmitting Memorial from the Church Building Committee, praying for pecuniary assistance from His Majesty's Government towards the erection of a new Church in Bridge Town; acknowledges the receipt of his Lordship's Letter of the 28th April last, and states that it had been received in the Island with great satisfaction (Two Inclosures) — — — —	<i>ibid.</i>
4.	Oct. 4.		Bishop of Barbadoes to Earl Bathurst, inclosing Petitions for pecuniary aid towards the erection of places of Public Worship, from the Islands of Antigua, St. Christopher, and Anguilla (Four Inclosures) — — — —	304
5.	Oct. 31,		Bishop of Barbadoes to Earl Bathurst, Extract of a Letter, detailing the particulars of his visit to St. Vincent's and the Western Coast of the Island — — — —	305
6.	Dec. 21,		Bishop of Barbadoes to R. W. Horton, Esq. acknowledging the receipt of Letter of 19th of October last, together with one from the Lords of the Treasury — — — —	<i>ibid.</i>

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7.	Jan. 27,		Bishop of Barbadoes to Earl Bathurst, Extract of a Letter, stating that he had visited Tobago, Trinidad, &c. &c. and had been received with kindness and respect, and was much satisfied with the progress made in the erection of Churches and Parsonage Houses —	306
8.	March 7,		Earl Bathurst to the Bishop of Barbadoes, inclosing Copies of a Correspondence between the Colonial Department and the Treasury on the subject of the Petitions transmitted in No. 4. (Two Inclosures) <i>ibid.</i>	
9.	April 14,		Bishop of Barbadoes to Earl Bathurst, acknowledging the receipt of No. 8. and Inclosures — — — —	308

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ST. CHRISTOPHER.

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	May 5,		Governor Maxwell to Earl Bathurst, regretting that no progress had been made for carrying into effect the wishes of His Majesty's Government with regard to the Slave population; states that seven of the Bills for Nevis had been sent from the Assembly to the Board of Council, but had been ordered by the Council to lie on the table for six months — — — —	309

ST. VINCENT.

1.	Feb. 21,	1827.	Rear Admiral Sir C. Brisbane to Earl Bathurst, acknowledging the receipt of Dispatch of 7th December last, and inclosing a Letter from the Crown Officers in explanation of the reasons which induced them to consolidate the eight Slave bills into one (One Inclosure) —	311
2.	April 25,		Rear Admiral Sir C. Brisbane to Earl Bathurst, inclosing a Communication from the Acting Attorney-General on the introduction of the eight Bills into the House of Assembly (One Inclosure) —	312
3.	June 18,		Lord Goderich to Rear Admiral Sir C. Brisbane, in reply to Dispatch of 21st February — — — —	<i>ibid.</i>

P A P E R S

RESPECTING THE

SLAVE POPULATION IN THE WEST INDIES,

&c. &c. &c.

DOMINICA.

No. 1.

(No. 17.)

SIR,

Downing Street, 19th March 1826.

WHEN I had the honour of communicating to the Earl of Huntingdon the Resolutions of the House of Commons in 1823, his Lordship was instructed to bring under the consideration of the Council and Legislative Assembly of Dominica, some of the measures which His Majesty's Government recommended for improving the condition of the Slave population.

In 1824, I had the honour of transmitting to the Colony, a copy of the Trinidad Order in Council, containing with the others, the further measures which His Majesty's Government considered it to be their duty to propose for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons. The measures recommended in these communications provided: First, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves, on such principles as would give to the Slaves on the one hand a means of acquiring their freedom, or that of their families, and on the other, secure to the Planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing this order to be laid before the Council and Legislative Assembly, I thought it desirable in the first instance that it should be left for them to proceed in such manner as might appear to them advisable, for taking all these several measures into their consideration.

Since that time two Bills have been introduced into the Assembly, and I trust that the one of which you transmitted to me a draft, will by this time have passed into an Act, and that the alterations and additions, which you acquaint me it has undergone after commitment, will enable me to consider it (what the provisions of the draft, however praiseworthy in themselves, could not be considered,) a fulfilment of some at least of the most essential of the objects which Parliament and the country have in view.

If, however, the fact should unfortunately be otherwise, you will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Trinidad Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light the effect of some of those provisions, which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of Dominica.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the Resolutions of the two Houses of Parliament, and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me, that the Council and Assembly have agreed to Bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of those Bills, to congratulate you and the Legislature of Dominica on the establishment of a system, both for the improvement of the condition of the Slave Population, and for providing for the manumission of their Slaves or of their families on a principle of equitable appraisement; which system will have fully carried into effect the Resolutions of the Two Houses of Parliament. Nothing will then remain, but to provide for the improvement of the Judicial System, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object would be facilitated by the Report of the Commissioners of Legal Inquiry, who, as you are aware, have been employed for that purpose in the examination of the Constitution, and practice of all the Courts of Justice in the Island.

I have, &c.

(Signed) BATHURST.

Major-General Nicolay, Dominica.

No. 2.

(No. 19.)

SIR,

Downing Street, 21st May 1826.

IN my despatch to you, dated the 19th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council, classed under separate heads.

For Enclosures vide
Bahamas.

In the enclosed papers will be found all the provisions of the Order in Council of the 10th of March 1824, for improving the condition of the Slaves in the Island of Trinidad, with all such modifications of that Order, as have been introduced by any subsequent enactments.

These Enclosures relate to the eight following subjects:—First, the Office of Protector and Guardian of Slaves; secondly, the admission of the evidence of Slaves in Civil and Criminal Cases; thirdly, the Manumission of Slaves; fourthly, the intermarriage of Slaves; fifthly, the observance of Sunday, and the abolition of public markets on that day; sixthly, the acquisition of property by Slaves, and the establishment of Savings Banks for the better protection of it; seventhly, the separation of Families under judicial process; and eighthly, the punishment of Slaves, with the record to be kept of such punishments, when inflicted, by the authority of the owner.

To each of these enclosures, I have subjoined notes explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th of March 1824.

Printed for Parlia-
ment in Session of
1826.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant-Governor of Demarara. From the perusal of that correspondence, you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the

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Order in Council, and you will perceive what parts of the Law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this Country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in Dominica. I am aware also, that upon some of the topics comprised in these papers, the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing Laws of the Island, and that without a very intimate and practical acquaintance with those Laws, it may perhaps not be possible, safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not therefore propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication, has rather been to explain anew, and in the fullest manner, the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the form and language of Legislative Acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any laws in which the Legislature of Dominica may effectually embody these principles and give effect to those intentions, however much such Laws may depart from the enclosed Drafts in arrangement, language, or minor details.

You will, therefore, immediately on receiving this despatch, make a confidential communication on the subject to the Law Officers of the Crown within your Government, transmitting to them a copy of this Despatch and its enclosures, and requiring them to prepare for your consideration the Drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government as explained in the enclosed Drafts. In performing this duty, they will of course have regard not only to such local circumstances as may necessarily affect the form and language of those provisions, but also to some enactments in the late Slave Melioration Act, and to any other of the existing Laws of the Colony in which the same, or the like provisions as are contained in these Drafts may be found. They will also consider how far a consolidation of such former Acts, with the projected Bills, may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject you will exercise your own judgment, with all the advantage to be derived from your acquaintance with the established usages of the Colonial Legislature.

At the conclusion of the Session you will transmit to me, with the least possible delay, a Report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect, and in case that this object shall not have been effectually accomplished, you will accompany that Report by a distinct reference to each clause of each of the Drafts enclosed, stating in detail the reasons which may have prevented the adoption of any of those Clauses, and distinguishing with precision what parts of the Clauses recommended have been enacted, and what parts have been rejected by the Legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments of which you will transmit Copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present Despatch without again reminding you, that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to

anticipate the continued rejection of Enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope that it will shortly be in my power to lay before His Majesty Acts of the Assembly of Dominica fully carrying into effect the spirit of the various provisions which by His command I have now the honour to transmit to you.

I have, &c.

(Signed)

BATHURST.

*Major-General Nicolay,
&c. &c. &c.*

No. 3.

SIR,

Downing Street, 25th May 1826.

ALONG with this letter you will receive a despatch on the subject of the Slave Laws of the Colony under your Government. You will find in it no more than an incidental notice of the Slave Melioration Act, transmitted by you on the 27th January; for I have found it impossible in my present despatch to enter into a minute examination of this Act, without occasioning delay.

In case, however, the Legislature should meet to consider the subject of my present despatch, before I shall have been enabled to communicate to you the result of my more mature consideration of their recent Slave Act, you will assure them, that I shall not omit the earliest opportunity in my power of offering any observations which may be suggested by that Act, and appear calculated to assist their further legislation upon the subject.

I have, &c.

(Signed)

BATHURST.

*Major-General Nicolay,
&c. &c. &c.*

No. 4.

MY LORD,

Government House, Dominica, 28th August 1826.

IN the hope that your Lordship has by this time been able to enter into an examination of the Slave Melioration Act, transmitted with my despatch of the 27th January last, I beg leave to observe, that it is very desirable to be made acquainted, as soon as possible, with the result of such examination, as Messrs. Blanc and Glanville (who are arranging for the consideration of the Legislature of this Colony the various papers received with your Lordship's letter of the 21st May last) would then be enabled likewise to introduce any alterations or amendments of the late Melioration Act, which may appear proper, in consequence of your Lordship's remarks thereon.

I have, &c.

(Signed)

WILLIAM NICOLAY.

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

No. 5.

MY LORD,

Government House, Dominica, 1st February 1827.

THE measures recommended by His Majesty's Government for improving the condition of the Slave population, and which were communicated in your Lordship's letter of the 21st May last, were in the month of November introduced into the House of Assembly of this Colony, in the form of eight distinct Bills, by Mr. Henry Glanville, who informed me, that, although he was of

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course not pledged to support all the particulars when they might come under debate, he gave such explanation, as tended to shew, that the general views of Government were by no means incompatible with the interests of the Colony ; and that his explanations appeared to meet with a favourable reception from the House. Owing however, to repeated delays, the Session terminated before the Bills came under discussion.

In opening the present Session, I again called the attention of the legislature to the suggestions for the improvement of the Slave Laws ; and I received, from both branches, assurances of their anxiety to meet the wishes of His Majesty's Government in making such further regulations as may appear to them compatible with the security of person and property.

The House of Assembly will meet for the purpose of taking this subject into consideration on the 13th instant, which day was fixed, on account of the late severe indisposition of Mr. H. Glanville with whom the former Bills originated, and whose presence appears most highly desirable.

I have, &c.

(Signed)

WM. NICOLAY.

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

No. 6.

MY LORD, *Dominica, Government House, 24th February 1827.*

AT a very full meeting of the House of Assembly of this Colony on the 13th instant, a discussion took place (in a Committee of the whole House) on a first clause of a Bill for establishing a Protector and Guardian of Slaves.

The subject was introduced in a very able and temperate manner by Mr. Henry Glanville, and he was supported by some of the members, who adduced strong arguments in favour of the clause, but on a division it was rejected, six members voting for it, and nine against it.

The Committee then proceeded on a Bill "for regulating the manumission of Slaves, &c;" and afterwards on a Bill "to prevent the separation of Slaves being members of the same family by virtue of any legal process." Both these I regret to say were likewise rejected.

There appears among the members of the Assembly a great disposition to consolidate all the laws relative to Slaves into one Act, finally declaring to what extent they conceive the Legislature of this Colony can with safety provide for the further melioration of the condition of that class of the population ; and I have little doubt that in such an Act many of the measures suggested by His Majesty's Government would be adopted. There exists however a considerable degree of difficulty in framing a Bill to that effect at present, in consequence of not having received any notification with regard to the result of the two Acts already passed by this Legislature, "for repealing the tax on the manumission of Slaves ; and for the further encouragement, protection, and better government of Slaves ;" the former of which was transmitted to your Lordship on the 9th November 1825, the latter on the 27th January 1826.

It is to be expected that the latter of these Acts will require revisal by the Colonial Legislature before it can be submitted to His Majesty ; but without information as to the particular parts thereof that may be deemed objectionable, any new Bill that might be introduced for consolidating the Slave Laws would probably contain a repetition of the objectionable clauses.

After all, I must confess that, although several of the amendments recommended might very likely be acceded to, I much doubt whether the House of Assembly will in any shape, effectually embody in their Laws, a provision for the appointment of a Protector and Guardian of Slaves—a measure of primary importance, and on which many of the other suggested improvements depend.

I have, &c.

(Signed)

WILLIAM NICOLAY.

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

No. 7.

SIR,

Downing Street, 3d April 1827.

I HAVE the honour herewith to enclose an order made by His Majesty in Council on the 14th ultimo, by which His Majesty has been pleased to order that the Acts passed by yourself, with the consent of the Council and General Assembly of the Island of Dominica, in November 1825, and July 1826, for repealing the tax on the manumission of Slaves, and for improving the condition of the Slaves, should be confirmed and allowed.

I have received His Majesty's commands, to communicate to you for the information of the Council and Assembly the following remarks, with reference to these Acts.

Upon the two important subjects of marriage, and of the appointment of a Protector and Guardian of Slaves, they appear to be entirely silent. It is unnecessary to make any comment upon the importance of these omissions.

Respecting the observance of Sunday as a day of rest, these Acts appear to contemplate the permanent continuance of markets on this day, and require only that they should be closed during Divine Service, instead of prescribing some fixed and early hour in the forenoon at which they must terminate. No precise time is fixed for the cessation of labour on Saturday evening, or for the resumption of it on Monday morning. It would seem, also, that, consistently with these Acts, Slaves may lawfully be employed to labour on Sunday for hire, or from any other inducement, so long as no actual compulsion is used. Compulsory labour is permitted in all cases of accident and danger, terms so indefinite, as to admit a great latitude of interpretation. In each of these particulars, the provisions respecting the observance of Sunday are defective, and will require revision.

On the subject of the punishment of Slaves, I observe, that the use of the whip in the field is not only not prohibited, but is indirectly sanctioned. The owner is permitted by his own authority to inflict a punishment amounting to thirty-nine stripes; and if the number of stripes so inflicted does not exceed ten, no postponement of the punishment till the following day is required. The presence of a free person as a witness of punishments, inflicted by the domestic authority of the owner, is not rendered necessary. The use of the whip in correcting the offences of females is not prohibited, but is indeed expressly allowed. No limitation is fixed to the extent or severity of any punishment, except that of whipping. These Acts do not require that any record should be kept of punishments. They do not raise any presumption of guilt against the owner, or the person having the charge of Slaves, upon the production of the person of the Slave exhibiting the traces of illegal punishment, attended by his own probable and consistent statement of the circumstances of the case. If the person guilty of inflicting illegal punishments is himself a Slave, no particular penalty is denounced. Although a person should be repeatedly convicted of inflicting an illegal punishment he would not incur any forfeiture of his Slaves, or become incapable of holding such property.

In cases of mutilation, and other cruel punishments, the Slave is to be sold, if the Jury should certify the case to be atrocious. But even in the case thus supposed, of atrocious mutilation, the offender is to receive the price of the Slave. The express authority given to a Slave, employed as a superintendant, to inflict, by whipping, punishment on his fellow Slaves, and the permission to work Slaves in chains, if convicted before a single Magistrate, on the evidence of a fellow Slave of habitual bad conduct, are open to serious objections.

You will call the attention of the Council and Assembly to the necessity of amending these Acts upon the subject of the punishment of Slaves, with reference to the preceding observations. You will also propose to them to revise this part of the Act under consideration, for the purpose of rendering the language of the enactments more definite and perspicuous; since they appear at present, in many points, susceptible of a construction at variance with what I have no doubt was the real intention of the Legislature.

The rules laid down respecting the separation of Slaves, who are members of the same family, are unfortunately destitute of all sanctions for securing the observance of them. The separation of husbands and wives, and of children from

their father, is not forbidden, and even the mother may be separated from any child which has attained its 12th year.

You will perceive that these deviations from the plan as originally proposed will unavoidably impair, to a great degree, the efficacy of the measure.

Upon the rules contained in the Act for protecting the property of Slaves, I am to remark, that the taking away such property is not made penal, unless it be taken "forcibly." And the only property which it is declared penal to take away is such as the Slave is authorised to possess both by law and by custom. But if, as I apprehend, no positive law exists on the subject, it follows that the penalty can never be enforced. No provision is made for securing the payment of debts owing to Slaves, if due as the hire of labour, or arising out of any contract; and upon the subject of legacies the Act is wholly silent. When the owner is himself the debtor the Act has given no remedy whatever for the recovery of any debt; and in general it appears, that the means prescribed for recovering penalties for offences committed against the property of Slaves, and for enforcing the payment of debts due to them, are defective and insufficient.

On the subject of manumission, I perceive that the fees formerly payable are not abolished. No provision is made for the manumission of Slaves subject to mortgages and settlements; nor in those cases where the owner is absent or unknown, or labours under some legal incapacity to effect the manumission. The consent of the owner is in all cases the essential condition of manumission, so that the Slave cannot claim to be set free upon the payment of his value, even though that value be estimated upon the most equitable principle of compensation. Upon this point it is necessary only to recall your attention to the remarks and explanations which I have already had the honour of communicating to you, from which His Majesty's Government are not prepared to recede.

Respecting evidence, it appears that these Acts do not require that any registry should be kept of those Slaves whose competency to understand the nature of an oath is certified by their religious teachers. The Slave is not permitted to give evidence for or against his owner in any criminal case. The rejection in every case of the testimony of a single Slave may be productive of great inconvenience, and does not seem to rest upon any solid principle. If a Slave's evidence were supported by that of a free person, the Act does not even in that case allow the Slave to be heard. The confirmation must come from a fellow Slave. The necessity of being duly baptized in order to give evidence is not very apparent. It is not baptism, nor even the profession of Christianity, upon which the credibility of a witness depends. An unbaptized Slave who, in the language of this Act, "thoroughly comprehends the true nature and meaning of an oath," appears to be an unobjectionable witness. The rule which would prevent any conviction upon the evidence of Slaves, more than twelve months after the commission of the offence, might in many cases be productive of extreme injustice.

In the preceding remarks I have adverted to those parts of the Act in consideration, which appear to have been framed with reference to the recommendations of His Majesty's Government. I proceed to notice some additional regulations for improving the condition of the Slaves, which the Legislature of Dominica have thought it right to establish.

The rules respecting food, clothing, lodging, and medical attendance, would be highly valuable if they had been laid down in more precise and definite terms. On the subject of labour, this Act appears to contemplate the employment of the Slaves for fourteen hours and a half every day during crop, and for eleven hours and a half daily during the remaining part of the year. Now, when it is remembered, that in addition to this employment, there will remain many minor domestic and other offices to be performed, it is difficult to understand how such a degree of exertion can be compatible with a due regard to the health of the Slaves.

The rules of law which are laid down on the subject of offences against property, seem to confound together crimes of very different degrees of malignity. Thus the crime of burglary is confounded with the offence of breaking into any building and robbing therefrom. I observe also that the attempt to commit crimes is in many cases made punishable with the same degree of severity as if the crime had been actually committed, and that the amount and nature of the

punishment is generally left at the entire discretion of the Court. Some terms also are employed in describing capital crimes, which I apprehend have no fixed and definite signification. I refer particularly to the words "mutiny" or "mutinous," and the word "ringleaders." It is obviously inconvenient to create capital felonies by the use of terms susceptible of so much latitude of interpretation.

The 28th clause of the Act, numbered 337, denounces heavy punishments for the use of certain words. I perceive with regret that the language of this enactment is so obscure, that it may receive an indefinite variety of constructions. The apparent intention is to interdict all writing and discourse hostile to the existing laws and usages of the Island on the subject of slavery. Without intending to deny the importance of repressing the use of language dangerous to the peace of the Colony, I must yet observe, that banishment and unlimited fine and imprisonment at the discretion of the Court, do not appear to be appropriate punishments for any language, except such as is either treasonable or seditious.

The Act provides an indemnity for the owner in every case in which a Slave may be executed, a regulation which, in many cases, would be highly unjust, and which in many more, would be plainly inexpedient.

His Majesty is graciously pleased to acknowledge with commendation the disposition which the Legislature of Dominica have manifested in many of the provisions of these Acts, to improve the condition of the Slave population, and considering that they are in general framed in such a manner as to promote the well-being of that class of society, His Majesty has, with the advice of His Privy Council, been pleased to confirm them; but you will avail yourself of the earliest opportunity for again bringing the subject, in connexion with the preceding remarks, under the consideration of the Council and Assembly, and you will apprise them, that His Majesty's Government will anxiously expect a revision of these Acts, with a view to the remedy of the various defects and omissions which I have pointed out.

I have, &c.

(Signed)

BATHURST.

*Major-General Nicolay,
&c. &c. &c.*

GRENADA.

No. 1.

(No. 9)

SIR,

Downing Street, 19th March 1826.

WHEN I had the honour of communicating to Mr. President Paterson the Resolutions of the House of Commons in 1823, he was instructed to bring under the consideration of the Council and Legislative Assembly of Grenada, some of the measures which His Majesty's Government recommended for improving the condition of the Slave population. In 1824, I had the honour of communicating to him a copy of the Trinidad Order in Council, containing, with the others, the further measures which His Majesty's Government considered it to be their duty to propose for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons.

The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population. Secondly, for the manumission of Slaves, on such principles as would give to the Slaves, on the one hand, a means of acquiring their freedom, or that of their families; and on the other, secure to the Planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing him to lay this order before the Council and Legislative Assembly, I thought it necessary, in the first instance, that it should be left to them to proceed in such manner as might appear to them advisable for taking all these several measures under their consideration.

Since that time, an Act has been passed by the Legislature, the many beneficial provisions of which have entitled it to His Majesty's approbation; and I should have received with additional satisfaction the President's despatch of the 23d November, No. 80, in which he expresses his confidence that the Legislature will amend those provisions of the Act which had appeared to me inadequate to the execution of their objects, had he not, at the same time, led me to apprehend a continued reluctance on the part of the Legislature to resume the consideration of those important reforms which the Act leaves unprovided for.

You will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you the measures contained in the Order in Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable with the existing laws of Grenada.

When these bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be embodied, or make such amendments or modifications of their provisions as the Assembly may deem expedient unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the Resolutions of the two Houses of Parliament, and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me, that the Council and

Assembly have agreed to Bills, substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of these Bills, to congratulate you, and the Legislature of Grenada, on the establishment of a system, both for improving the condition of the Slave population, and for providing for the manumission of Slaves and of their families, on a principle of equitable appraisement, which system will have fully carried into effect the Resolutions of the two Houses of Parliament. Nothing will then remain but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object will be facilitated by the Report of the Commissioners of Legal Inquiry, who, as you are aware, have been employed for that purpose, in the examination of the constitution and practice of the Courts of Justice in the Island.

I have, &c.
(Signed) BATHURST.

Major-General Sir J. Campbell, K. C. B.
&c. &c. &c.

No. 2.

(No. 15.)

MY LORD,

Government House, Grenada, 7th April 1826.

I HAVE the honour to transmit to your Lordship copies of two several Acts which have passed the Legislature of this Colony, intituled respectively, "An Act to remove doubts respecting the repeal of certain Acts relating to the payment of one hundred pounds upon the manumission of Slaves, and for legalizing all such deeds of manumission as have been executed heretofore, without such payment being made;" and "An Act to declare the Ecclesiastical Laws and Canons now in force in England, in so far as they relate to the Ecclesiastical Regimen of the Clergy, in force in these Islands."

I have, &c.
(Signed) JAMES CAMPBELL.

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

An Act to remove doubts respecting the Repeal of certain Acts relating to the payment of one hundred pounds upon the manumission of Slaves, and for legalizing all such deeds of Manumission as have been executed heretofore, without such payment being made.

Preamble.

Recites Act of 25th
October 1806.

WHEREAS by an Act made and passed on the 25th day of October 1806, intituled, "An Act to repeal so much of an Act commonly called the Guardian Act, as gives an annuity of ten pounds to any Slave manumitted according to the directions of that Act, and for certain other purposes;" it is enacted that every Owner manumitting his or her Slave, shall pay to the Treasurer of these Islands the sum of one hundred pounds current money, for each and every Slave so manumitted, in manner required by a certain Act of the Legislature, and which hath since been repealed; and no manumission that has been given since the passing and publication of the aforesaid Act, nor that shall hereafter be given by any Owner to any such Slave, shall be admitted as evidence in any Court of his or her freedom, unless there shall be a certificate by the Treasurer aforesaid, on such manumission of the aforesaid sum of one hundred pounds having been paid; and the same manumission shall have been duly recorded in the Register's office of this Island. And it is also enacted that no other evidence of the freedom of any person pretending to have obtained such since the 9th day of December 1797, shall be received in any Court other than such manumissions, so certified by the Treasurer as aforesaid, or in case such manumission being lost, a copy thereof from the said Register's Office. And whereas by an Act made and passed the 27th day of July 1818, intituled, "An Act to repeal so much and such parts of an Act, intituled, An Act for the better protection and

Recites Act of 27th
July 1818.

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 guardians to effectuate and carry into execution the regulations and purposes of this Act, as relates to or directs the payment of one hundred pounds on the manumitting of each Slave, and to the execution in any other place than within this Government, of deeds of manumission of persons usually residing therein," it is enacted that the original of all manumission or other Acts of Freedom made, given, granted, or executed subsequent to the 9th day of December 1797, whether by last will and testament or otherwise, after being duly proved according to law, and if proved and recorded in the Register's Office of these Islands, in manner prescribed by law, and such originals cannot be produced, then office copies thereof, duly certified by the Registrar of these Islands for the time being, or his lawful deputy, should and might be received and admitted in evidence in all Courts of Law and Equity in these Islands, and should be valid to all intents and purposes whatsoever.

And whereas the said Act, 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 hath lately been altogether repealed, but doubts have been entertained whether the before recited clauses in the before mentioned Act passed upon the 25th of October 1806, are not still in force, notwithstanding the provisions of the Act passed the 27th day of July 1818. And whereas it is desirable that all doubts should be removed on that point, and that every facility should be given to the manumission of deserving Slaves according to the spirit of the laws now in force: Be it therefore enacted, by His Excellency Major-General Sir James Campbell, Knight, Commander of the Most Honourable Military Order of the Bath, Governor and Commander-in-Chief in and over the said Island of Grenada and its dependencies, the Members of the Council and the General Assembly of these Islands, and it is hereby enacted, by the authority of the same, that the said recited Act made and passed on the 25th of October 1806, intituled, "An Act to repeal so much of an Act commonly called the Guardian Act, as gives an annuity of ten pounds to any Slave manumitted according to the directions of that Act, and for certain other purposes;" and also the said recited Act made and passed the 27th day of July 1818, intituled, "An Act to repeal so much and such parts of an Act, 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 guardians to effectuate and carry into execution the regulations and purposes of this Act," as relates to or directs the payment of one hundred pounds on the manumitting of each Slave, and to the execution in any other place than within this Government, of deeds of manumissions of persons usually residing therein shall be, and the same are hereby repealed, and any Act or Acts, part or parts of any Act or Acts by such Acts repealed, shall be, and the same is, and are hereby also repealed.

And be it further enacted, that all manumissions and other Acts of Freedom made and granted for the purpose of enfranchising Slaves which have been made and executed since the 9th day of December 1797, or which shall or may be hereafter made and executed, and whether made by last will and testament or otherwise, after being duly proved according to law, and if proved and recorded in the Register's Office of this Island in manner prescribed by law, shall be received and admitted as evidence of freedom in all Courts of Law and Equity in these Islands, and shall be valid to all intents and purposes whatsoever, any law, usage, or custom, heretofore subsisting to the contrary, in any wise notwithstanding; and if the original document establishing such freedom cannot be produced, then office copies thereof, duly certified by the Registrar of these Islands for the time being, or his lawful Deputy, shall and may be admitted as proof of freedom.

Recites the late repeal of the Act of 9th December 1797, and that doubts had arisen whether certain clauses of Act of 25th October 1806, are not still in force;

and that it is desirable that the doubts should be removed, and every facility given to manumission of deserving Slaves.

Clause 1.

Act dated 25th October 1806, and also Act of 27th July 1818, repealed.

Clause 2.

All manumissions or other Acts of Freedom made since 9th December 1797, or hereafter to be made and executed, whether by will or otherwise, if duly proved and recorded in Register's Office, shall be admitted in evidence, and be valid and effectual in law; and if original deeds cannot be produced, office copies admitted as proof of freedom in all Courts of Law and Equity.

Clause 3.
Declared a Public Act.

And be it further enacted, by the authority aforesaid, that this Act shall be deemed and taken to be a public Act, and shall be judicially noticed as such by all Judges, Justices, and other persons without specially pleading the same.

Passed Assembly 8th
March 1826.

Passed the Assembly this 8th day March 1826.

(Signed) JOHN CHARLES KER, Clerk of Assembly.

Passed Council 9th
March 1826.

Passed the Council this 9th day of March 1826.

(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Dated 11th March
1826.

Dated at the Town of Saint George, in the Island of Grenada, this eleventh day of March, in the seventh 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 one thousand eight hundred and twenty-six.

(Signed) JOHN HOYES, Speaker.

Assented to 11th
March 1826.

Assented to by His Excellency the Governor and Commander in Chief, this eleventh day of March, in the year of our Lord one thousand eight hundred and twenty-six, and the seventh year of His Majesty's reign.

(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Published 14th March
1826.

Proclaimed in the Town of St. George, this fourteenth day of March, in the year of our Lord one thousand eight hundred and twenty-six, and the seventh year of His Majesty's reign.

(Signed) J. BOUCHER, Provost Marshal General.

(Signed) JAMES L.M.S. CAMPBELL.

An Act to declare the Ecclesiastical Laws and Canons now in force in England, in so far as they relate to the Ecclesiastical Regimen of the Clergy in force in these Islands.

Preamble.

WHEREAS the King's most Excellent Majesty hath been graciously pleased by Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, to erect, found, ordain, make, and constitute the Islands of Barbadoes, Grenada, Saint Vincent, Dominica, Antigua, Montserrat, Saint Christopher, Nevis, and the Virgin Islands, Trinidad, Tobago, and Saint Lucia, and their respective dependencies, to be a Bishop's See, and to be called from henceforth the Bishopric of Barbadoes and the Leeward Islands. And His said Most Excellent Majesty hath, by the same Letters Patent, named and appointed William Hart Coleridge, Doctor in Divinity, to be Bishop of the said See. And whereas, in order the better to give effect to the powers and authorities vested in the said Lord Bishop of Barbadoes and the Leeward Islands so appointed, and his successors in the See; and that he and they should be enabled in the most full and ample manner to exercise spiritual and ecclesiastical jurisdiction in and over the Clergy of these Islands. Be it therefore enacted by His Excellency Sir James Campbell, Knight, Commander of the Most Honourable Military Order of the Bath, Governor and Commander-in-Chief of this Island of Grenada and its Dependencies, Chancellor and Ordinary of the same, the Members of His Majesty's Council, and the General Assembly of the said Island, That all laws, ordinances, and canons ecclesiastical, which are now issued and in force in that part of the United Kingdom of Great Britain and Ireland called England, in so far as the same relate to the due ordering and ecclesiastical regimen and jurisdiction over the Clergy therein, and all rules and regulations for carrying the same into effect, shall be esteemed, accepted, and taken to be in full force and virtue within these Islands (save and except in so far as the said laws, ordinances, and canons ecclesiastical, or any of them, are inconsistent or at variance with the provisions of an Act of the Legislature of these Islands, intituled, An Act to repeal an Act for providing a support for the Clergy of these Islands. An Act to supply the defects of former parish registers, to compel the due and orderly keeping thereof in fur-

Clause 1.

All laws, ordinances, and canons ecclesiastical, in force in England, as far as they relate to the ordering and ecclesiastical regimen of the Clergy, declared in force in these islands;

except in so far as any of them may be inconsistent with the provisions of the Clergy Acts.

ture; to prevent the celebration of marriage, otherwise than is therein directed; and to prescribe how persons professing the Roman Catholic religion may have their baptisms, marriages, and burials duly entered in the parish registers of the Established Church. And an Act to amend so much of an Act, intituled, An Act for providing a Support for the Clergy of these Islands, as relates to the Town and Parish of Saint George, and to provide a Support for the Clergy of this Government, and other purposes. And that the Courts of Common Law in this Island shall and may from time to time and at all times be aiding and assisting in enforcing and carrying into execution such proceedings and processes, orders, sentences, adjudications, and decrees, at any time to be issued, had, made, or given, in respect to the Clergy within this Island, in the same manner, to all intents and purposes, as the Courts of Common Law within that part of the said United Kingdom called England, lawfully may or are authorised, empowered, or required to aid and assist the Ecclesiastical Courts in enforcing and carrying into execution the processes, proceedings, orders, sentences, adjudications and decrees, issued, had, made, or given in the said last mentioned Courts, any law or custom to the contrary in any wise notwithstanding.

And be it further enacted, that it shall and may be lawful for the aforesaid Bishop and his successors, by him or themselves, or by his or their sufficient Commissary or Commissaries, by him or them to be lawfully substituted and named, to exercise all manner of jurisdiction, power, and coercion ecclesiastical that may be requisite, in, over, and upon all Rectors, Curates, Ministers, and Incumbents of all the Churches within this Island and its dependencies, wherein Divine Service shall be celebrated according to the Rites and Liturgy of the Church of England, and all Priests and Deacons in Holy Orders of the Church of England resident in this Island and its dependencies.

And be it further enacted, that it shall and may be lawful for the Lord Bishop of Barbadoes and the Leeward Islands for the time being, his Commissary or Commissaries, to issue under their hand and seal of office of the Commissary or Commissaries by him appointed, one or more summons or summonses directed to any person or persons whomsoever, whether Laymen or Clergymen, to appear as witnesses, to give their testimony on oath, which the Lord Bishop of Barbadoes for the time being, or his Commissary or Commissaries, are hereby empowered to administer, either for or against the party accused, and also to grant a protection or protections for any witness or witnesses so summoned, who may desire the same, in as full form, power, and effect, as may or can be legally granted by any of the Courts of Law or Equity in this Island, and which protection or protections shall be observed by all officers in like manner as they would have been had they issued from any other of the said Courts. And in case it shall appear to the said Lord Bishop of Barbadoes for the time being, or his Commissary or Commissaries, that such person or persons was or were duly summoned, and neglected or refused to appear without a just and reasonable excuse, to be approved and allowed by the said Lord Bishop for the time being, his Commissary or Commissaries; or, appearing, shall neglect or refuse to be sworn or give testimony, or shall swear falsely, the said Lord Bishop of Barbadoes for the time being, his Commissary or Commissaries, shall, and he and they is and are hereby authorised and empowered to proceed against every such witness or witnesses in contempt, or who shall swear falsely, in the same manner as a Judge of any Court of Law or Equity may, might, or could legally proceed against such witness or witnesses, had such contempt or false swearing been committed in any of the said Courts, and such witness or witnesses shall, on a conviction before the Supreme Court of Judicature, to be holden for this Island and its dependencies, be liable to incur the like pains, fines, and penalties, as would or might have been inflicted on him, her, or them, for or by reason or means of such contempt or false swearing, had the same been committed in any other Court of this Island.

Passed the Assembly, this eleventh day of March, one thousand eight hundred and twenty-six.

(Signed) JOHN CHARLES KER, Clerk of Assembly.

Passed the Council, this eleventh day of March, one thousand eight hundred and twenty-six.

(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Courts of Common Law enjoined to be aiding and assisting in enforcing processes, orders, &c. in same manner as Courts of Common Law in England.

Clause 2. Bishop authorised to appoint a Commissary or Commissaries, and to exercise all manner of jurisdiction, &c. over and upon the Clergy.

Clause 3. Bishop and his Commissaries authorised to issue compulsories for the attendance of witnesses, whether laymen or clergymen; and to administer oaths, and examine thereon; and to grant protections to such witnesses so summoned, if required, in as full form and effect as can be granted by any Court of Law or Equity.

Witnesses so summoned refusing to appear or to be sworn, or, being sworn, swear falsely, Bishop or his Commissaries empowered to proceed against them in contempt, or in such manner as any other Court of Law or Equity.

On conviction before the Supreme Court of Judicature, liable to same pains and penalties as if such contempts or false swearing had been committed in any other Court of this Island.

Passed the Assembly 11th March 1826.

Passed the Council 11th March 1826.

Dated 14th March
1826.

Dated at the Town of St. George, in the Island of Grenada, this fourteenth day of March, in the year of our Lord one thousand eight hundred and twenty-six, and of His Majesty's reign the seventh.

(Signed) JOHN HOYES, Speaker.

Assented to 14th
March 1826.

Assented to by His Excellency the Governor and Commander-in-Chief, this fourteenth day of March, in the year of our Lord one thousand eight hundred and twenty-six, and in the seventh year of His Majesty's reign.

(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Published 14th March
1826.

Proclaimed in the Town of St. George, this fourteenth day of March, in the year of our Lord one thousand eight hundred and twenty-six, and in the seventh year of His Majesty's reign.

(Signed) JOHN BOUCHER, Provost Marshal General.

(Signed) JAMES (L.M.S.) CAMPBELL.

No. 3.

(No. 11.)

SIR,

Downing Street, 21st May 1826.

IN my Despatch to you, dated the 19th March last, I had the honour to announce to you, that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council, classed under separate heads.

Vide Bahamas.

In the enclosed papers will be found all the provisions of the Order in Council of the 10th March 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that Order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects: First, the Office of Protector and Guardian of Slaves; secondly, the admission of the Evidence of Slaves in civil and criminal cases; thirdly, the Manumission of Slaves; fourthly, the intermarriage of Slaves; fifthly, the observance of Sunday, and the abolition of public markets on that day; sixthly, the acquisition of property by Slaves, and the establishment of Savings Banks for the better protection of it; seventhly, the separation of families under judicial process; and, eighthly, the punishment of Slaves, with the record to be kept of such punishments, when inflicted by the authority of the owner.

To each of these enclosures I have subjoined Notes, explanatory of the deviations which may be found in them, from the rules originally promulgated in the Order in Council of the 10th of March 1824.

Printed for Parliament
Session 1826.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant-Governor of Demerara. From the perusal of that correspondence, you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in Grenada. I am aware, also, that upon some of the topics comprised in these papers, the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing laws of the Island, and that, without a very intimate and practical acquaintance with those laws, it may, perhaps, not be possible safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not, therefore, propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew and in the fullest manner the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the

form and language of legislative Acts, because, in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any Laws in which the Legislature of Grenada may effectually embody these principles, and give effect to those intentions, however much such laws may depart from the enclosed drafts in arrangement, language, or minor details.

You will therefore immediately on receiving this despatch, make a confidential communication on the subject, to the Law Officers of the Crown within your Government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the enclosed drafts. In performing this duty, they will of course have regard, not only to such local circumstances as may necessarily affect the form and language of those provisions, but also to some enactments in the late Slave Melioration Act, and to any other of the existing laws of the Colony, in which the same or the like provisions as are contained in these drafts may be found. They will also consider how far a consolidation of such former Acts with the projected Bills may be practicable or convenient, and they will report to you in writing, every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject you will exercise your own judgment, with all the advantage to be derived from the means which you have possessed, since your assumption of the Government, of making yourself acquainted with the established usages of Colonial Legislature.

At the conclusion of the Session you will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect; and in case that this object shall not have been effectually accomplished, you will accompany that report by a distinct reference to each clause of each of the drafts enclosed, stating in detail the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision what parts of the clauses recommended have been enacted, and what parts have been rejected by the Legislature. In those cases, where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch without again reminding you that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to anticipate the continued rejection of the enactments, so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope, that it will shortly be in my power to lay before His Majesty, Acts of the Assembly of Grenada, fully carrying into effect the spirit of the various provisions, which by His command I have now the honour to transmit to you.

I have, &c.

(Signed)

BATHURST.

Major-General Sir James Campbell, K. C. B.

&c. &c. &c.

No. 4.

(No. 25.)

MY LORD,

Government House, Grenada, 30th June 1826.

I have the honour to acknowledge the receipt of your Lordship's letter, No. 11, of the 21st May last, transmitting the measures contained in the Trinidad Order in Council, classed under separate heads; and I beg to assure your Lordship that no time shall be lost in giving all the effect in my power to the wishes of His Majesty's Government on this important subject.

I have, &c.

(Signed)

JAMES CAMPBELL.

The Right Hon. the Earl of Bathurst, &c. &c.

No. 5.

(No. 43.)

MY LORD,

Government House, Grenada, 3d October 1826.

I have now the honour of transmitting to your Lordship an account of the proceedings I have adopted in regard to the measures recommended by His Majesty's Government, to be submitted to the Legislature of this Island, for the amelioration of the Slave population, and the result of the same.

The House of Assembly having met for the despatch of public business on the 15th May last, I deemed it prudent to lay before it your Lordship's communication of the 19th March, as the best means I could devise for preparing the way for the introduction of the various measures recommended for their adoption, and also of giving the House every possible information on the subject, and ample time for deliberation. On the 19th of the same month, the House applied for an adjournment to the 3d July, which I granted.

Immediately on the receipt of your Lordship's despatch of the 21st May, (on the 29th June ult.) containing the definite instructions of His Majesty's Government on these important measures, I laid the same before Fielding Browne, Esquire, His Majesty's Attorney-General, with instructions to prepare the necessary Bills to be submitted to the Legislature, with all possible despatch.

The House having, pursuant to their adjournment, met on the 3d July, I addressed them by message on the 5th of the same month, in which I communicated to them, that the Heads of Bills for the amelioration of the Slave population had been received from Earl Bathurst; that they had been put into the hands of the Attorney-General for the purpose of being prepared to lay before the Legislature, and that I had every reason to believe they would be ready for that purpose early in the ensuing month.

On the day following my communication, the House of Assembly applied for an adjournment to the 7th August, to which I acceded, being well assured that the Bills would be ready by that time to be laid before it.

On the 28th July, I received from the Attorney-General the drafts of eight Bills, embracing all the measures recommended by His Majesty's Government, accompanied by a letter from him (a copy of which I have the honour to enclose to your Lordship), pointing out the various alterations he had made in the instructions, the better to adapt them to the existing Slave consolidated Act of the Colony.

Anxious to obey your Lordship's instructions, and to proceed with every regard to the constitutional privileges of the Council and Assembly, so as to afford no reasonable cause for any jealousy or complaint, I deemed it prudent to consult the Attorney-General as to the best and most prudent manner of getting these Bills before the Assembly, as I understood they could not originate in the Council, being in the nature of money Bills, when it was determined (as there was no person then in the Colony on whom I could officially call) that I should apply to Mr. Sharpe, His Majesty's Solicitor-General of this Colony, and a member of the House of Assembly, who was daily expected from Barbadoes (where he had gone a few months previous on my leave of absence) to attend in his place for this purpose, but on finding he could not be at Grenada so soon as expected, I caused a vessel to be hired immediately, and forwarded my application to him by her. I have much pleasure in informing

your Lordship, that Mr. Sharpe most readily acceded to my request; but in consequence of the multiplicity of business in which he was then engaged, he informed me that he could not be in Grenada before the beginning of the ensuing month.

On the 7th August the House again met, and on the 9th applied for an adjournment to the 13th November, which I granted, intending, on the arrival of Mr. Sharpe, immediately to call the Legislature together by Proclamation.

Mr. Sharpe having arrived on the 28th of the month, I issued a Proclamation for the assembling of the Legislature on the 11th September, when I sent to the House of Assembly the following message:

“The Governor has deemed it necessary to convene a Meeting of the Legislature at an earlier period than that to which it stood adjourned.

“The Governor begs leave to call the attention of the Honourable House to his communications of the 17th May, and 5th July last, on the subject of the amendment of the laws suggested by his Majesty’s Government for the improvement of the condition of the Slave population, and now earnestly recommends to the early and dispassionate consideration of the Honourable House the measures which will be submitted to them, for giving effect to that important object.”

Mr. Sharpe having attended the House, and moved for leave to bring in all the Bills, it was suggested to him, that he should move for leave to bring them in separately, which he did, when I am extremely sorry to inform your Lordship, that the motions were all negatived, and the Bills consequently rejected. I beg to enclose for your Lordship’s information, a copy of the Solicitor-General’s letter to me announcing the result of his motions.

On the 14th, I received from the House of Assembly the enclosed answer to my communication of the 11th, in which your Lordship will perceive that the House, previous to the rejection of these Bills, had appointed a Committee for the purpose of amending their late consolidated Slave Act, in pursuance of the recommendation of your Lordship, contained in your despatch of the 20th October 1825; accompanied by one marked “separate.”

I regret extremely that these Bills were not entertained by the House; but from the willingness that Body has on former occasions evinced to meet the wishes of the Imperial Parliament, and of the Mother Country, I do still entertain the most sanguine hopes that they will enter into the views of His Majesty’s Government at their meeting on the 23d of the present month, to which the House stands now adjourned.

Immediately on the Report of the Solicitor-General, that the Bills had been rejected, I summoned His Majesty’s Council, and submitted to them, these Bills, when I have much pleasure in informing your Lordships, they immediately determined to take them into their consideration. I have the honour of enclosing to your Lordships, the minutes of the House of Assembly on the rejection of the Bills.

I trust that the line of conduct I have adopted on this most important occasion, and which has occasioned me the greatest anxiety, will meet with your Lordship’s approbation, and I beg to assure your Lordship, that I shall seize every opportunity of impressing upon the Legislature of this Colony, the paramount necessity of adopting the measures recommended by His Majesty’s Government.

I have, &c.

(Signed) JAMES CAMPBELL.

The Right Hon. Earl Bathurst,
&c. &c. &c.

SIR,

Grenada, 28th July 1826.

IN compliance with the instructions contained in Lord Bathurst’s despatch of the 21st May last to your Excellency, and its enclosures which have been communicated to me by his Lordship’s desire, I have prepared for your Excellency’s consideration, Bills, to be introduced into the Legislature of this Colony, for giving effect to the wishes of His Majesty’s Government relative to the improvement of the condition of the Slaves in this Island; and, in further obedience to his Lordship’s commands, now have the honour to submit the following observations on the proposed laws to your Excellency:

Although I observe a discretion is left to the Law Officers to embrace the different measures enumerated in the despatch in as many Bills as they may think proper to prepare, I do not (in the absence of my Coadjutor, the Solicitor-General, of whose assistance I regret I am deprived on this occasion) feel myself warranted in deviating from the course pointed out in his Lordship's instructions on the subject, and have therefore prepared a separate Bill for each measure, agreeably to the mode adopted in framing the drafts of Bills transmitted by Lord Bathurst to your Excellency, and now before me.

The first Bill is for the Establishment of the office of a Protector and Guardian of Slaves.

I have not thought it necessary to make any alteration in the draft of the Bill for this purpose transmitted by his Lordship. As there is not any clause in the Draft, requiring a salary to be provided by the Legislature of the Island for the Protector and his Assistants, I have not thought it advisable to insert one for that purpose, being uncertain whether it be the wish of His Majesty's Government that the salaries should be provided by them, or by the Colony. But as salary is alluded to in that part of the draft wherein the Protector and his Assistants are prohibited from taking any fees besides their salaries, I am inclined to consider the omission of a clause, requiring the Legislature to provide such salaries, as intentional on the part of his Lordship.

The second Bill is for the admission of the evidence of Slaves in civil and criminal cases.

By the forty-seventh clause of the late Act for the Amelioration of the state of the Slaves, passed by the Legislature of this Island last year, the evidence of Slaves is permitted to be received in courts of justice in all cases of prosecutions of any white or free person for felony, punishable with death or transportation, provided a certificate of baptism, and also of good character and reputation, and of instruction in the principles of religion so as to understand an oath, be produced; but no conviction for felony of such white or free person can take place, unless on the testimony of two slaves, corroborated by circumstantial evidence, and such testimony cannot be received after the lapse of twelve months; but by this Act their evidence was excluded in all civil cases.

I have thought it advisable, by the Bill I had framed, to repeal the whole of this clause, and to substitute the enactments of the draft of the Bill sent to me, with the alterations hereafter mentioned.

According to the provisions of the Bill, as I have prepared it, the law on this subject will be, that the evidence of Slaves will be admissible in all civil cases, on production of a certificate that they are instructed in the principles of religion, and understand the nature of an oath, save those in which the Master may be directly concerned, and will be admissible in all criminal cases, on production of the like certificate. Provided that no conviction of a white or free person for felony, punishable with death or transportation, can take place, except on the clear testimony of two Slaves, corroborated by circumstantial evidence.

The third Bill regulates the proceedings in cases of Manumissions, and gives the right to purchase Manumissions to Slaves.

The only provision of the late Amelioration Act, in cases of the Manumission of Slaves, is in the fifty-first clause, which authorises the owner of a Slave, which may be under any incumbrance, to manumit the Slave without the consent of the incumbrancer, provided an appraisement of the Slave is made and another Slave be purchased and substituted in place of the one so manumitted. I have repealed this clause of the late Slave Amelioration Act altogether by the Bill I have prepared, and substituted the enactments of the Draft sent to me, with some trifling alterations, one of which it may be proper to notice. All deeds of Manumissions, before they can be registered, must be proved by acknowledgment of the party making them, before one of the Justices of the Supreme Court of Judicature, or the Register of Deeds, or by one of the subscribing witnesses thereto, before one of the Justices of the Supreme Court of Judicature, and a fee is paid to him for the same. By the draft of the Bill sent me, a fee is directed to be paid by the Protector of Slaves to the Register for registration of the same only; as the prohibition of the payment of any other fees interfere with the rights of the Chief Justice, and other Justices, I have included the fee to which has been hitherto paid for proving such deeds, as one to be paid by the Protector.

The fourth Bill regulates the celebration of Marriages between Slaves.

The fifth clause of the late Slave Amelioration Act, authorizes the marriage of Slaves belonging to the same owner on the permission of the owner being obtained for that purpose ; but there is no appeal to any authority in case of the consent of the owner being withheld ; and as the provisions of the draft of the Bill sent me are much more full and efficient on this subject, I have repealed this clause of the late Slave Amelioration Act by the Bill I have prepared, and substituted the whole of the enactments of the draft sent to me.

The fifth Bill is for the suppression of markets on Sunday, and the due observance of that day.

By the second and third clauses of an Act for establishing markets in the towns in the Island, and which is number 37 of Smith's collection of the Laws of Grenada, markets are authorized to be held on certain hours of every day in the year. The hours of holding the markets on Sunday are from six in the morning until eleven in the forenoon, I have therefore, by the draft of the Bill I have framed, repealed so much of the above mentioned Act as authorizes the holding markets on any part of Sunday.

By the forty-sixth clause of the late Slave Amelioration Act, shops are prohibited to be kept open on Sunday, but as this enactment is not so full and efficient as that of the draft sent me, I have, by the Bill I have prepared, repealed this clause and substituted the latter in its place.

As the different markets are authorized to be holden on every day of the year, the provisions of the fifth clause of the draft sent to me are not called for, and I have omitted the same in the Bill I have prepared.

By the late Amelioration Act, the markets hours on Thursday are from six in the morning until six in the evening ; but there is no law, the Island giving permission to Slaves to attend the markets during those hours on Thursday, nor any provision in the draft for that purpose. I have inserted a clause in the Bill I have prepared, making it lawful for Slaves to attend the markets so to be holden on Thursday, and imposed a penalty on the Owner for withholding his permission for that purpose from the Slave.

By the eighth clause of the late Slave Amelioration Act, owners of Slaves are prevented employing them on Sunday, but the hours of exemption from work not being sufficiently accurately defined, I have framed a clause defining the hours of rest, and have omitted clause six of the draft.

The sixth Bill is to enable Slaves to acquire property.

By the fifty-second clause of the late Slave Amelioration Act, Slaves are allowed to hold personal property, and a penalty of ten pounds for depriving a Slave of any such property is inflicted over and above the value of the property so taken away. I have repealed this clause, and substituted the enactments of the draft with some alterations. The law, as thus proposed, will then be, that a Slave may acquire and hold any species of property, save Slaves, fire arms, and ammunition. The prohibition of a Slave to hold Slaves may seem extraordinary and unnecessary, but the fact is, that several Slaves possess other Slaves, by whose labour they derive considerable profits ; and it appears to me, that among the privileges secured to the Slaves this should not be one, but they should be distinctly and expressly prohibited from owning that species of property. As inconvenience might arise from the abuses which a litigious Slave might make of the privilege of bringing suits, I have deemed it advisable to frame a clause authorizing the Slave to sue in the name of the Protector, provided his sanction be previously obtained for that purpose. As the right of suing and being sued is proposed to be given to the Slave, it is but just to provide that no injury shall arise to the owner from one of the consequences of that privilege ; that is to say, the liability of the person of the Slave to be seized under judicial process. I have therefore inserted a clause in the Bill I have framed, exempting his person from being liable to be taken in execution.

The seventh Bill is to prevent the separation of families under judicial process.

By the fiftieth clause of the late Slave Amelioration Act, a Slave having a husband, wife, or child under twelve years of age, cannot be sold apart under judicial process. I have left this clause unaltered by the Bill I have prepared, and in lieu of the first clause of the draft sent me, I have framed a clause prohibiting the separation of any reputed husband, wife, and child, under judicial process, and adopted the second clause of the draft.

The eighth Bill is for preventing abuses in the punishment of Slaves.

By the first clause of the draft sent to me, the Protector and Guardian of Slaves is required in cases of prosecutions of Slaves, for offences punishable by death or transportation, to attend the trial, and to act for the benefit of the Slaves, in the same manner as by the law of the Island a counsel may act for a free person. As, in such cases, a Slave is entitled by the thirty-seventh clause of the late Slave Amelioration Act, to have Counsel assigned to him, without whose assistance he cannot be tried, I thought it advisable, in the Bill I have prepared, to alter this clause of the draft, and to substitute another, by which the Protector is required to advise with a Slave charged with any crime, and to attend the Court as his friend, and consult with, and instruct the Counsel to be assigned to him, as to the steps requisite for his defence. This seems a highly necessary provision, as otherwise, should a person not brought up in the study of the law be appointed to the office of a Protector, and be called upon to undertake the defence of a Slave in questions of difficulty and intricacy which may arise in the course of the trial, his assistance will be totally useless. There is, however, a proviso, that should the Protector be a barrister, in such case he shall be assigned by the Court as the Counsel of the Slave.

By the twelfth clause of the late Slave Amelioration Act, Slaves are prohibited from carrying a whip as an emblem of authority, while superintending the labour of the Slaves in the field. I have left the clause unaltered, and adopted the second clause of the draft sent to me, whereby this prohibition is extended to all persons, whether free or Slave.

The tenth clause of the late Slave Amelioration Act, regulates the punishment of Slaves by their owners. The provisions of this clause being not as satisfactory, and so well calculated to answer the objects intended as those of the draft, I have thought it right to repeal it altogether, and in place thereof to substitute the enactments of the second and third clauses of the draft sent to me. I have inserted a clause repealing all such parts of the late Slave Amelioration Act as authorize in any case the flogging of female Slaves, and have adopted the rest of the clauses of the draft sent to me, except the eighteenth and twenty-first.

By the thirteenth clause of the late Slave Amelioration Act, in case any owner of a Slave or other person shall ill-treat such Slave, he is liable to be prosecuted for such offence; and by the fourteenth clause of the same Act, upon the prosecution of the owner, possessor, or party, under whose charge the Slave may be, the Slave is admitted as a witness, notwithstanding such Slave be unable to produce to the Court the certificate required by the Act, to render him a competent witness in other cases therein provided for; and by the thirteenth clause of the same Act, if the owner of a Slave is convicted of such offence, the Court before whom he is tried, is authorized to order the Slave to be sold, or in its discretion to declare and adjudge such Slave to be free. I have therefore thought the adoption of the eighteenth and twenty-first clauses of the draft not necessary, as the objects of them seem to be thus already amply provided for.

I trust the reasons which I have above assigned, for framing the Bills with these modifications, so as to adapt them to the existing laws and constitution of the Colony, will be satisfactory to Lord Bathurst, and that, if passed into laws by the Legislature, they will give full effect to the intentions of His Majesty's Government on this subject. I beg leave to add, that it will be the source of much gratification to me should my humble endeavours on this important occasion merit the approbation of his Lordship and your Excellency.

I have, &c.
(Signed) F. BROWNE.

*His Excellency the Governor,
&c. &c. &c.*

SIR,

Grenada, 12th September 1826.

I HAVE the honour to acquaint your Excellency, that in obedience to your command, I attended in my place in the House of Assembly yesterday, for the purpose of laying before the House, the amendments and alterations which His Majesty's Government are desirous to have made in the existing Slave Laws of

this Colony, and I moved for the leave of the House, to bring in the eight following Bills, for giving effect to the intentions and wishes of His Majesty's Government.

First.—A Bill for appointing a Protector of Slaves.

Second.—A Bill for the admission of Slave evidence in civil and criminal cases.

Third.—A Bill for regulating the Manumission of Slaves.

Fourth.—A Bill for regulating the Celebration of Marriages between Slaves, and for declaring such Marriages valid under certain restrictions.

Fifth.—A Bill to prevent the holding of Markets on Sunday, and to prevent Slaves being compelled to labour on that day.

Sixth.—A Bill for enabling Slaves to acquire Property, and for establishing Savings Banks.

Seventh.—A Bill for the further preventing the separation of Slaves being Members of the same Family, by virtue of Judicial Process.

Eighth.—A Bill for preventing abuses in the Punishment of Slaves, by Authority of Law, and by the owners thereof.

The question for granting leave was put upon each proposed Bill, the House divided, and a majority appeared on each division against the motion.

I regret that my humble efforts to bring the proposed alterations in the Slave Laws under the consideration of the House of Assembly have been unavailing; and

I have, &c.

(Signed)

H. E. SHARPE.

*To his Excellency Major-General Sir James Campbell, K. C. B.
Governor and Commander-in-Chief of Grenada, &c. &c.*

The Speaker and Members of the Assembly,

To his Excellency the Governor and Commander-in-Chief.

THIS House begs leave to acknowledge your Excellency's communication of the 11th instant, and to inform your Excellency that it has appointed a Committee to forthwith prepare and bring in a Bill to alter and amend the Act now in force, for "consolidating all the laws relating to the Slave population," and for embracing the measures recommended in the despatches of Lord Bathurst of the 20th October last, in so far as the same may be compatible with the well being of the Slaves themselves, and due regard to the rights of the owners.

(Signed)

JOHN HAYES, Speaker.

House of Assembly, 13th September 1826.

(Signed) JOHN CHARLES KER, Clerk of Assembly.

The Legislature having been called together by Proclamation, the House met upon

Monday the 11th of September 1826.

Present,

The Hon. John Hoyes, Speaker; John M'Innes, George M'Lean, Archibald Armstrong, H. E. Sharpe, William Stephenson, William Henry Whiteman, Matthew Davies, Robert Robertson, Matthew Welsh, William Boyd, George Macewan, Victor La Barrie, William Swap, F. Y. Checkley, Richard Steele, James Bain, Daniel Gibbs, John M'Lean, Lewis Hoyes.

Absent.

Messrs. Grant, M'Nure, Kennedy, M'Dougal, M'Millan, and Kirkland.

The Minutes of last meeting were read and found correct.

The following Message was received from the Governor:

To the Honourable the Speaker and Members of the House of Assembly.

The Governor has deemed it necessary to convene a meeting of the Legislature at an earlier period than that it stood adjourned.

The Governor begs leave to call the attention of the Honourable House to his communication of the 17th May and 5th July last, on the subject of the amendment of the Laws suggested by His Majesty's Government, for the improvement of the condition of the Slave population, and now earnestly recommends to the early and dispassionate consideration of the Honourable House, the measures which will be submitted to them, for giving effect to that important object.

(Signed) JAMES CAMPBELL, Governor.

Government House, 11th September 1826.

Upon motion of Mr. Macewan, the despatches from Earl Bathurst of the 20th October and 19th March last, were read; and after that the House resolved itself into a Committee of the whole upon the said despatches, and Governor's message of 16th January last, Mr. Gibbs in the Chair, who, upon the House resuming, reported, That it is the opinion of the Committee, that a Joint Committee of both Houses should be appointed to prepare and bring in a Bill to amend an Act, intituled, "An Act, for consolidating all the Laws now in force relating to the Slave population."

Upon motion of Mr. Gibbs, the Report was confirmed, and the Speaker was pleased to appoint Messrs. G. M'Lean, M'Innes, Macewan, Swap, and Whiteman, of Committee for said purpose.

Upon Motion of Mr. Macewan,

Resolved,

That the communication of Lord Bathurst of the 20th of October last be referred to the Committee appointed to prepare and bring in a Bill to amend an Act, intituled, "An Act, to consolidate all the Laws now in force, relating to the Slave Population."

Mr. Sharpe moved for leave to bring in a Bill for appointing a Protector of Slaves, which was opposed, and the House divided as follows:

Ayes.		Nayes.	
Mr. Sharpe	Mr. Whiteman	Mr. Stephenson	Mr. M'Innes
Mr. Steele	Mr. Armstrong	Mr. G. M'Lean	Mr. Welsh
Mr. L. Hoyes	Mr. Boyd	Mr. J. M'Lean	Mr. Davies
Mr. La Barrie	Mr. Macewan	Mr. Gibbs	Mr. Bain
	Mr. Robertson	Mr. Checkley	Mr. Swap
4		15	

So the Motion was lost and leave refused.

Mr. Sharpe moved for leave to bring in a Bill for the admission of Slave Evidence in Civil and Criminal cases; which was opposed, and the House divided as follows:

Ayes.		Nayes.	
Mr. Sharpe	Mr. Macewan	Mr. Boyd	
Mr. L. Hoyes	Mr. G. M'Lean	Mr. Robertson	
Mr. Whiteman	Mr. Davies	Mr. Armstrong	
Mr. La Barrie	Mr. Bain	Mr. Gibbs	
Mr. Stephenson	Mr. Swap	Mr. J. M'Lean	
Mr. Steele	Mr. M'Innes	Mr. Checkley	
	Mr. Welsh		
6		13	

So the the Motion was lost, and leave refused accordingly.

Mr. Sharpe moved for leave to bring in a Bill to regulate the Manumission of Slaves; which was opposed, and the House divided as follows:—

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Ayes.		Nayes.
Mr. Sharpe	Mr. Whiteman	Mr. Boyd
Mr. Stephenson	Mr. M'Innes	Mr. Checkley
Mr. L. Hoyes	Mr. Welsh	Mr. Macewan
Mr. Robertson	Mr. Bain	Mr. Davies
Mr. Gibbs	Mr. Armstrong	Mr. J. M'Lean
Mr. Steele	Mr. G. M'Lean	Mr. Swap
Mr. La Barrie		
7		12

So the Motion was lost, and leave refused.

Mr. Sharpe moved for leave to bring in a Bill to regulate the Marriage of Slaves, and to render such Marriages valid under certain considerations; which was opposed, and the House divided as follows:—

Ayes.		Nayes.
Mr. Sharpe	Mr. J. M'Lean	Mr. Whiteman
Mr. Stephenson	Mr. Steele	Mr. M'Innes
Mr. Checkley	Mr. Robertson	Mr. Davies
Mr. L. Hoyes	Mr. La Barrie	Mr. Swap
Mr. Gibbs		Mr. G. M'Lean
		Mr. Bain
		Mr. Macewan
		Mr. Welsh
		Mr. Armstrong
		Mr. Boyd
9		10

So the Motion was lost, and leave refused accordingly.

Mr. Sharpe moved for leave to bring in a Bill to establish the holding of Markets on this Island on Sundays, and to prevent Slaves being compelled to work on that day; which was opposed, and the House divided as follows:—

Ayes.		Nayes.
Mr. Sharpe	Mr. Steele	Mr. Swap
Mr. Stephenson	Mr. Robertson	Mr. Davies
Mr. Checkley	Mr. La Barrie	Mr. Boyd
Mr. L. Hoyes		Mr. Whiteman
Mr. Gibbs		Mr. J. M'Lean
		Mr. Macewan
		Mr. G. M'Lean
		Mr. Bain
		Mr. M'Innes
		Mr. Armstrong
		Mr. Welsh
8		11

So the Motion was lost, and leave refused.

Mr. Sharpe moved for leave to bring in a Bill for authorizing the holding of property by Slaves, and for establishing Savings Banks; which was opposed, and the House divided as follows:—

Ayes.		Nayes.
Mr. Sharpe	Mr. Steele	Mr. Swap
Mr. Stephenson	Mr. Robertson	Mr. Whiteman
Mr. J. M'Lean	Mr. La Barrie	Mr. G. M'Lean
Mr. L. Hoyes	Mr. Gibbs	Mr. Bain
		Mr. Macewan
		Mr. Davies
		Mr. Welsh
		Mr. Checkley
		Mr. Armstrong
		Mr. M'Innes
		Mr. Boyd
8		11

So the Motion was lost, and leave refused.

Mr. Sharpe moved for leave to bring in a Bill for further preventing the separation of Slaves by sale, being members of the same family, under judicial process; which was opposed, and the House divided as follows:—

Ayes.		Nayes.
Mr. Sharpe	Mr. Swap	Mr. Boyd
Mr. Stephenson	Mr. Whiteman	Mr. Bain
Mr. Robertson	Mr. Welsh	Mr. Armstrong
Mr. L. Hoyes	Mr. J. M'Lean	Mr. G. M'Lean
Mr. Steele	Mr. Macewan	Mr. Davies
Mr. La Barrie	Mr. M'Innes	Mr. Checkley
Mr. Gibbs		
7		12

So the Motion was lost, and leave refused.

Mr. Sharpe moved for leave to bring in a Bill to prevent abuses in the punishment of Slaves, by the authority of the Law or by the Owners thereof; which was opposed, and the House divided as follows:—

Ayes.		Nayes.
Mr. Sharpe		Mr. Swap
Mr. Stephenson		Mr. Whiteman
Mr. Gibbs		Mr. Welsh
Mr. L. Hoyes		Mr. J. M'Lean
Mr. Steele		Mr. Macewan
Mr. La Barrie		Mr. M'Innes
Mr. Robertson		Mr. Boyd
		Mr. Bain
		Mr. Armstrong
		Mr. G. M'Lean
		Mr. Davies
		Mr. Checkley
7		12

So the Motion was lost, and leave refused.

Tuesday, 12th September 1826.

Present,

The Honourable John Hoyes, Speaker; William Stephenson, Evan Kennedy, Matthew Davies, Daniel Gibbs, Francis Y. Checkley, John M'Lean, Richard Steele, William Swap, George Macewan, John M'Innes, Victor La Barrie, James Bain, William Henry Whiteman, Henry Edward Sharpe, George M'Lean, Lewis Hoyes, William Boyd.

Absent,

Messrs. Grant, M'Mure, M'Dougal, Robertson, Kirkland, Welsh, Armstrong, and M'Millan.

The following Message was received from Council:—

The President and Members of His Majesty's Council, to the Honourable the Speaker and Members of the Assembly.

This Board informs your Honourable House, that, having some time since appointed a Committee of the Board for the purpose of bringing in a Bill to amend the Act for consolidating all the laws now in force relating to the Slave population, and the Committee having made considerable progress in a Bill for that purpose, deems it inexpedient to concur in the resolution of your Honourable House of yesterday, on the appointment of a joint Committee for such purpose.

By Command of the Board,
(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Council Chamber, 12th September 1826.

Wednesday, 13th September 1826.

Upon motion of Mr. Kennedy, Resolved, That a Committee be appointed forthwith to prepare and bring in a Bill to amend an Act, intituled, "An Act for consolidating all the Laws now in force relating to the Slave Population," and embracing the measures recommended in the despatches of Lord Bathurst of 20th October last, so far as the same may be compatible with the well being of the Slaves themselves, and a due regard with the rights of the owners.

Messrs. M'Innes, Swap, Macewan, Checkley, and Whiteman, were appointed of such Committee.

Upon motion of Mr. Kennedy, the Committee upon the Governor's Message then resumed, and after some time spent therein, the Speaker took the Chair, when Mr. Davies, Chairman of the Committee, reported, That it is the opinion of the Committee that a Message be sent to the Governor, acknowledging receipt of his communication of the 11th instant, and informing him that this House had appointed a Committee to prepare and bring in a Bill forthwith to amend an Act, intituled, "An Act for consolidating all the Laws now in force relating to the Slave Population."

The House then adjourned to 12 o'clock to-morrow.

No. 6.

(No. 19.)

SIR,

Downing Street, 7th December 1826.

I HAVE received your despatch of the date of the 3d of October ultimo. I entirely approve the conduct of the Attorney and Solicitor General, as to the manner in which they fulfilled the instructions of His Majesty's Government, as transmitted by me in my letter of the 21st of May last.

I have to express my very sincere regret at the successive rejection of the separate Bills, which were brought forward for the consideration of the Assembly, and I have only to express my anxious hope that the additions, as well as the amendments, which you give me some reason to expect a re-consideration of their late Melioration Act may produce, will be of a nature so substantial and effective as to leave less reason to regret the rejection of those separate Bills which have been brought under their consideration.

I have, &c.

(Signed)

BATHURST.

Major-General Sir James Campbell, K.C.B.

&c. &c. &c.

No. 7.

(No. 53.)

MY LORD,

Government House, Grenada, 22d December 1826.

Having in my letter of the 3d October last, No. 43, informed your Lordship that the Bills (as recommended by His Majesty's Government) for the amelioration of the condition of the Slave population of this colony, after their rejection by the House of Assembly had been received by the Council, who had determined to take them into consideration; and now conceiving that it may be satisfactory to your Lordship to know what progress has been made by that branch of the Legislature on this important subject, as well as the measures which have been adopted by the other House subsequently to my last report, I do myself the honour to transmit herewith a copy of a communication which I received yesterday from the Board of Council; by which your Lordship will be fully informed of the proceedings of both branches of the Legislature up to this period.

I have, &c.

(Signed)

JAMES CAMPBELL.

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

&c. &c. &c.

The President and Members of His Majesty's Council, to his Excellency the Governor.

May it please your Excellency,

THE advanced season of the year rendering it extremely inconvenient for the Members of the Legislature to continue their sittings, we beg leave respectfully to represent to your Excellency, that although we deeply regret having been unable to bring our labours to a satisfactory termination, we have been seriously engaged in the consideration of the important measures suggested to us by Earl Bathurst, with reference to the further revision and improvement of the Slave code. The draft of Bills laid upon the Table of the Board by your Excellency have been brought in, and read attentively, and are now referred to Committees of the Council. We have also, during the present Session, received from the Assembly a Bill which has passed that House, for the purpose of amending the late consolidation Slave Law:—so many difficulties present themselves, and are so closely interwoven with the leading features of the communications of the Secretary of State, that we feel ourselves utterly unable to come to a final determination thereupon, until they are again, and more fully discussed. The momentous innovations on long established custom, and the encroachment on private property, which at present seem to be in contemplation of His Majesty's Government in relation to the Colonies, Compels us to proceed with infinite caution, having recently felt the effect of precipitate Legislation, in an instance in which the welfare and privileges of the Slaves were mainly in contemplation.

We respectfully state these circumstances, and our feelings on the subject to your Excellency, as accounting for the unfinished state in which we are now about to leave the revision of the Slave Laws on the eve of a prorogation. We appeal to the past conduct of the Legislature of Grenada, and to that character for humanity and proper feeling, for which Lord Bathurst himself gives us credit, as some evidence of our continuing not only inclined, but earnestly anxious to forward, by all means in our power, the real improvement of the condition of our bondsmen, unswayed by the clamours and hostility by which our best acts and intentions have been perverted, and equally alive to the reputation of the Colony and to the chartered rights of its inhabitants.

(Signed) GEO. GUN MUNRO, President, P. T.

Council Chamber, 21st December 1826.

(Signed) JOHN DOUGLAS, Acting Clerk of Council.

ANTIGUA.

No. 1.

(No. 25.)
SIR,

Downing Street, 19th March 1826.

WHEN I had the honour of communicating to Sir Benjamin D'Urban the Resolutions of the House of Commons in 1823, he was instructed to bring under the consideration of the Council and Legislative Assembly of Antigua some of the measures which His Majesty's Government recommended for improving the condition of the Slave population.

In 1824 I had the honour of communicating to you a copy of the Trinidad Order in Council, containing, with the others, the further measures which His Majesty's Government considered it to be their duty to propose, for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons. The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves on such principles as would give to the Slaves on the one hand a means of acquiring their freedom, or that of their families, and on the other, secure to the Planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing you to lay this Order before the Council and Legislative Assembly, I thought it desirable, in the first instance, that it should be left for them to proceed in such manner as might appear to them advisable for taking all these several measures into their consideration. Since that time, the expectations which I was induced to entertain, from the appointment of a joint committee by the Legislature, have been unfulfilled, although your despatch of the 14th of November last leads me still to trust, that the labours of that committee, however slow their progress, have not been wholly ineffectual.

You will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords, with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Trinidad Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light the effect of some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of Antigua.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the Resolutions of the two Houses of Parliament, and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me that the Council and Assembly have agreed to Bills substantially carrying into effect all the measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of those Bills, to con-

gratulate you and the Legislature of Antigua on the establishment of a system, both for the improvement of the condition of the Slave population, and for providing for the manumission of their Slaves, or of their families, on a principle of equitable appraisal; which system will have fully carried into effect the Resolutions of the two Houses of Parliament. Nothing will then remain but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishment would be facilitated by the Report of the Commissioners of Legal Enquiry, who, as you are aware, have been employed for that purpose in the examination of the Constitution, and practice of all the Courts of Justice in the Island.

I have, &c.

(Signed)

BATHURST.

To the Officer Administering the Government of Antigua.

No. 2.

(No. 6.)

SIR,

Downing Street, 21st May 1826.

IN my despatch to you, dated the 19th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council, classed under separate heads.

Vide Bahamas.

In the enclosed papers will be found all the provisions of the Order in Council of the 10th of March 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects:—First, the office of Protector and Guardian of Slaves; secondly, the admission of the evidence of Slaves in civil and criminal cases; thirdly, the manumission of Slaves; fourthly, the intermarriage of Slaves; fifthly, the observance of Sunday, and the abolition of public markets on that day; sixthly, the acquisition of property by Slaves, and the establishment of Savings Banks, for the better protection of it; seventhly, the separation of families under judicial process; and eighthly, the punishment of Slaves, with the record to be kept of such punishments when inflicted by the authority of the owner.

To each of these enclosures I have subjoined notes, explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th of March 1824.

Presented to Parliament Session 1826.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad and the Lieutenant-Governor of Demerara. From the perusal of that correspondence you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility of framing, in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important which are to have their operation in Antigua.

I am aware also that upon some of the topics comprised in these papers, the wishes of his Majesty's Government have already, to a certain extent, been anticipated by the existing laws of the Island, and that without a very intimate and practical acquaintance with those laws, it may perhaps not be possible safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not therefore propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew, and in the fullest manner, the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the form and language of legislative Acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will however be

ready to confirm any laws in which the Legislature of Antigua may effectually embody these principles and give effect to those intentions, however much such laws may depart from the enclosed drafts in arrangement, language, or minor details.

You will therefore, immediately on receiving this despatch, make a confidential communication on the subject to the Law Officers of the Crown within your government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the enclosed drafts. In performing this duty, they will of course have regard not only to such local circumstances as may necessarily affect the form and language of those enactments, but also to any of the existing laws of the Colony, in which the same or similar provisions may be found. They will also consider how far a consolidation of such former Acts, with the projected Bills, may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject you will exercise your own judgment, with all the advantage to be derived from the means which you have possessed since your assumption of the Government of making yourself acquainted with the established usages of the Colonial Legislature.

At the conclusion of the Session, you will transmit to me, with the least possible delay, a Report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect, and in case that this object shall not have been effectually accomplished, you will accompany that Report by a distinct reference to each clause of each of the Drafts enclosed, stating in detail, the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision, what parts of the clauses recommended have been enacted, and what parts have been rejected by the legislature. In those cases, where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch, without again reminding you, that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope, that it will shortly be in my power to lay before His Majesty, Acts of the Assembly of Antigua fully carrying into effect the spirit of the various provisions which by His commands, I have now the honour to transmit to you.

I have, &c.

Major-General Sir Patrick Ross,
&c. &c. &c.

(Signed) BATHURST.

No. 3.

(No. 24)

MY LORD,

Government House, Antigua, 3d July 1826.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 21st of May, (No. 6.) together with the draft of the Bill for the amelioration of the Slave population of this Island.

I have lost no time in communicating your Lordship's despatch, together with all the enclosures to the Attorney and Solicitor General.

I shall not fail to attend implicitly to the instructions I have received from your Lordship in relation to this important subject, and shall avail myself of every opportunity that offers of apprising you of its progress.

I have the honour to be, my Lord,
Your Lordship's most obedient humble Servant,
(Signed) PATRICK ROSS.

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

No. 4.

(No. 40.)

MY LORD,

Government House, 8th August 1826.

I HAVE the honour to acquaint your Lordship, that the Crown Lawyers, having prepared four of the Bills for the amelioration of the Slave population, as stated in their letter to me No. 1. I addressed to the two Houses a message, of which No. 2 is a copy, and instructed the Solicitor General to introduce them to the Assembly at their meeting on the 15th ultimo.

To my message I received replies, of which copies No. 3 and 4 are annexed, and the Houses having resolved, that it would be expedient to have the four remaining Bills before them, previous to any consideration of the question, they adjourned for a fortnight.

The four remaining bills were accordingly introduced by the Solicitor General on Thursday the 27th ultimo, together with a second communication from me, No. 5, and a letter from the Attorney and Solicitor General relating to them, No. 6.

At this meeting it was resolved, that the whole of the Bills should be printed, previous to their being at all taken under consideration, and as this proceeding would require at least three weeks, the Assembly again adjourned to that day month.

The Solicitor General, however, having acquainted me, that the references to the Bills, (which the Attorney General, had with considerable care and trouble extracted from the Code of Antigua Laws,) had not been read, nor included in the order for printing, and regarding this circumstance as an omission of considerable importance, which the House of Assembly would promptly and willingly rectify, I called a special meeting of the Houses yesterday, and sent to the President and Speaker a message, of which No. 7 is a copy; when the references were read, and it was moved, as a matter of course, by the Solicitor General, that they should be printed.

I now learn, with great surprise, that this motion was negatived by a very considerable majority, and from this and other circumstances, I cannot help expressing to your Lordship, that I entertain the strongest doubts of the deliberations of the Assembly of Antigua on this important subject, terminating in a manner at all answerable to the expectations of His Majesty's Government and of the British Parliament.

I have the honour to be, my Lord,
Your Lordship's most obedient humble Servant,
(Signed) PATRICK ROSS.

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

(No. 1.)

SIR,

St. John's, 11th July 1826.

WE have the honour to transmit to your Excellency the drafts of four distinct Bills, embracing the several provisions suggested for the consideration of the Legislature of this Island by Earl Bathurst on the four following points; viz.—

Firstly.—The establishment of an Office of Protector and Guardian of Slaves.

Secondly.—The admission of the Evidence of Slaves in Civil and Criminal cases under certain restrictions.

Thirdly.—The regulating and affording Facilities to the Manumission of Slaves; and

Fourthly.—The Marriage of Slaves.

To each of these Bills, we have, after a diligent examination of our Colonial Code of Laws, annexed extracts of the enactments now existing, relating to the particular subject of it, and it affords us much pleasure to be able to report to your Excellency, that they will be found to contain many provisions, whereby the views of His Majesty's Government have been already anticipated in this Colony, and that they consequently offer no local impediments to the introduction of the proposed measures.

On a comparison of the drafts now forwarded, with the heads of the several Bills sent out by the Earl Bathurst, but little variation between them will be discovered by your Excellency, such trivial alterations only having been made by us, as circumstances appeared to render indispensable.

To the remaining points, referred to by his Lordship in his despatch to your Excellency; viz.

Fifthly.—The observance of the Sabbath, and abolition of the Public Markets on that day.

Sixthly.—The acquisition of Property by Slaves, and the establishment of Savings' Banks for the protection of it.

Seventhly.—The separation of Families sold under judicial process; and,

Lastly.—The Punishment of Slaves, with the records of such punishment when inflicted by the authority of the owner.

Our immediate attention shall be directed, and we hope to be able to furnish your Excellency with the necessary Bills relating to them in the course of a few days.

We have considered it most advisable, in the first instance, that these several matters should be separately submitted for consideration to both Houses, and it will afterwards, as we apprehend, be conceded on all sides, to be an act of propriety, generally to consolidate all the Laws relating to the Slave population, and to the accomplishment of an object so desirable and creditable in its consequences to the Colony. We beg leave to assure your Excellency, that it will give us very sincere pleasure, to afford every professional aid in our power.

We have the honour to be,

With the highest consideration and respect,

Sir,

Your Excellency's most obedient humble servant,

(Signed) RICHARD MUSGRAVE, A. G.

ROBERT HORSFORD, S. G.

To His Excellency the Governor,
&c. &c. &c.

(No. 2.)

HONOURABLE GENTLEMEN, *Government House, 12th July 1826.*

THE Bill for the amelioration of the Slave population having been received by me from Earl Bathurst, His Majesty's Principal Secretary of State, and the Crown Lawyers of this Colony having, pursuant to instructions, proceeded in preparing the drafts of as many distinct Bills as have been judged best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the said drafts, I have now the honour to transmit to you a list of the same.

The four first of these embracing the suggestion of His Majesty's Govern- No. 1.
ment on the following points,

1stly, The establishment of an officer to be called Protector and Guardian of Slaves;

2dly, The admission of the evidence of Slaves;

3dly, The regulation of the manumission of Slaves;

4thly, The intermarriage of Slaves;

have accordingly, under my directions, been carefully prepared by the officers of the Crown, from whose information, as contained in a letter addressed to me on the subject, of which I transmit a copy, it affords me much satisfaction to find, that so far from any of the measures prepared to be introduced by the Bills, now about to be submitted by the Solicitor-General, No. 2.
as a Member of the Assembly, being in any manner opposed to existing local enactments, that they have already, in several instances, highly to the credit of the Colony, been anticipated by the Legislature, and are very fully

incorporated in your valuable Code of Laws; a circumstance which leads me confidently to rely on their meeting, in both Houses, with the favourable attention due to their importance.

In the performance of this duty, due regard has been paid not only to such local circumstances as may necessarily affect the form and language of those enactments, but also to all such aforesaid Laws in which the same, or similar provisions may be found.

It must be apparent to every unprejudiced mind, that the greatest consideration has been observed by his Majesty's Government throughout this long protracted affair, and that on this, as on all previous occasions, the utmost regard has been paid to the constitutional privileges of the Council and House of Assembly of this Island.

While, however, His Majesty's Government have been invariably actuated to this spirit of delicacy and moderation, I have it in command to apprise the Legislature, distinctly, that whatever indisposition Ministers may have manifested to adopt hasty or violent proceedings, there does not exist, on their part, the smallest desire to relax in their endeavours to carry into effect the spirit of the Resolutions of the House of Commons of 1823.

They trust, therefore, that the conduct of the Legislative Assembly and Board of Council of Antigua will be such as to enable them, in the ensuing Session of Parliament, to discourage and set at rest those perpetual discussions which have of late so much occupied the public mind, by shewing that some effectual progress has been made with respect to the measures which have been so repeatedly recommended, and which have now been under your consideration for nearly three years.

The favourable disposition manifested by the House of Commons, in a late debate, has proceeded from this expectation, and I cannot too strongly impress upon the Legislature that a disappointment will give to those who are pressing for a direct interposition by Parliament, an advantage which it would be very difficult, even if there were a disposition, to resist.

Although I am aware that there are in this Island some individuals with whom a determination prevails to interpose every obstacle in their power against all interference on the part of the Mother Country to improve the state of the Negro-population, I am at the same time quite convinced that such are few in number, and that the Members of the Legislature, and the landed Proprietors in general, possess widely different sentiments, and are actuated by the strongest desire to meet the wishes and expectations of their Sovereign, of the High Court of Parliament, and of the Country at large.

I cannot better conclude this appeal for an unprejudiced and favorable consideration of the question, than in the words of the Earl Bathurst in his last official despatch.

"I have thus once more directed your attention to this most important subject, and I cannot close the present despatch without again reminding you that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly.

"I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom, on the contrary, I must still hope that it will be shortly in my power to lay before His Majesty Acts of the Assembly of Antigua, fully carrying into effect the spirit of the various provisions, which by His Majesty's commands I have now the honour to transmit to you."

Having thus, Honourable Gentlemen, performed my duty in notifying to you the expectations which have been formed on an affair of so great moment, it only remains for me to express my sincere hope that I shall be speedily enabled to transmit to England a favourable Report of the result of your deliberations, which I cannot doubt will be carried on, from first to last, with that absence of all party spirit, and that degree of sound judgment, which the importance of the subject renders so essentially requisite.

I have, &c. &c.

(Signed)

PATRICK ROSS.

*To the Honorable the President of the Council,
and the Speaker of the Assembly.*

ANTIGUA.

33

(No. 3.)

SIR,

Council Chamber, 13th July 1826.

I HAVE the honour of being the channel of conveying to your Excellency the acknowledgement and thanks of the Board of Council for your Excellency's communication of this day, addressed to the two Houses of Legislature, and to assure your Excellency that the immediate attention of the Board shall be directed to the unprejudiced and dispassionate consideration of a subject so intimately blended with the civil and political interests of the Colony.

I have, &c. &c.

(Signed) SAM. WARNER, President, *pro tem.*

To His Excellency Sir Patrick Ross, Governor,
&c. &c. &c.

(No. 4.)

SIR,

Saint John's, 13th July 1826.

I HAVE been directed by the House of Assembly to return their thanks to your Excellency for your communication of yesterday's date, relative to the proposed introduction of certain Bills, designed for a further amelioration of the condition of the Slaves of this Island, and to state to your Excellency that the House will not fail to take the several subjects alluded to into their most serious consideration.

I have, &c. &c.

(Signed) NICHOLAS NUGENT, Speaker.

To His Excellency Sir Patrick Ross, K. C. M. G.
&c. &c. &c.

No. 5.

THE Governor has the honour to acquaint the President of the Council, and Speaker of the Assembly, that the four remaining Bills referred to in His Excellency's message of the 12th inst. are now in readiness to be introduced by the Solicitor General in his place in the Assembly. In making to their Honours this communication, his Excellency has judged it advisable to transmit a further extract from the Earl Bathurst's last despatch, with the view of impressing, if possible, still more strongly upon the minds of the Legislature, the moderation and delicacy by which His Majesty's Government are so anxious to be guided throughout the whole of this question, and His Excellency cannot for a moment doubt, that the expressions contained in the said extract will be appreciated to the extent to which they are so justly entitled.

"I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so extensive and important, which are to have their operation in Antigua. I am aware, also, that upon some of the topics comprized in these papers, the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing laws of the Island, and that without a very intimate and practical acquaintance with those laws, it may, perhaps, not be possible safely to frame new legislative provisions on the same or similar subjects.

"In transmitting to you the enclosed papers, I do not therefore propose them as drafts, which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew, and in the fullest manner, the measures which His Majesty's Government desire to introduce, and I have for this purpose adopted the form and language of legislative enactments, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any laws in which the Legislature of Antigua may effectually embody those principles, and give effect to those

“ intentions, however such laws may depart from the enclosed drafts in arrangement, language, or minor details.”

(Signed)

PATRICK ROSS.

Government House, Antigua, July 25th 1826.

*The Honourable the President of the Council,
and Speaker of the Assembly.*

(No. 6.)

SIR,

St. John's, 24th July 1826.

WE have the honour to transmit to your Excellency the drafts of four Bills, embracing all the provisions suggested by His Majesty's Government for the consideration of the Legislature on the four remaining subjects connected with the proposed amelioration of the condition of the Slave population in this Island, viz.

The Observance of the Sabbath, and Abolition of Public Markets on that day.

The Acquisition of Property by Slaves, and the establishment of Savings' Banks for the protection of it.

The Separation of Families by sale under judicial process, and,

The Punishment of Slaves, with the necessary record to be kept of such punishment, when inflicted by the owner.

To each of these Bills, as to those already submitted to your Excellency, we have annexed extracts from such existing colonial laws as are applicable to the particular subject ; and it affords us much gratification to be able finally to report to your Excellency, that the Slave Code of Antigua (to which, highly to the credit of the Colony, the anxious attention of successive legislatures has been always most humanely and zealously devoted) will be found, on examination, to require in truth but little alteration or addition to accord, to their fullest extent, with the present benevolent views of His Majesty's Government.

We have the honour to be,

With the highest consideration and respect,

Sir,

Your Excellency's most obedient humble Servants,
(Signed) RICHARD MUSGRAVE, A. G.
ROBERT HORSFORD, S. G.

(No. 7.)

HONOURABLE SIRS, *Government House, St. John's, 5 August 1826.*

THE Solicitor General has communicated to me, officially, the progress made at the last meeting of the two Houses in the Bills prepared for their consideration by order of His Majesty ; and that for the more perfect information of the Members, the Bill had been read a first time, and ordered to be printed. I find, however, from the same information, that the printing of the references, as to the existing laws, which bear upon the subject of the Bills had not been ordered ; I have in consequence judged it necessary, but at the same time with much reluctance, to give the Houses the trouble of again meeting, with the view of correcting, should they think fit, this important omission, and of directing that the aforesaid references, together with the letters addressed to me on the subject by the Crown Lawyers, be printed with the Bills, for the general information of the respective Houses.

I have, &c.

(Signed)

PATRICK ROSS.

*The Hon. the President of the Council,
and Speaker of the Assembly.*

ANTIGUA.

35

No. 5.

(No. 41.)

MY LORD,

Government House, Antigua, 9th August 1826.

I HAVE the honour to forward printed copies of four of the Bills for the amelioration of the Slave population, in the shape in which they have been prepared by the Crown Lawyers, and with them copies of the references which accompanied these Bills on their introduction to the House of Assembly, and of which, as stated in my letter of yesterday's date, the House would not authorize the printing.

The four remaining Bills, with the extracts referring to them, will be forwarded by the first ship that sails after they are received from the printer's hands.

I have the honour to be, my Lord,

Your Lordship's most obedient humble Servant,

(Signed)

PATRICK ROSS.

The Right Hon the Earl Bathurst, K. G.

&c. &c. &c.

ANTIGUA.

A Bill for establishing within the Island of Antigua an officer, to be called the Protector and Guardian of Slaves.

YOUR Majesty having deemed it expedient that there shall be hereafter in all and every of your Majesty's islands, settlements, and colonies in the West Indies, an Officer to be called the Protector and Guardian of Slaves; and having been graciously pleased, through the Right Hon. the Earl Bathurst, your Majesty's Principal Secretary of State for the Colonial Department (among other provisions for the more effectual amelioration of the condition of the Slave population), to recommend to both Houses of Legislature, the immediate establishment of such an officer within this Island; We, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief of your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, in order to give full and complete effect to your Majesty's benevolent intentions in this behalf, do humbly pray your Most Excellent Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained, by the authority aforesaid, that there shall be hereafter, within the Island of Antigua, an officer to be called "the Protector and Guardian of Slaves," who shall be appointed to such his office by His Majesty, to hold the same during His Majesty's pleasure, and which appointment shall be made by a warrant to be issued under His Majesty's signet and sign manual.

And be it enacted and ordained by the authority aforesaid, that in the event of the death of the said Protector and Guardian of Slaves, or of his resignation, or of his bodily or mental incapacity, or of his removal or suspension from office, or of his temporary absence from the Island, it shall and may be lawful for the Governor to appoint a proper person to act as the Deputy Protector or Guardian of Slaves, until His Majesty's pleasure shall be known.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves shall at all times perform his duty in person, and not by deputy, excepting only in those cases in which the Governor is hereby expressly authorized to appoint a deputy for that purpose.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves shall, before entering on the execution of his office, take and subscribe, before the Governor, an oath, in the following words, viz.:

"I, A. B., do swear, that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the Protector and Guardian of Slaves in the Island of Antigua, without fear, favour, or partiality. So help me God."

And that the same oath shall also be taken and subscribed by any Deputy Protector and Guardian, to be appointed in manner hereinbefore mentioned and declared.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves shall not be the owner of any plantation within the Island of Antigua or its dependencies, or of any Slave employed upon any plantation or in any kind of agriculture; and shall not have any interest in, or any mortgage or security upon, any such plantation or slave; and shall not be competent to act as the manager, overseer, agent, or attorney for or upon any plantation in the Island; nor as the guardian, trustee, or executor of any person having any such plantation, or any Slaves. And in case any such Protector and Guardian of Slaves shall acquire or hold, in his own right, or in that of his wife, or in trust for any other person, any plantation in the Island, or any Slaves, employed in any plantation or in any kind of agriculture; or any interest in, or any mortgage or security upon, any such plantation or Slaves, or shall act as such manager, overseer, agent, attorney, guardian, trustee, or executor, as before mentioned, he shall thenceforth *de facto* cease to be such Protector and Guardian of Slaves, and shall forfeit his said office. Provided nevertheless, that all the acts of such Protector and Guardian of Slaves, done after such forfeiture of office, and before the office is declared void by public notice in the newspapers of the Island, shall be as effectual as if no such forfeiture and vacancy of the office had taken place.

And be it enacted and ordained, by the authority aforesaid, that the Protector and Guardian of Slaves shall constantly reside within this Island of Antigua, unless he shall obtain a special leave of absence from His Majesty, or from the Governor, which leave of absence shall never exceed _____ at any one time, and shall not be granted by the Governor, unless it shall be made to appear to him, upon the oath of some medical practitioner, that such temporary absence is necessary for the preservation or recovery of the health of the Protector and Guardian of Slaves.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves shall keep a public office in the town of Saint John, in the said Island of Antigua, and shall attend there on such days, and during such hours of the day, as the Governor shall from time to time appoint; and shall keep at such office, and not elsewhere, all public records, books, and papers relating to his said office.

And be it enacted and ordained by the authority aforesaid, that it shall and may be lawful for the Governor to appoint some fit and proper person, in every parish of the Island to be the Assistant Protector and Guardian of Slaves in that parish; and such Assistant Protectors and Guardians shall, in their respective parishes, be aiding and assisting to the Protector and Guardian of Slaves in the execution of the duties of his said office, and shall carry into execution such lawful instructions as they may receive from him, in reference to such duties. Provided nevertheless, that such Assistant Protectors and Guardians of Slaves shall always be persons named in the Commission of the Peace for the said Island, and that such Assistant Protectors and Guardians of Slaves shall hold such their offices during His Majesty's pleasure.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves, and his Deputy and Assistants, shall respectively receive their salaries, in lieu of all fees and other emoluments; and any such Protector and Guardian of Slaves, his Deputy, or Assistants, receiving any fee or emolument, besides his salary, in respect of any act done by him in the execution of his office, shall incur a fine equal to the sum of _____ the amount of what he may so receive, and shall become disqualified from holding such his office.

And be it enacted and ordained by the authority aforesaid, that in any prosecution which may be hereafter commenced in any Court of Justice in the Island, in which any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, the Protector and Guardian shall attend, and act as the public prosecutor. Provided, that this rule shall not extend to prevent the Attorney General from acting in such prosecutions as he hath heretofore done, or to prevent the owner of the deceased or injured Slave from employing, at his own expense, any Counsel or Attorney to conduct any such prosecution.

And be it enacted and ordained by the authority aforesaid, that on the first Monday next after the twenty-fifth day of December, and on the first Monday

next after the twenty-fourth day of June, in each year, the Protector and Guardian of Slaves shall deliver to the Governor a written Report of the manner in which the duties of his office have been performed during the preceding half year; which Report shall contain a statement of all prosecutions in which he or his assistants may have acted as the Protector or Protectors of any Slaves, with the dates and effect of all the proceedings therein, together with such other particulars as shall or may be required by any other Acts of Assembly to be stated therein; and the Governor of the colony shall administer to the Protector of Slaves an oath, that the Report contains a true statement of the several matters therein referred to; and that as soon as the Protector and Guardian of Slaves shall have taken such Oath, he shall then, and not before, be entitled to receive from the Governor a warrant for the amount of his salary for the half year next preceding the date of such Report; which Report shall then be transmitted by the Governor to one of His Majesty's Principal Secretaries of State.

And be it enacted and ordained by the authority aforesaid, That if the Protector and Guardian of Slaves, or any Deputy, or Assistant Protector and Guardian, or any other person, shall fraudulently make any erasure or interlineation in any Book, Record, or Return, which by any Act of Assembly he or they may be required to keep, or shall wilfully falsify any such Book, Record, or Return, or make any false entry therein; or burn, cancel, obliterate, or destroy the same, or any part thereof, he shall incur a Fine of not less than _____ pounds, nor more than _____ pounds

or Imprisonment for any time not exceeding _____ nor less than _____, or both Fine and Imprisonment, at the discretion of the Court; and all such Fines shall be recovered in the Court of King's Bench and Grand Sessions of the Island, and shall be divided equally between His Majesty and the informer.

And be it enacted and ordained by the authority aforesaid, that in the absence of the Governor from the island, any person lawfully administering the office of Governor, shall be competent to do all such acts as the Governor is hereby empowered to do and perform.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves, the Deputy Protector and Guardian of Slaves, and the Assistant Protectors and Guardians of Slaves, and each and every of them, shall respectively execute and perform all and every such duties as may be imposed upon or required of them respectively by any Act or Acts of Assembly passed, or to be passed, during the present or in any future Session.

A LIST of existing Local Enactments whereby the duty of affording protection to the Slave population has been already imposed by law on certain public officers in this island Antigua.

Act of the Leeward Islands, No. 36, intituled, "An Act more effectually to provide for the support, and to extend certain Regulations for the Protection of Slaves, to promote and encourage their Increase and generally to meliorate their condition."

By the eleventh clause of the above Act, it is provided, "That when the owners of infirm or diseased Slaves (incapable of supporting themselves) cannot be discovered, the Vestry of any Parish in the Island, the President of the Council, or Speaker of the Assembly, or any Justice of Peace where there is no Vestry, shall be authorized and are thereby required to support them in a suitable manner at the public expense."

By the fourteenth clause it is provided, "That on complaint made to any Justice of Peace (though without oath) by the owner or director of any Slave of any maltreatment of such Slave, by any white or free person (not being owner or director), by beating or otherwise, or by taking from his or her possession any goods or articles for which a ticket may be held by such Slave from the owner, or any vegetables, provisions, stock, grass, cane tops, or other article or thing whatsoever, which by law, usage, or custom such Slave is or may be authorized to sell or possess, or shall after purchasing any such articles refuse to pay for them, or in any manner injure or destroy any such articles, such Justice may, by his order in writing, command the attendance

“ of any such white or free person before him, and any other Justice who are
 “ authorized to take the examination of the party complained against, on his
 “ or her own oath, and such party shall be compelled to answer all questions,
 “ proposed by the said Justices. And if such party shall not fully answer, or
 “ answering, shall not fully exculpate himself or herself, or shall be otherwise
 “ convicted, the Justices are empowered to impose a fine not exceeding ten
 “ pounds current gold and silver money, to be recovered by warrant directed to
 “ a constable to be levied on the goods and chattels of the offender, and in de-
 “ fault of such goods and chattels, to commit such offender to the common
 “ gaol for any time not exceeding one month, and the Justices are empowered
 “ to dispose of the fine to the ill treated Slave, as a compensation for the injury
 “ he or she may have sustained.”

By the fifteenth clause it is provided, “ That in order to remove any doubt
 “ which may arise as to the legality or propriety of punishing the owner or di-
 “ rector of any Slave for any cruel conduct towards such Slave, it is hereby ex-
 “ pressly declared and enacted, that if any person shall cruelly *whip, beat, mal-
 “ treat, or imprison or keep in confinement without sufficient support*, any
 “ Slave under his or her direction or care, such person shall be indicted for
 “ the same in the Superior Court of Criminal Jurisdiction for the Island wherein
 “ such offence shall be committed, and upon being legally convicted thereof,
 “ shall suffer such punishment by fine or imprisonment, or both, as the Judges
 “ or Justices of said Court shall think proper to inflict; and the said Judges
 “ and Justices are hereby authorized, if they shall deem it necessary for the
 “ further protection of the said Slave, to order the Marshal or his Deputy to
 “ sell and dispose of any such Slave to any person (except the owner) at public
 “ outcry, and at the best price that can be procured for such Slave, and the
 “ monies arising from such sale, after payment of the fees shall be paid to the
 “ person having the first lien thereon, and in case of no such prior lien, then to
 “ the owner of the said Slave.”

By the sixteenth clause it is provided, “ That if any person shall beat or
 “ maltreat any Slave not belonging to himself or herself, such offender shall not
 “ only be indicted and punished for the same in like manner, but any punish-
 “ ment inflicted by the Court of Criminal Jurisdiction for such offence, shall
 “ not be considered as a bar to any action or suit at Law which may be
 “ commenced by the owner of such Slave, or be considered in mitigation of
 “ any damages which may otherwise be given or recovered for such trespass or
 “ injury.”

By the seventeenth clause it is provided, “ That in case any Justice of the
 “ Peace shall receive any complaint or intelligence which he in his own discre-
 “ tion shall think probable, that any Slave hath been mutilated, cruelly pu-
 “ nished, or otherwise maltreated, or confined without sufficient support, it
 “ shall be lawful for such Justice of the Peace to call to his assistance some
 “ other Justice, and then such two Justices shall be and are hereby authorized
 “ to order any constable to bring such Slave before them; or if the case shall
 “ require it, they are hereby authorized to go to such place where such Slave
 “ shall be, and direct such Slave to be produced and shewn to them; that such
 “ inquiry and other proceedings may be made and had as shall be necessary for
 “ the further prosecution of the offence, and that if such Justices shall think it
 “ proper or necessary, they shall be, and they are hereby authorized to send
 “ such Slave to some public place of security, or to the workhouse, if any is
 “ provided in the Island where such Slave shall live, to be there kept and de-
 “ tained, and supported at the expense of the owner or director of such Slave,
 “ until further inquiry shall be made into the fact according to Law.”

By the eighteenth clause it is provided, “ That if any owner or director of
 “ any Slave within the Leeward Islands, shall fix round the neck of any Slave,
 “ any iron collar, with projecting bars, hooks, or any collar, with a chain or
 “ weight thereto, or shall put or fix upon any Slave any chain, or any piece or
 “ ring of iron, whether round the leg or any other part of the body of such
 “ Slave, other than such as are absolutely necessary for securing the person of
 “ such Slave, it shall and may be lawful for any Justice of the Peace, on
 “ information or view of the same, to order such collar, chain, weight, hooks,
 “ bars, and rings, other than such as are necessary as aforesaid, to be taken off
 “ such Slave at the expense of such owner; and it shall also be lawful for such

“ Justice to issue his warrant to bring such owner before him, and if he is of opinion that such owner or director has acted wantonly and cruelly in the putting on or fixing, as aforesaid, any such collar, chain, weight, hooks, bars, or rings, or that he was not influenced solely by the motive of preventing the future desertion of such Slave, such Justice shall and may bind over such owner or director to appear at the next Court of King’s Bench to be held for the Island, where such offence shall be committed, then and there to answer for the same, and upon conviction thereof, to be fined at the discretion of such Court, in any sum not exceeding one hundred pounds current money.”

By an Act of this Island (No. 636.) intituled, “ An Act for the further protection of the Slaves within the Island of Antigua from cruel or excessive punishment, and for altering and amending certain provisions contained in the Act of the Leeward Islands (No. 36.), the Magistrates and Vestries in each parish are constituted and declared to be a Council of protection, for the purpose of carrying into effect the provisions of the Act (No. 36.), and generally for protecting the Slaves in their several parishes from cruelty and maltreatment; and power and authority is given to any Justice of the Peace (on probable information received by him or any member of the Vestry, of improper treatment of any Slave) to bring up such Slave by warrant, and to summon all necessary parties to appear before him; and in case it shall appear to such Justice, that any provisions of any law for the protection of Slaves shall have been violated, he is further authorized to commit the offender or offenders to gaol, unless he or they shall give proper security for appearance at the Court of King’s Bench and Grand Sessions, there to be dealt with according to Law, or otherwise to proceed against such offender, as directed by the Act (No. 36.) above referred to.”

ANTIGUA.

A Bill to admit and regulate the Evidence of Slaves in Civil and Criminal Cases in this Island of Antigua.

WHEREAS among other provisions for the amelioration of the condition of the Slave population of this Island, suggested by your Majesty for the consideration of the Council and Assembly of this your Majesty’s Island of Antigua, the admission of the evidence of Slaves in Civil and Criminal cases, under certain restrictions, hath been deemed highly essential; and whereas from the generally improved moral character of the Slaves throughout this Colony, it hath been, on mature deliberation, determined that such a measure cannot now be justly declared to be attended with those dangerous and alarming results which formerly entirely precluded its adoption; in order, therefore, to evince that ready disposition which has ever existed on the part of the Legislature, to promote your Majesty’s benevolent intentions on behalf of that particular class of your subjects, and to afford them the most ample protection of the Laws in their persons and properties; We, your Majesty’s dutiful and loyal subjects, the Governor and Commander-in-Chief, in and over your Majesty’s Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty’s Island of Antigua, do humbly pray your Most Excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained, by the authority aforesaid, That every Clergyman of the Established Church of England, and every Minister of the Kirk of Scotland, and every Priest or Minister professing the Roman Catholic Religion, within the said Island, and carrying on no other business or occupation, with a view to profit therein, except that of a schoolmaster, shall be authorized to transmit or deliver, under his hand, to the Protector and Guardian, or Assistant Protector and Guardian of Slaves of the parish in which he may be resident, certificates, setting forth the names and places of abode of any Slaves who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of Religion to understand the nature and obligation of an oath; and the Assistant Protectors of Slaves of the several parishes, shall transmit such certificates to the Protector and Guardian of Slaves, who shall register the same in a book to be kept by him for that purpose, stating therein the date of such certificate, and the name

and place of abode of the person by whom the same may be granted, and the name of every Slave mentioned and included therein.

And be it enacted and ordained by the authority aforesaid, that no Priest, Minister, or Public Teacher of Religion, not being a Clergyman of the Church of England, or a Minister of the Kirk of Scotland, shall be competent to grant any such certificate, unless His Majesty's principal Secretary of State, having the department of the Colonies, or the Governor or acting Governor of the said Island Antigua, shall grant to such Priest, Minister, or Public Teacher, a written licence to grant such certificates, nor unless such licence shall continue in force at the time of signing the certificate, and shall have been registered in the office of the Protector and Guardian of Slaves.

And be it enacted and ordained by the authority aforesaid, that no person or persons shall, from and after the passing and publication of this Act, be rejected as a witness, or be deemed, held, or taken to be incompetent to give evidence in any Court of civil or criminal justice in Antigua, or upon any hearing before any Justice or Justices of the Peace, by reason of, or on account of, his, her, or their being in a state of Slavery; but that the testimony of each and every of such person or persons shall be at all times, hereafter, taken and received before and by each and every such Court and Justice or Justices, on oath and in the same manner, and under and subject to the same regulations, as are by Law now applicable to the taking and receiving of the evidence of persons of free condition; any law, usage, or custom, now, or at any time heretofore existing, to the contrary in any wise notwithstanding. Provided always, That the person producing such Slave as a witness, shall also produce to the Court, or Justice and Justices, a certificate, under the hand of the Protector and Guardian of Slaves, that such witness is registered in the before-mentioned book; and the Protector and Guardian of Slaves shall, without fee or reward, grant to any person applying for the same, a certificate of the fact, whether the proposed witness is registered in the before-mentioned book or not. And provided also nevertheless, That no person or persons, in a state of slavery, shall be admitted to give evidence in any civil suit or action in which his, her, or their owner or owners is or are directly concerned, or in any criminal case wherein any white person or white persons may be charged with, or prosecuted for any offence or offences punishable with death.

And be it enacted and ordained, by the authority aforesaid, that nothing in this Act contained shall extend to take away or diminish any power or authority which any Court of criminal jurisdiction in the said Island now hath to admit in any case, the evidence of any persons in a state of slavery; and that nothing contained in the Act shall extend to render any Slave competent in the Law to give evidence in any case in which such Slave would be incompetent to give evidence, if he or she were of free condition.

And be it enacted and ordained by the authority aforesaid, that in all cases where the evidence of any Slave or Slaves shall or may be required to be received under and by virtue of this Act, a writ of subpoena shall issue under the Seal of the Court, in the usual manner, on the application of any person or persons requiring the testimony of such Slave or Slaves, directed to the owner of such Slave or Slaves, or in his or her absence, to the person or persons under whose immediate charge such Slave or Slaves may be; requiring him, her, or them, under the penalty of fifty pounds, current gold and silver money of said Island, to bring and produce, or cause to be brought and produced in Court, such Slave or Slaves; but before the said Slave or Slaves shall give evidence in any civil suit, the party requiring testimony shall tender to the Proprietor, or pay into Court, for his use, the sum of _____ per day, for such time as the witness shall be absent from the duty of his or her master, mistress, or employer.

And be it enacted and ordained, by the authority aforesaid, that in case any Slave or Slaves shall wilfully or corruptly give false evidence in any trial, either civil or criminal, to be had under this Act, such Slave or Slaves shall incur and suffer, under the order of the Court before which such trial shall take place, the same punishment as is now by Law annexed to the commission of the crime of wilful perjury, by any person or persons of free condition.

And be it further enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves, in his half-yearly reports to the Governor,

shall include a statement of the name of every Slave who, during the preceding half-year, has, in manner aforesaid, been certified as competent to understand the nature and obligation of an oath.

Evidence of Slaves.

THE Evidence of Slaves would appear from the early enactments always to have been received in Antigua for and against each other, but to have been inadmissible in any cases relating to white or free persons, and by invariable usage; Slaves, when witnesses, have always been examined without oath, which course of proceeding is expressly recognized by the Act of the 15th March 1821, establishing a Court of King's Bench, and Grand Sessions for the trial of Criminal Slaves, who, with this single exception, are in all cases of trial for capital offences, in every other respect placed on precisely the same footing as the white and free inhabitants of the Colony.

ANTIGUA.

A Bill to regulate proceedings for obtaining the Manumission of Slaves, and to enable Slaves, under certain restrictions, to purchase their own freedom.

WHEREAS the removal of every obstacle to the acquirement of freedom by well disposed and industrious Slaves, may have the effect of more generally exciting, among that class of the population, a laudable spirit of ambition for its fair and honest attainment, and be productive of increased good order and conduct throughout the Colony: We, therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief, in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your most Excellent Majesty, that it may be enacted and ordained: And be it, and it is hereby enacted and ordained by the authority aforesaid, that no duty, or tax, or fee of office, shall be paid in Antigua, upon or in respect of the manumission of any Slave or Slaves, or the enrolment of any deed of manumission, except a fee, not exceeding the sum of current gold and silver money of said Island, which the Protector and Guardian of Slaves shall pay to the Registrar of deeds of the said Island, for enrolling and recording every deed of manumission; and that any person or persons taking or demanding any duty, tax, or fee of office, save as aforesaid, shall incur a fine not exceeding current gold and silver money of said Island, to be recovered by Bill, plaint, or information, in the Court of Common Pleas of the said Island, by any one who may sue for the same, and to be divided in equal moieties between His Majesty and the person so suing: And be it enacted and ordained by the authority aforesaid, that if any Slave shall be desirous of purchasing his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or the reputed wife, or husband, or child, or brother, or sister of such Slave, it shall be lawful for any such Slave so to purchase the freedom of himself or herself, or of any such other person as aforesaid: And be it enacted and ordained by the authority aforesaid, that if the owner or owners of such Slave shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage, settlement, or lease, or other charge upon or interest in any such Slave invested in any other person, be unable to execute a valid manumission of any such Slave; or if the owner or owners, or any other person having interest in the Slave, shall be a minor or minors, or a married woman, or idiot, or lunatic; or if the owner or owners of the Slave is or are absent from the Island, or shall not be known; or if any suit or action shall be depending in any Court of Justice in the Island wherein the title to such Slave, or the right to his services, shall be in controversy; or any writ of execution shall have been issued against the owner or owners of such Slave or Slaves, whereby the said Slave or Slaves shall or may have become charged or affected; or if the owner or owners of the Slave or Slaves shall demand, as the price of his or her or their freedom any sum, which, in the judgment of the Protector and Guardian of Slaves, shall exceed the real value of

such Slave or Slaves; then, and in every such case, the Chief Justice of the Court of Common Pleas, on the application of the Protector and Guardian of Slaves, shall issue a summons, requiring the owner or owners, or manager of the Slave or Slaves, to appear before him, at some convenient time and place, and notice shall be published by the Protector and Guardian of Slaves, in the public Gazette of the Island, on _____ different days, of the time and place so appointed for the purpose aforesaid; and in such notice all and every person or persons having, or claiming, any interest in any such Slave or Slaves, either in his, her, or their own right, or as the trustee of any other person, shall be required to attend and prefer such their claims.

And be it enacted and ordained by the authority aforesaid, that at the time appointed for any such meeting, the Chief Justice, in the presence of the Protector and Guardian of Slaves, and also in the presence of the owner or owners or manager, or (upon proof being made to him, upon oath, of the due service and publication of the before mentioned notices, then if necessary), in the absence of such owner or owners, or manager, shall proceed to hear, in a summary way, what may be alleged by the said Protector and Guardian of Slaves, and by the owner or owners, or manager, or other persons claiming any interest in the Slave proposed to be manumitted, if present; and in case any of the parties shall refuse to effect any such manumission, or if it shall appear to the said Chief Justice, that a valid manumission of any such Slave or Slaves cannot legally be effected by private contract, or that the owner of any such Slave or Slaves, or that any person or persons having any charge upon, or interest in, him or her, or them, is or are a minor or minors, or a married woman, or idiot, or lunatic, or that the real owner of any such Slave, or that any person have any charge upon, or interest in, him or her, is absent from the said Island, or is unknown, or cannot be found; or that any suit or action is depending in any Court of Justice in the said Island, wherein the title to the said Slave, or the right to his services, is in controversy; or any writ of execution issued as aforesaid; or if it shall appear to the said Chief Justice, that any difference of opinion exists between the Protector and Guardian of Slaves, and the owner of any such Slave or Slaves, respecting his or her price or value, then the said Chief Justice shall require the Protector and Guardian of Slaves, and the owner or owners, or manager, of any such Slave, each to nominate an appraiser of his or her value; and the said Chief Justice shall himself nominate an umpire between such appraisers; and the said appraisers being first duly sworn before the said Chief Justice to make an impartial appraisement, shall, within _____ days next after such their appointment, make a joint valuation of the Slave or Slaves proposed to be manumitted, and shall certify such their valuation to the Chief Justice, under their hands and seals; and in case such joint certificate shall not be delivered to the said Chief Justice within the said term of _____ days, then the said umpire, being duly sworn in manner aforesaid, shall, within the next _____ days, certify his valuation, under his hand and seal, to the said Chief Justice; and the valuation so to be made, in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Registry of Deeds in the said Island.

And be it enacted and ordained by the authority aforesaid, that upon payment to the treasurer of the said Island of the appraised value of any such Slave as aforesaid, after making, in the cases hereinafter particularly mentioned, such deduction therefrom for the expense of the appraisement as is hereinafter directed, the said treasurer shall grant to the Protector of Slaves a receipt for the money so to be received by him; and such receipt shall be duly enrolled in the office of the Registrar of Deeds in the said Island, together with a declaration, under the hand and seal of the said Chief Justice, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly had before him; and thereupon such Slave shall be, and be deemed and taken to be, free, to all intents and purposes.

And be it enacted and ordained by the authority aforesaid, that the money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall and may be laid out and invested, under the authority of the Chief Justice, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; or if no such application shall be

made, then such money shall remain in the hands of the public treasurer of the said island, at interest at the rate of per cent per annum, such interest to be borne by and defrayed out of the public funds of the colony; and the Slave or Slaves so to be purchased with the said money as aforesaid, or in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing thereupon, shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to, all such and the same uses, conditions, mortgages, and demands, of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the Chief Justice of the said colony may, upon a summary application of any person interested therein, see fit to make; and such principal money and interest shall, by the said treasurer, be paid and disposed of in pursuance of and obedience to any such order.

And be it enacted and ordained by the authority aforesaid, that in all cases where an appraisalment of a Slave shall be made by reason of the refusal of the owner to effect the manumission, or by reason of any difference of opinion between the owner and the Protector and Guardian, respecting the price or value of the Slave, the expenses of the appraisalment shall be borne equally by, and divided between, the owner and the Slave proposed to be manumitted; and in all cases where the appraisalment is made by reason of the inability of the owner to effect a valid manumission by private contract, or by reason of the minority, coverture, idiocy, or lunacy of the owner, or by reason of the absence of the owner, or other person having a charge upon the Slave, from the Island, or by reason that the owner is unknown, or cannot be found, or by reason of the pendency in any Court of Justice of any suit wherein the title of a Slave, or the right to his services, is in controversy, or by reason of any writ of execution issued as aforesaid; then, and in all such cases, the expenses of the appraisalment shall be equally divided between the Slave proposed to be manumitted and the owner, and the portion of the price to be paid by the owner shall be deducted from the money arising from the manumission of the Slave, before such investment shall be made thereof as aforesaid.

And be it enacted and ordained by the authority aforesaid, that before the manumission of any Slave, by virtue of any private contract for that purpose between such Slave and his owner, notice of such intended manumission shall, by the owner of such Slave, be given in writing to the Protector and Guardian of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission, and the said Protector and Guardian of Slaves shall also, without fee or reward, prepare the proper deed of manumission, and the same shall in all cases be executed in the presence of the said Protector and Guardian of Slaves, or of some proper witness to be by him appointed for that purpose, and, being so executed, shall by such Protector and Guardian of Slaves be enrolled in the office of the Registrar of Deeds of the said Island, within one calendar month next after the date and execution thereof; and in case any such deed shall not be left for enrolment at the said office within the said period of one calendar month, the said Protector of Slaves shall incur and be liable to the payment of a fine not exceeding the sum of , nor less than : Provided always, nevertheless, that no Slave or Slaves shall be held entitled to purchase his, her, or their freedom, or the freedom of his, her, or their husband, wife, or child, or children, or reputed husband, or wife, child, or children, or of his or her brother or sister, unless a certificate of the previous good conduct of all and every such Slave or Slaves so intended to be purchased and manumitted, for the space of years, previous to such intended purchase and manumission, shall be first produced to the Protector and Guardian of Slaves by such Slave or Slaves, under the hand of some respectable person or persons of free condition, competent, from a sufficient knowledge of the character and habits of such Slave or Slaves, to grant such certificate; and provided always, that no Slave or Slaves duly convicted of larceny shall be permitted or held entitled to purchase his or her freedom, for the space of years, after such conviction.

And be it enacted and ordained by the authority aforesaid, that in case any such deed of manumission as aforesaid shall be executed voluntarily and without any valuable consideration passing to the owner, or other person effecting such manumission, any Slave or Slaves so to be manumitted shall, before the actual execution of any such deed, appear before the said Protector and Guardian of Slaves, or before the Assistant Protector and Guardian of Slaves, in the parish in which such Slave may happen to be resident; and if it shall appear to the said Protector and Guardian of Slaves, or to the Assistant Protector and Guardian of Slaves, as the case may be, that the Slave or Slaves about to be gratuitously manumitted, is or are under the age of years, or above the age of years, or is or are labouring under any habitual disease or infirmity of mind or body, the owner or other person about to effect such manumission, shall, at the time of the execution of the deed of manumission, execute and deliver, under his hand and seal, a bond to His Majesty in the penal sum of for each Slave so to be manumitted, with a condition thereunder written, for the defeazance thereof, if the said Slave or Slaves shall be properly fed, clothed, and maintained, until the age of years; in the case of infants, or during the term of his, her, or their natural life; in the case of adults of the age of years, or labouring under any such sickness or infirmity as aforesaid; and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of Registry, until such bond as aforesaid shall be duly executed and registered, and deposited in the said office.

And be it enacted and ordained by the authority aforesaid, that in the half-yearly returns, to be made by the Protector and Guardian of Slaves to the Governor of the Island, shall be included a statement of the names of all the Slaves manumitted under the authority of this Act.

Manumission of Slaves.

IT would not appear that there has ever existed in Antigua the slightest restraint on fair and *bond fide* manumission of Slaves, nor has any duty or tax ever been laid on such manumissions.

To prevent, however, persons from improperly setting free diseased or infirm Slaves, it is provided by the 12th Clause of the Act of the Leeward Islands, No. 36, as follows; viz. “Whereas, to avoid the inconveniences that do sometimes arise from persons manumitting and setting free their Slaves when they are rendered incapable of service by age, infirmity, accident, or calamity, to avoid the expense of providing a proper subsistence for such slaves; be it and it is hereby further enacted, that if any proprietor of a Slave shall manumit or set free any Slave in his or her possession, who shall be rendered incapable of service, from any of the causes aforesaid, that such proprietor shall be obliged to pay into the hands of the Treasurer of the Island, where such Slaves shall be manumitted and set free, the sum of three hundred pounds currency, from which sum such Slaves shall be entitled to draw half-yearly an interest arising upon such sum, according to the rate of interest in each respective Island, for his or her subsistence during the life of such Slave; and that upon the death of such Slave, so manumitted and set free, the said sum of three hundred pounds currency shall be appropriated to the use of the public.”

And by the 10th Section of an Act, No. 212, intituled, An Act for the further prevention of “damages to the harbours and abuses in carrying on the Island trade of this Island: regulating the hire and manumission of Slaves, and for advertising runaways committed to gaol;” it is provided, that “whereas a barbarous and inhuman custom hath prevailed of manumitting and setting free, Slaves, diseased, blind, aged, or otherwise disabled from working, and at the same time, no ways providing proper clothing, habitation, and sustenance for such Slaves, but suffering them to ramble about and beg for their subsistence; be it therefore enacted, that if any person or persons shall hereafter manumit or set free any Slave or Slaves, he, she, or they, or the representatives of such person or persons shall provide a proper house and sufficient clothing and diet for such Slave or Slaves; and if any Slave or Slaves so freed, shall afterwards be found rambling or begging, through the

“ neglect of such person or persons, he, she, or they, or their representatives
 “ shall be fined, upon good proof, by any two Justices of the Peace, in any sum
 “ not exceeding twenty pounds, nor less than five pounds, one half to the
 “ informer, and the other to the public, to be disposed of as hereafter
 “ directed; and any person suffering any Slave or Slaves, blind, diseased, aged,
 “ or otherwise disabled from working, to ramble or beg about the Towns or
 “ Country, such persons offending, shall be punished in the same manner, as
 “ if he, she, or they had regularly manumitted and neglected to make proper
 “ provisions as aforesaid.”

Which two Clauses, above recited, will be found to embrace to the full extent the provisions on the same subject now proposed by His Majesty's Government.

ANTIGUA.

A Bill for regulating the Celebration of Marriages among Slaves, and for declaring such Marriages valid and effectual in the Law.

WHEREAS it is highly essential to the welfare and prosperity of this Colony, to afford every possible facility by law to the promotion of moral and religious principle among the Slave population; and whereas nothing can more effectually tend to accomplish so desirable an object, than a due encouragement of marriages between such persons, which, it is confidently hoped, may speedily tend to such general improvement in their character and condition as cannot fail to be materially beneficial in its results, to their proprietors and to themselves: We, therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief, in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your Most Excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid, that any Slaves, being hereafter desirous to intermarry, shall be at liberty to apply, either to the Protector and Guardian of Slaves, or to the Assistant Protector and Guardian of Slaves of the parish in which the woman may reside, for a marriage licence, producing the consent, in writing, of their owners or managers to the celebration thereof.

And be it enacted and ordained by the authority aforesaid, that if the owner or manager of both, or either of the Slaves, shall refuse his or her consent to the marriage, or shall not give his or her written permission for the celebration thereof, the Protector and Guardian of Slaves, or the Assistant Protector and Guardian of Slaves, shall issue a summons, requiring the owner or manager to appear before him at a time and place to be appointed for that purpose, such time not being more than distant, from the time when the application shall be received by such Protector and Guardian of Slaves, or Assistant Protector and Guardian of Slaves; and if the owner or manager fails to appear, or, appearing, fails to give good proof that the marriage would be injurious to the well-being of the Slaves, the Protector and Guardian of Slaves, or the Assistant Protector and Guardian, shall issue a marriage licence, which shall be granted without fee or reward, authorizing any Clergyman of the Established Church of England and Ireland, or any Minister of the Kirk of Scotland, or any Priest or Curate professing the Roman Catholic Religion, or any public Teacher of Religion within the said Island Antigua, carrying on there no other profession, business, or occupation of profit, except that of a schoolmaster, to solemnize the marriage of such slaves; provided, that no public Teacher of Religion, not being a Clergyman of the Church of England, or a Minister of the Kirk of Scotland, or a Priest or Curate professing the Roman Catholic Religion, shall be so authorized to solemnize any such marriage, unless His Majesty's Principal Secretary of State, having the department of the Colonies, or the Governor or acting Governor of the said Island of Antigua, shall grant to such public Teacher a written licence to celebrate marriages, nor unless such licence has been registered in the office of the Protector and Guardian of Slaves, and continues in force at the time of his being so authorized to solemnize any such marriage,

And be it enacted and ordained by the authority aforesaid, that it shall be lawful for any such Clergyman, Minister, Priest, Curate, or religious Teacher, upon receiving any such Licence, to solemnize any such Marriage; and the Marriage, when so solemnized, shall to all intents and purposes be valid, binding, and effectual in the Law; provided, that no such Marriage shall confer on any such Slaves, or their issue, any rights inconsistent with the duties which the Slaves owe to their owners, or to the Government, or at variance with those rights which the owner, and the Government respectively, are by Law entitled to assert and exercise over such Slaves and their progeny.

And be it enacted and ordained by the authority aforesaid, that any person by whom any such Marriage may be solemnized, by virtue of any such Licence as aforesaid, shall, within _____ next after the solemnization thereof, under a penalty of not more than _____ nor less than _____ transmit to the Protector and Guardian of Slaves at _____ a Certificate of the solemnization of the Marriage, and such Protector and Guardian of Slaves shall register, in a book to be kept by him for that purpose, every Marriage which shall be so solemnized, with the date thereof, and the names, descriptions, and places of abode of the parties contracting, and of the persons solemnizing, every such Marriage.

And be it enacted and ordained by the authority aforesaid, that this Act shall not extend, or be construed to extend to render any Marriage between persons in a state of Slavery valid and effectual, which would be illegal or void if such persons were of Free condition.

And be it enacted and ordained by the authority aforesaid, that in his half-yearly Returns to the Governor, the Protector and Guardian of Slaves shall include a statement of the number of Licences which may have been granted by him in the preceding half year for the Marriage of any Slaves, with the number of Marriages solemnized in pursuance thereof.

Marriage of Slaves.

By the 22d Clause of the Act of the Leeward Islands, No. 36, it would appear that at the time of passing that Statute, it was not considered proper or necessary to enforce the celebration of religious rites among the Slave population, and that it was deemed the more eligible plan to encourage rather than compel their improvement in Morality, Religion, and Civilization—with this view, it is provided, “ That every owner and director of any Slaves on any estate “ within the Leeward Islands, shall, within two months after the publication “ of this Act, and also on the first day of January every year, convene and assemble together the Slaves under his direction, and inquire of them which of “ them have a husband and wife, or more than one; and if an acknowledgment “ be made in consequence of such inquiry of more than one husband or wife, “ then such owner or director shall compel such Slave making such acknowledgment, to elect some one Slave only as his or her husband or wife; and “ when such election is made, such owner or director shall enter the same in a “ book to be kept for that purpose, and make the same as public as possible, by “ convening once in every twelve months all the Slaves upon such plantation, “ and reading to them the same in a distinct and audible voice, at the same “ time extolling the good behaviour of those who have been faithful to their “ engagements, and reprobating the misconduct of those who have acted to the “ contrary, doing his utmost to keep together in harmony, the parties who “ have made such election, and to encourage all the other Slaves of which he is “ manager, master, or director, as they shall arrive at the age of maturity, to “ make such election as aforesaid, and adhere as strictly as possible to the same. “ And every owner or director of any female Slave, who shall have a child “ while she preserves her fidelity to such engagement as aforesaid, or is reputed “ so to do, shall, in six weeks after the birth of such child, if the same be “ then living, pay and give to the mother of such child four dollars, and the “ same sum, with one dollar more, for every other child she shall bear and have “ under the same circumstance; and if any owner or director shall omit in any “ respect to comply with and fulfil the directions of this Clause, he shall forfeit “ the sum of fifty pounds for every such omission.”

ANTIGUA.

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By the 23d Clause it is provided, "That every owner and director shall give to every male and female Slave who shall live together peaceably and faithfully as aforesaid, as man and wife, one dollar each for every year that they shall so live together."

By the 24th Clause it is provided, "That as soon as any female Slave shall have six children living, and who have been born during such cohabitation as aforesaid, the youngest of which shall be seven years of age, the owner or director of such female Slave shall not oblige such female Slave to do any other than light work, under the penalty of twenty pounds."

By the 25th Clause it is provided, "That no owner or director of any Slave, nor any overseer, nor any other description of white man, on any plantation, shall weaken the effect of the exhortations and inquiries enjoined by this Law by his own irregular conduct, in cohabiting or having criminal commerce with any female Slave who shall have elected her husband as aforesaid; every such person, for such offence, being thereof convicted by legal testimony before any two or more Justices of the Peace, shall forfeit and pay the sum of one hundred pounds."

The Marriages, however, of free persons with Slaves, are prohibited by the two following Clauses of the Act, No. 130, intituled, "An Act for the better government of Slaves and free Negroes."

"And be it further Enacted, that if any Ministers of this Island shall marry any free person to any Slave in this Island, such Minister shall forfeit to the public of this Island fifty pounds current money, to be recovered by warrant under the hand of the Governor in Chief, Deputy Governor, or President for the time being of said Island, in nature of an execution, directed to the Pro-vost Marshal of this Island, who shall levy the same." Clause 24th.

"And be it further Enacted, by the authority aforesaid, That the said free person so marrying such Slaves, shall pay to the owner of the Slave he hath married the sum of twenty pounds, or be obliged, by order of two Justices, to serve four years, all the aforesaid forfeitures to be to the same uses, and recovered after the same manner as before recited in this Act." Clause 25th.

No. 6.

(No. 45.)

MY LORD, *Government House, Antigua, 21st August 1826.*

THE departure of a merchant vessel for Liverpool, enables me to have the honour of transmitting to your Lordship the four remaining Bills, accompanied by the Notes, referred to in my letter of the 9th August (No. 41).

I have the honour to be,

My Lord,

Your Lordship's most obedient humble servant,
(Signed) PATRICK ROSS.

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

&c. &c. &c.

ANTIGUA.

A Bill to prevent the Separation of Slaves, being Members of the same Family by virtue of any Legal Process.

WHEREAS it is desirable, on every principle of humanity, that the usage which has hitherto obtained in this Colony, of indiscriminately levying upon, and selling Slaves under judicial process against the owner or owners, should be hereafter discontinued, and that effectual means should be provided by law for preventing in future the extreme hardship with which, in many cases, such usage has been found to be attended to the Slave population, among whom the nearest and closest relations of social life have frequently thereby been for ever suddenly and harshly dissolved: We, therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your Most Excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby en-

acted and ordained by the authority aforesaid, that in the execution of any judgment, sentence, decree, or order of any Court of Justice within the Island of Antigua, it shall not hereafter be lawful to seize or sell any Slave having a husband or wife, or a child or children under the age of _____ years, or a reputed husband or wife, or child or children under that age, who may be the property of the same person or persons, unless such husband and wife, and child or children, or reputed husband, wife, or child or children, shall be sold together, and in one and the same lot, and to the same person or persons; and that if, in the execution of any such judgment, sentence, decree, or order, any Slave or Slaves shall be sold separate or apart from any such husband or wife, or child or children, or reputed husband or wife, or child or children as aforesaid, such sale and execution shall be absolutely null and void in the law to all intents and purposes.

And be it enacted and ordained by the authority aforesaid, that if the Provost Marshal, or his Deputy, or any other executive officer making any levy upon Slaves under any writ of execution or judicial process, shall be unable to ascertain whether any Slave on which he may so levy has or has not a husband or wife, or reputed husband or wife or child, or children under the age of _____ years belonging to the same owner, it shall be the duty of such Provost Marshal, or other Officer, to make a special return of any such circumstance to the Court out of which the execution has issued, and the Court shall thereupon direct a copy of such return to be transmitted to the Protector and Guardian of Slaves, and upon hearing of what may be alleged by such Protector and Guardian, and by the several parties in any such action, cause, suit, or proceeding, the said Court shall decide whether the Slave so seized hath or hath not any husband or wife, or reputed husband or wife, or child or children under such age as aforesaid, belonging to the said person or persons; and such Court shall make a rule upon such Provost Marshal, or other Officer, requiring him either to proceed to the sale of the single Slave, or not, as the case may require.

And be it enacted and ordained by the authority aforesaid, that whenever, in compliance with the provisions of this Act, the Provost Marshal, or his Deputy, shall be obliged to levy on, or sell, under any execution or judicial process against the owner or owners, such a number of his, her, or their Slaves, as shall or may exceed in value the amount to be actually levied or recovered against such owner or owners under such execution or judicial process as aforesaid, all and every the surplus monies arising from such sale or sales shall be paid, applied, and disposed of by the said Provost Marshal, or his Deputy, to and for the use of such owner or owners, and to be recoverable by him, her, or them, in such manner and form, and under the same regulations, as are now by law applicable to surplus monies arising from the sale of any other species or description of property whatsoever.

Sale of Slaves under Judicial Processes.

BY the 3d section of the Act of the Leeward Islands, No. 31, "Slaves on Plantations are declared to be inheritance and affixed to the freehold, and are with such plantations descendible to the heir at law, and widows are dowable out of them:" And it is provided by the 4th section, "That none of such Slaves shall be carried off or employed from the plantation otherwise than for the immediate service thereof by any tenant in dower or by the heir or other person or persons in remainder or reversion, but that each of them shall join in carrying on the general interest for the best advantage of all parties concerned."

By the 9th and 10th clauses of an Act of Antigua, No. 83, "after reciting, that executors and administrators had, on several occasions, disposed of Negroes as chattels which had frequently proved injurious to estates, it was provided for the full prevention of such practice, that all Negro and other Slaves after the date of that Act, should be, and were thereby declared to be inheritance, and the widow capable of being endowed thereof, provided always, that any executor or administrator might inventory the said Negroes, but not take them into his custody, to the intent, that if there should not be sufficient goods and chattels to pay the deceased's debts, that then the said

“Negroes should be liable to be taken for payment of the said debts, and be as chattels to that purpose, and not otherwise.”

Slaves, in conformity to these provisions, have consequently always been considered in this Colony as realty, and have been conveyed with all the necessary formalities of such property.

They have, however, by various enactments, from time to time, been recognized as chattels for the payment of debts by the owner, and have in successive Tax Bills been directed to be sold for defraying such taxes; and they are expressly made liable by the Act of the Leeward Islands, No. 36, to be sold for the payment of debts contracted for food and clothing for them, and such debts as are under certain regulations prescribed by that Act made a prior lien on Slaves, except as against debts to the Crown.

By the Act No. 475, commonly called the “Court Act,” whereby executions in the Court of Common Pleas are regulated, and the recovery of recognizances, &c. in the Criminal Courts is provided for, Slaves are made liable to be sold for the satisfaction of such executions and recognizances, &c. in the following manner: viz.

By the 103d clause, a writ of execution in a civil suit is directed to be levied by the Marshal in the following order: viz. “First, on produce belonging to the defendant, if insufficient, then on household furniture, and other goods and chattels, plantation stock, Slaves, lands, annuities and debts,” and Slaves so levied on “are directed to be sold under certain formalities in twenty-three days, during which period, on security being given for the forth-coming, they may be retained by the owner in his possession.”

By the 217th section of the same Act, “writs of execution on forfeited recognizances,” and by the 6th section of the Act, No. 509, “fines imposed by the Court of King’s Bench and Grand Sessions are directed to be levied on the goods, chattels, Slaves, lands, and tenements of the defendant, with the same regulations as to the sale of any such property as are previously made in cases between subject and subject;” and

By the 120th clause of the Act, No. 475, “it is expressly declared, that whenever any Slave’s goods or chattels are to be sold at outcry, the Marshal or his Deputy shall set the same up in parcels, and Slaves shall be set up and sold in the town of St. John only one by one, save when there is a child or children under the age of twelve years, which shall be set up with the mother if there be a mother to be sold”—which extremely creditable restriction will be found to have already pretty nearly embraced the views of His Majesty’s Government on this particular subject.

ANTIGUA.

A Bill for the Suppression of Public Markets on Sunday, and for preventing Slaves being compelled to labour on that day.

WHEREAS it is highly expedient to discontinue by Law the usage which has heretofore improperly obtained of holding public markets on the Sabbath, and more effectually to secure a due observance of that holy day by all classes of the inhabitants of this Colony; We therefore, your Majesty’s most dutiful and loyal subjects, the Governor and Commander-in-Chief in and over your Majesty’s Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty’s Island of Antigua, do humbly pray your Most Excellent Majesty that it may be enacted and ordained, And be it, and it is hereby enacted and ordained by the authority aforesaid, that from the time when this Act shall come into operation, all persons of free condition who, on any Sunday after the hour of _____ in the forenoon, shall expose goods for sale in any public market, or in any shop, house, stall, or booth, or shall buy or sell any such goods, or attend at any such market, shall be liable to such punishments, penalties and forfeitures, as by any Law now in force in this Island may be inflicted upon, or incurred by, any person offending therein in like manner, and if any such offence shall be committed by a Slave, such Slave shall be liable to forfeit the goods or effects exposed for sale, which may be seized by the Clerk of the market, or any Constable, and such goods shall be taken on the following day before any Justice of the Peace,

who, upon view thereof, shall order the same to be sold forthwith, to be applied as follows, that is to say, one-third to the informer, and the remainder to such pious or charitable purposes as such Justice of the Peace shall direct.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that from the time when Sunday markets shall be totally suppressed, as hereinafter mentioned, the same punishments, penalties, and forfeitures, shall be inflicted upon, and incurred by, all persons exposing goods for sale, or buying or selling any such goods in manner aforesaid, or attending at any such market, at whatever part of the day called Sunday the offence may be committed.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that it shall be lawful for His Majesty, by an instruction to be issued to the Governor of Antigua, through one of his Principal Secretaries of State, to direct the said Governor of the said Island of Antigua to issue in His Majesty's name a Proclamation for the discontinuance and suppression of all markets throughout the said Island on the Sunday, and so soon as such Proclamation shall have been issued, all Sunday markets shall cease, and be absolutely unlawful; Provided always, that this Act shall not extend to prevent the dressing or selling meats in Inns or Victualling-Houses, or the sale of fish or milk; and provided also, that such sale shall not take place in any town or parish during the hours appointed and set apart for the celebration of divine service therein; nor shall this Act extend to prevent the sale of medicines during any part of the Sunday.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that in every town and parish throughout the Island, wherein markets have by law, usage, or prescription, been heretofore holden on Sunday, such markets shall hereafter be holden on _____ in each and every week; which day shall be allowed to the Slaves on each and every Plantation throughout this Island Antigua, for selling and disposing of such articles as by Law they may be entitled to offer for sale; and if any Owner or Director of Slaves shall refuse or neglect to allow such day to his Slaves, for the purpose aforesaid, he shall incur a fine not exceeding the sum of _____ current gold and silver money of this Island, to be imposed, on due conviction of such neglect or refusal, by any two Justices of the Peace in this Island.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that if any person shall work or employ any Slave between the hours of ten at night on any Saturday and sun-rise on any Monday, or shall during that period procure, induce, or compel any Slave to engage in any labour for the profit or advantage of his owner, manager, or employer, the person so offending, shall incur a fine not exceeding _____ nor less than _____ current gold and silver money of this Island.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that if any person shall hire any Slave to work between the before-mentioned hours of ten o'clock on Saturday night and sunrise on Monday morning, for wages or any other consideration, the person so hiring any such Slave shall incur the penalties before-mentioned; Provided always nevertheless, that the preceding Rules shall not extend to labour performed by any Slave, on Sunday, in the necessary attendance on the person or in the family of his or her owner or employer, nor to labour performed in the necessary preservation of the cattle or live stock on any plantation, nor to labour performed by Slaves as watchmen on any estate, or in nursing or attendance on the sick, or in performing or making preparations for any interment, or in extinguishing any fire, or in preventing any irreparable damage or injury to the property of his or her owner or employer. And no Slave so employed by his or her owner or employer on Sunday shall be entitled to any hire or wages for such services.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that in any case where it shall be absolutely necessary for the preservation of any crops or produce upon any estate, and for the prevention of essential injury to the same, to employ any Slaves thereupon on the Sunday, this Act shall not extend to prevent any Slaves from hiring themselves either to their owner, or to any other person, to perform such necessary work on that day; provided, that no Slave may be hired by any person, except the owner, to perform even such necessary work as aforesaid on the Sunday, except with the written consent of the owner. And also provided, that the Protector and Guardian of

Slaves of the Island shall publish a notice in the Public Gazette on the twenty-fifth day of December and twenty-fourth day of June, or as soon after those days as any such Gazette may be published, in each year, in which notices shall be stated the lowest rate of wages at which Slaves may, during the half year following each such notice, hire themselves to work for the special purpose before mentioned; and such notices shall state the different rates of wages, according to the age and sex of the Slaves, and according as they may be field negroes or artificers; and that no hiring of any Slave on the Sunday for any such special purpose shall be a legal hiring or exempted from the penalties of the law, unless such Slave shall actually receive and be paid, for his own use and benefit, wages of not less than the rate so to be fixed by such public notices.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that no Slave shall be employed on Sunday in field labour, or in any of the ordinary works upon the plantation, on the ground that irreparable injury would arise from the postponement of such labour, unless the Slave shall engage in it voluntarily, and shall receive such wages as before mentioned.

Observance of the Sabbath, and Abolition of Public Markets on that day.

THE following local Enactments already exist on this subject, whereby the views of His Majesty's Government are in a great measure anticipated, viz.

By the Act of the Leeward Islands, No. 36, sect. 26, "Every owner or director of Slaves restraining or prohibiting any Slave, excepting such Slaves whose services are necessary on a Sunday, from attending public worship on that day, is made liable to a penalty of five pounds; and every beneficed clergyman refusing to baptize any Slave sufficiently informed, without fee or reward, on any Sunday after divine service, is rendered liable to a fine of thirty shillings."

By the 5th clause of the Act, No. 130, "It is provided, that all Negroes who shall, though with a ticket or other leave from their owners or possessors, sell any thing in any of the towns on the Lord's Day, he or they shall be taken up and whipped, and paid for as runaways, if not returned, or going to their respective masters by ten of the clock, to the intent that all opportunities of idleness and robbery may be taken away."

And by the 20th section it is declared, "That if any person whatsoever shall sell any rum to a Slave on the Sabbath Day, or any sort of dry goods, by barter or otherwise, he shall forfeit three pounds current money for each offence."

By the 136th clause of the Act, No. 475, "No person can be arrested or taken in execution, nor can any writ or process in civil causes be executed on a Sunday."

By an Act of this Island, dated 24th April 1824, it is provided, "That if any person whatsoever in this Island shall, after the publication of this Act, presume to sell or barter any rum, cordial waters, or other strong waters, upon the Lord's Day, he or she shall, upon conviction thereof before the Court of King's Bench and Grand Sessions of this Island, be liable to fine and imprisonment, at the discretion of the Court."

And by a subsequent Act, dated the twenty-first day of May, in the year of our Lord one thousand eight hundred and twenty-four, after reciting, "That the practice of exposing goods, wares, and merchandize for sale, in stores, warehouses, and other shops, upon the Lord's Day, is not only scandalous in itself, and irreverent to Almighty God, but cannot fail, in a political point of view, to prove extremely injurious to the welfare of the inhabitants at large, by corrupting the morals of the lower orders, and thereby counteracting the benefits of that religious instruction which it is at once the hearty desire and the sound policy of the Legislature to diffuse amongst them, not simply by the aid of common precept, but by the still more powerful force of good example on the part of those of higher station in the colony. And that a large portion of the inhabitants have lately very laudably marked and recorded their reprobation of this practice, by a petition to the House of Assembly, very properly detailing the evils which are likely to arise from it, and praying that an Act may be passed for inflicting such heavy penalties upon offenders

“ as may have the desired effect of putting a more exemplary and decided prohibition to it ; and it is but justice to the well disposed, that their interests should be protected against any attempts that may be made by the more mercenary and avaricious to undermine them.”

It is declared, “ that from and after the publication of this Act, it shall not be lawful for any person in this Island to expose or offer for sale any goods, wares, or merchandize, in any store, warehouse, or shop, upon the Lord’s Day, or any part thereof; and that all stores, warehouses, and shops, shall be kept constantly closed and shut up upon the Lord’s Day, and every part thereof, accordingly ; and every person offending against this Act shall, upon conviction thereof upon indictment before the Court of King’s Bench and Grand Sessions of this Island, be punished by fine and imprisonment, at the discretion of the said Court ; and if any person so convicted shall be a licensed retailer of rum, cordial waters, or other strong waters, he or she shall *ipso facto* forfeit his or her licence, and be held incapable of ever holding another ; and all fines inflicted by the said Court upon offenders under this Act, shall be to the sole use of the informer, who is hereby declared to be a competent witness. Provided always, that the prohibitions herein contained shall not be construed to extend to inns, taverns, or victualling-houses, or druggists or apothecaries shops, or to butchers or bakers shops, in which no article except meat and bread shall respectively be sold ; and provided also, that no person or persons shall be impeached, prosecuted, or molested, for any offence against this Act, unless he, she, or they, shall be informed against within ten days after the said offence shall have been committed.”

ANTIGUA.

A Bill for further regulating the punishment of Slaves, whether inflicted by due course of Law, or by the authority of the Owners.

WHEREAS various laudable enactments have, highly to the credit of this ancient Colony, been from time to time passed by the Legislature thereof, for the protection of the Slave population from cruel or oppressive usage ; and whereas, although instances of the infringement of those wise and salutary enactments have happily, from the generally humane conduct of all classes of the inhabitants towards their Slaves, been of very rare occurrence, yet, in order more effectually to guard against them in future, it hath been deemed necessary more clearly to define, and explicitly limit, the exact nature and extent of punishment, which by judicial order, or under the authority of the master, may hereafter be lawfully inflicted on Slaves, within this Island Antigua. We, therefore, your Majesty’s most dutiful and loyal subjects, the Governor and Commander-in-Chief, in and over your Majesty’s Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty’s Island of Antigua, do humbly pray your Most Excellent Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid, that in all prosecutions which may be commenced in any Court of Justice in the Island, wherein a Slave may be charged with any offence punishable by death, or transportation, notice shall be given, in writing, to the Protector and Guardian of Slaves, of such prosecution ; and the Protector and Guardian of Slaves is hereby required to attend at the trial and other proceedings in every such prosecution, as the Protector of such Slave, and on his behalf, and to act therein in such manner as may be most conducive to the benefit of the Slave ; and the Protector and Guardian of Slaves shall be allowed, on all such trials and proceedings, to act for the benefit of the Slaves in the same manner as, by the law of this Island, any Counsel or Attorney at Law, may, upon similar occasions, act for the benefit of any person of free condition.

And be it enacted and ordained by the authority aforesaid, that it shall be illegal for any person within the said Island of Antigua, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of any Slaves in or upon the fields or cane pieces upon any plantation, or to use any such whip, cat, or other instrument of the like nature, for the purpose of impelling or coercing any Slave to perform labour of any kind whatever, or to carry or exhibit upon any plantation, or elsewhere, any such cat, whip, or other

instrument, as an emblem of the authority of the person so carrying the same over any Slave or Slaves; and any person offending against this rule, or directing, instigating, or abetting in any such illegal driving, or use, or exhibition, of any such whip, cat, or other instrument whatever, shall be guilty of a misdemeanor.

And be it enacted and ordained, by the authority aforesaid, that it shall be unlawful for any person to inflict in any one day, upon any male Slave, for any offence, upon any ground, or for any reason whatever, any number of lashes exceeding in the whole; or to inflict upon any such male Slave any punishment, by the whipping or beating of his person, unless the person of such Slave shall, at the time of such punishment, be free from any laceration occasioned by any former whipping or beating; or to inflict upon any male Slave any punishment, by the whipping or beating of his person, until twenty-four hours at the least shall have elapsed from the time of the commission of the offence, in respect of which any such punishment may be inflicted; or to inflict upon any male Slave any such punishment, unless one person of free condition shall be present at, and witness the infliction of the whole of such punishment other than the person by whom, or by whose authority, the punishment may be inflicted; and any person offending against any of these rules, or directing, instigating, or abetting any such illegal punishment of any male Slave shall be guilty of a misdemeanor; Provided always, that the preceding rules shall not be held to extend to any punishments which may be inflicted on any Slave under the judgment of any Court of competent jurisdiction.

And be it enacted and ordained by the authority aforesaid, that it shall not be lawful to punish by whipping any female Slave, for any offence committed, or alleged to be committed, by her; and any person offending against this rule, or directing, instigating, or abetting in any such punishment, shall be guilty of a misdemeanor; Provided always, that the preceding clause shall not extend to prevent the owner of any female Slave under the age of years, from causing her to be punished and corrected for any fault or misconduct by her committed, in the same manner, and in the same extent, as any child of free condition may be, and usually is, punished in any school for the education of youth in the said Island Antigua.

And be it enacted and ordained by the authority aforesaid, that crimes which may hereafter be committed by female Slaves, and which were heretofore punishable by flogging, shall hereafter be punished, at the discretion of the Court of Justice, or the owner or the manager directing such punishment, in one or the other of the following modes, that is to say, first, by solitary confinement, with or without work, in any proper place for that purpose on the estate; provided, that no such place of confinement shall be used for any such purpose, unless and until some practitioner of medicine in the Island, and the Protector and Guardian of Slaves, or the Assistant Protector and Guardian of Slaves, of the parish where the same is situate, shall have signed a certificate in writing approving such place of confinement, which certificate shall be transmitted to, and deposited in the office of the Protector and Guardian of Slaves; and also provided, that no such solitary confinement shall be continued more than for any one offence, and that no Slave shall be subjected to punishment by solitary confinement more than in any one calendar month; secondly, by field stocks, or confinement of the hands, during the hours of labour in the field; provided, that the period of confinement shall not at any one time exceed and shall not be repeated a second time until afterwards; thirdly, by house-stocks for the hands and feet, or either of them, with or without seats, during any period of the day; provided, that the period of confinement shall not exceed, for any one offence, the space of , and that no such punishment shall be repeated twice within the period of ; fourthly, by bed-stocks for the confinement of the feet during the night; provided, that no such punishment shall be repeated within the period of ; fifthly, by distinguishing dresses to be used either with or without the stocks; provided, that such punishment be not continued more than for any one offence, and that the same be not repeated within ; sixthly, by confinement, either solitary or otherwise, during one of the hours of noon, with or without work during

such confinement; provided, that no such punishment be repeated within the period of

And be it enacted and ordained by the authority aforesaid, that any person repeating any such punishment as aforesaid, at an earlier period than is hereby allowed, or continuing any such punishment beyond the period prescribed for that purpose, or placing any Slave in solitary confinement in any place which hath not been approved in manner aforesaid, within _____ next preceding such confinement, or using any stocks for the purpose of punishment, in such a manner as to affect the health of the Slave confined therein, or as to inflict any permanent injury on her person, or who shall not supply the Slave undergoing such punishment, when the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food, and with a proper supply of water, or who shall punish any woman, known or supposed by him to be pregnant, by solitary confinement, or by any stocks, applied in such a manner as to produce the risk of miscarriage, shall be guilty of a misdemeanor.

And be it enacted and ordained by the authority aforesaid, that in any case in which a male Slave is now by law punishable with flogging, it shall be lawful for his owner or employer, or for any Court of Justice or Justice of the Peace having jurisdiction therein, to substitute for such flogging any one of the punishments before mentioned; provided, that the conditions and regulations aforesaid, so far as they are applicable to the case of male Slaves, be duly observed.

And be it enacted and ordained by the authority aforesaid, that none of the before-mentioned punishments shall be inflicted on any Slave, by the authority of the owner or employer until twenty-four hours at the least have elapsed from the time of the commission of the offence for which any such punishment may be so inflicted, nor unless one person of free condition shall be present at, and witness the infliction of such punishment.

And be it enacted and ordained by the authority aforesaid, that every person having charge of a task or working gang of Slaves, exceeding _____ in number, and every owner of, or other person having the direction of, any plantation or estate, within the said Island Antigua, shall keep a book, to be called "The Punishment Record Book;" and it shall be the duty of such owner or other person to enter and record in the said book, at, or immediately after, the time of infliction of any punishment whatever on a female Slave, hereby authorized, or on any male Slave who may be punished in any one day, with any number of stripes exceeding _____, or who shall receive any other kind of punishment hereby authorized, a statement of the nature and particulars of the offence for, or with respect to which such punishment may be inflicted; and of the time at which, and the place where, the offence was committed; and of the time at which, and the place where, such punishment was inflicted; and of the nature, extent, and particulars of the punishment; and, in the cases of male Slaves, of the number of stripes actually inflicted upon the offenders, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted, and of the persons of free condition present and attending at the infliction of every such punishment; and any person or persons neglecting to make such entries in the Punishment Record Book, or not making such entry within _____ after the infliction of the punishment, shall incur a penalty not exceeding _____ nor less than _____; and if any person or persons shall wilfully or fraudulently make a false entry or erasure in any such book, or burn, destroy, cancel, or obliterate the same, such person or persons shall be guilty of a misdemeanor.

And be it enacted and ordained by the authority aforesaid, that every person required to keep a Punishment Record Book, shall, on the first Monday next following the fifth of April, twenty-fourth of June, twenty-ninth of September, and twenty-fifth of December, in each year, repair to the Protector and Guardian of Slaves, or the Assistant Protector and Guardian of Slaves of the parish in which he may dwell, and produce before him transcripts of every entry which, during the preceding quarter of a year, may have been made in his Punishment Record Book, and shall take the following oath, which such Pro-

pector or such Assistant Protector and Guardian of Slaves, is authorized to administer, viz.

“ I A. B., the owner (or manager, as the case may be,) of the estate
 “ or plantation called _____, in the parish of _____
 “ in the Island of Antigua, do make oath and say, that the writing
 “ hereunto annexed contains a true and exact copy of every entry
 “ which, since the _____ day of _____ last, hath
 “ been made in the Punishment Record Book of the before men-
 “ tioned plantation; and I do further swear, that the said Punish-
 “ ment Record Book hath been punctually and accurately kept
 “ since the said _____ day of _____, in the manner
 “ by law required, and that no fraudulent erasures, or false entry,
 “ hath been made therein by me, or by any person by my procure-
 “ ment, or with my knowledge or consent.”

And be it enacted and ordained by the authority aforesaid, that if any owner or manager shall not, since the time of making his last preceding Return, have inflicted any punishment required by law to be recorded, then, instead of the before mentioned oath, he shall take and subscribe, before the Assistant Protector and Guardian of Slaves of the parish in which he may be resident, the following oath, viz.

“ I A. B. do swear, that, since the _____ day of _____
 “ now last past, no punishment hath been inflicted by me, or by
 “ my order, or with my knowledge, on any Slave belonging or
 “ attached to the plantation called _____, situate
 “ in the parish of _____, whereof I am owner (or ma-
 “ nager, as the case may be), excepting punishments inflicted on
 “ male Slaves, not exceeding three lashes; and I further swear,
 “ that no entry of any such punishment hath, since the
 “ day of _____ been made in the Punishment Record Book
 “ of the said plantation. So help me, God.”

And be it enacted and ordained by the authority aforesaid, that
 at the least before the time of making any such Return, the
 Assistant Protector of Slaves of each parish within the said Island Antigua,
 shall transmit to the owner or manager of every plantation situate within such
 parish, a printed blank form of the before mentioned affidavits, with a notice
 of the time and place at which he will attend for the purpose of receiving the
 returns and administering the oaths aforesaid; and every such Assistant Pro-
 tector of Slaves shall attend from day to day, for _____ successive days,
 for the before mentioned purposes; and if it should be made to appear to any
 such Assistant Protector and Guardian, by the certificate of any medical prac-
 titioner, that any person liable to make such Return is rendered incapable,
 by sickness, of attending for that purpose, then such Assistant Protector and
 Guardian shall attend any such person, at their place of abode, for the purpose
 of receiving their returns and taking the affidavits before mentioned.

And be it enacted and ordained by the authority aforesaid, that any person
 refusing or neglecting to make any return, or to take the oaths required by this
 law, shall incur a fine, at the discretion of the Court, not exceeding _____
 , nor less than _____; and any Quaker liable to make
 any such returns may make the same upon his solemn affirmation.

And be it enacted and ordained by the authority aforesaid, that the Assistant
 Protector and Guardian of Slaves of each parish, shall transmit to the Protector
 and Guardian of Slaves, at his office, in _____, the whole of the
 returns made to him, with the original affidavits thereto annexed, within
 next after such quarterly returns are complete; and if any
 such Assistant Protector and Guardian of Slaves, shall himself be the owner
 or manager of any plantation, he shall, with the returns, deliver to the
 Protector and Guardian of Slaves, a transcript of the entries in his own
 Punishment Record Book for the last preceding quarter of a year, with an
 affidavit, sworn before one of the Justices of the Court of Common Pleas, in
 the manner and form before-mentioned, under the same penalties as are
 imposed on other persons neglecting to make the returns, or to take the oaths

aforesaid ; provided, however, that such Assistant Protectors and Guardians of Slaves may make such returns of the punishments inflicted on their own Slaves twice only in each year, if they shall think proper so to do.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves shall record, in books to be kept by him for that purpose, the whole of the returns, so to be made to him, preserving in his office the originals of such returns and affidavits, and a distinct book shall be kept for each parish, and in those books the returns shall be transcribed in alphabetical order, according to the names of the plantations, and full and exact indexes shall be made to such books.

And be it enacted and ordained by the authority aforesaid, that on the prosecution of the owner or manager of a plantation for inflicting on any Slave any illegal punishment, if the Slave is produced in open Court, and if the traces of a recent flogging shall appear on the person of such Slave, and if the Slave shall, in open Court, declare such traces to be consequences of any unlawful punishment or correction, and being duly examined by the court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, although such Slave should not be by law a competent witness, the owner or manager shall be bound to prove, either that the punishment, of which the traces are apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that the punishment was a lawful punishment within the meaning of this Act, and was inflicted in the presence of one witness of free condition, as is hereby required ; and in default of such proof, such owner or manager shall be convicted and judged guilty of the offence imputed to him, and no such prosecution shall be discontinued, except in obedience to a written order issued for that purpose by the Governor, under his hand and seal.

And be it enacted and ordained by the authority aforesaid, that persons guilty of swearing falsely, or, being Quakers, of making a false affirmation, under this Act, shall suffer such punishment as, by the law of the said Island Antigua, may be inflicted on any persons guilty of wilful and corrupt perjury.

And be it enacted and ordained by the authority aforesaid, that any person convicted of any misdemeanor under this Act, shall, if of free condition, become liable to a fine not exceeding _____, nor less than _____, or to imprisonment for any time not exceeding _____, nor less than _____, or both to fine and imprisonment, at the discretion of the Court before which such conviction may take place ; and if the offender shall be a Slave, such Slave shall be punished by imprisonment and hard labour for any time not exceeding _____ at the discretion of the Court before which the conviction may take place.

And be it enacted and ordained by the authority aforesaid, that in case any person shall be convicted of cruelty to any Slave, the Court may, at their discretion, declare the right and interest of the person so convicted, in and to any such Slave, to be absolutely forfeited to His Majesty.

And be it enacted and ordained by the authority aforesaid, that if any person shall be twice convicted of inflicting upon any Slave, any cruel and unlawful punishment, the person so convicted shall, in addition to the penalties before-mentioned, be declared by the Court before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendent of any Slave or Slaves within the said Island Antigua, and all Slaves of which any such person may, at the time of such conviction, be the owner or proprietor, and all the right and interest of any such person in any such Slave shall thenceforth be absolutely forfeited to His Majesty : Provided always, that no forfeiture to His Majesty of any Slave, or of any right or interest in any Slave, shall in any way diminish, affect, or take away the right or interest of any person in or to such Slave, except the person upon the conviction of whom any such forfeiture may be incurred.

And be it enacted and ordained by the authority aforesaid, that whenever any such forfeiture as aforesaid shall accrue to His Majesty, it shall not be carried into effect, by the actual seizure or sale of the forfeited property, until all the particulars and circumstances of the case shall have been reported to his His Majesty, through one of the Secretaries of State, and His Majesty's pleasure shall have been signified thereupon ; but pending such reference, the forfeited

property shall remain vested in His Majesty, subject to be divested, if His Majesty shall be graciously pleased to remit the forfeiture.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves, in his half-yearly returns to the Governor, shall state the particulars of all the returns which by virtue of this Act may have been made to him in the preceding half-year by the Assistant Protectors and Guardians of Slaves within the several parishes of the Island, and the names of the persons if any against whom he may in the preceding half year have instituted any criminal prosecution under this Act.

Notes on the Bill for Regulating the Punishment of Slaves.

THE provisions contained in the first clause of the Bill proposed by His Majesty's Government, will be found to have been already fully embraced in the Act for establishing a Court of King's Bench and Grand Sessions for the trial of Criminal Slaves, dated the 15th day of March 1821: Whereby Slaves are directed to be tried for all capital offences with precisely the same formalities in every respect (save only as to the evidence as before observed) as white or free persons: And it is provided by the 17th clause, "that in all cases of the trial of Slaves for felony without benefit of clergy, or other offences, which by the laws of this Island are or may be punishable with death, the prosecution shall be carried on at the suit of the Crown by the Attorney or Solicitor General, or by both those officers if thought necessary, and in their absence by the senior King's Counsel, and Counsel shall be assigned by the Court to the Slave so charged with felony upon his or her application, or upon the application of his or her proprietor, on his or her behalf, or of the representative of such proprietor."

Although no provision has been actually made by law for such purpose; yet the carrying of the whip by the driver as an emblem of authority, or for the purpose of coercion in the field, has for some time past been abolished in practice on every well regulated estate, and where corporal punishment is absolutely necessary the cat applied over the shoulders has been substituted for the cart whip formerly used. Clause 2d.

Provision has been already made by law, adopting, if not entirely, to a very considerable extent, the regulations proposed by His Majesty's Government in these clauses as by the Act of the Island, No. 636, section 1, it is declared, "that from and after the passing and publication of this Act, no Slave on any plantation or settlement, or in the common jail of this Island, shall at any time receive more than six lashes at one time and for one offence, unless the owner, attorney, guardian, executor or administrator, manager or overseer of such plantation or settlement, having such Slave in his care, or the keeper of the common jail, or one of the commissioners of the streets, or the superintendent having the direction of such Slaves as may from time to time be sentenced to hard labour upon the streets of the town of Saint John shall be actually present; and that no such owner, attorney, guardian, executor or administrator, manager or overseer, jail keeper, commissioner, or superintendent, or any other person whatsoever, shall on any account punish a Slave with more than thirty-nine lashes at one time and for one offence, nor inflict nor suffer to be inflicted such last-mentioned punishment, nor any other number of lashes on the same day, nor within fourteen days at least thereafter, nor until the delinquent shall have fully recovered from the effects of any former punishment, under the penalty of one hundred pounds for every offence, to be recovered against the person directing or permitting such punishment." Clause 3d.

The only distinction which has hitherto been considered necessary to be made between the punishment of male and female Slaves (on account of the generally insubordinate disposition of the women) has been provided for in the Act of the Leeward Islands, No. 36, section 37, whereby it is declared, "that every owner or director of any female Slave within the *Leeward* Islands who shall be *five months gone with child*, shall keep and detain such female Slave upon the estate to which she belongs at all times when the other Slaves are at work, but not employ her otherwise than in taking care of the children on the estate, or *other light work*, and such owner or director shall upon no account Clause 4th and 5th.

“ suffer such female Slave to quit the said estate at the times the other Slaves
 “ are at work and employed thereon, nor shall any such female Slave be pu-
 “ nished in any other manner than by confinement; and if any owner or director
 “ as aforesaid, shall offend against this clause in any respect, he shall forfeit for
 “ *the same the sum of five pounds.*”

Clauses 6th, 7th, and
8th.

The local enactments on the subject of repetition and limitation of punish-
 ments, have been already fully referred to in the Act, No. 636.

Clauses 9th, 10th, 11th,
12th, 13th, 14th, and
15th.

Plantation books or journals of the daily occurrences on the estates are gene-
 rally kept throughout the Islands, in which the punishments of Slaves are usually
 inserted on every well regulated property. And although no returns are
 actually required by law to be made of any punishments inflicted on Slaves, yet
 it will be found on reference to the 14th, 15th, 16th, 17th, and 18th clauses of
 the Act of the Leeward Islands, No. 36, and by the 2d section of the Act of the
 Island of Antigua, No. 636, that it is now fully competent for any Magistrate
 to institute inquiries as often as he thinks proper, (on even probable intelligence,
 of improper conduct into the treatment or punishment of Slaves.

Clause 16th.

In cases of persons, not owners of Slaves, beating or maltreating them, pro-
 vision is already made by law for summarily proving the offence, it being by the
 14th section of the Act of the Leeward Islands, No. 36, lawful for any two
 Justices of Peace to put the offending party on *his own* oath, and to compel him
 or her to answer to the charge; on refusal whereof, he or she is declared to be
 considered as convicted, and made punishable as therein is mentioned; and
 owners and directors themselves are expressly made liable to be indicted for
 maltreatment, by the 15th clause of the same Act.

In cases therefore (not affecting the life of the individual) if the evidence of
 Slaves shall be now admitted, presumptive proof would be unnecessary to be
 resorted to, even as it regards such owner or director.

Clause 17th.

By several Acts of the Island, false swearing in any Court of Justice already
 incurs the pains and penalties of wilful perjury.

Clause 18th.

The punishment of fine and imprisonment is already annexed by law to the
 offences contemplated by the proposed Act.

Clause 19th.

The removal of ill-treated Slaves from the immediate possession of the owner,
 pending the proceedings on any charge of cruelty or ill usage, and a subsequent
 sale of such Slave, under the authority of the Court, in the event of conviction,
 has been already provided for by law, by the 15th and 17th sections of the Act
 of the Leeward Islands, No. 36, which declares as follows :

Section 15th.

“ That in order to remove any doubt which may arise, as to the legality or
 “ propriety of punishing the owner or director of any Slave for any cruel con-
 “ duct towards such Slave, it is hereby expressly declared and enacted, that if
 “ any person shall *cruelly whip, maltreat, beat, or imprison, or keep in confine-*
 “ *ment without sufficient support* any Slave under his or her direction or care,
 “ such person shall be indicted for the same, in the Superior Court of criminal
 “ jurisdiction for the Island wherein such offence shall be committed, and upon
 “ being legally convicted thereof, shall suffer such punishment, by fine or im-
 “ prisonment, or both, as the Judges or Justices of said Court shall think
 “ proper to inflict; and the said Judges or Justices are hereby authorized, if they
 “ shall deem it necessary for the further protection of the said Slave, to order
 “ the Marshal or his Deputy to sell and dispose of such Slave to any person
 “ (except the owner) at public outcry, and at the best price that can be procured
 “ for such Slave; and the monies arising from such sale, after payment of the
 “ fees, shall be paid to the person having the first lien thereon, and in case of no
 “ such prior lien, then to the owner of the said Slave.”

Section 17th.

And be it further enacted and ordained by the authority aforesaid, that in case
 any Justice of the Peace shall receive any complaint or intelligence, which he in
 his own discretion shall think probable, that any Slave hath been mutilated,
 cruelly punished, or otherwise maltreated or confined, without sufficient support,
 it shall be lawful for such Justice of the Peace to call to his assistance some
 other Justice, and then such two Justices shall be, and are hereby authorized
 to order any constable to bring such Slave before them, or, if the case shall
 require it, they are hereby authorized to go to such place where such Slave shall
 be, and direct such Slave to be produced and shewn to them, that such inquiry
 and other proceedings may be made and had, as shall be necessary for the
 further prosecution of the offence; and that if such Justices shall think it

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proper or necessary, they shall be, and they are hereby authorized to send such Slave to some public place of security, or to the workhouse, if any is provided in the Island where such Slave shall live, to be there kept and detained, and supported at the expense of the owner or director of such Slave, until further inquiry shall be made into the fact according to law.

The additional penalties imposed and regulated by the 20th, 21st, and 22d clauses, would not appear to have been ever hitherto in any manner contemplated or provided for.

ANTIGUA.

A Bill to enable Slaves to acquire property, and to make provision for the safe keeping of such property by the establishment of Banks for Savings.

WHEREAS, by the invariable usage of Antigua, and which usage hath been sanctioned by various existing enactments, persons in a state of slavery have hitherto been permitted to acquire and enjoy certain property, free from the control of their owners, and it is expedient that such laudable practice should be still further recognized and established by law: We, therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief, in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your Most Excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid, that no person in the Island of Antigua, being in a state of slavery, shall, on account of such his or her condition, be, or be deemed to be, incompetent to purchase, acquire, hold, or alienate property, but every such Slave shall be, and is hereby declared to be competent to purchase, acquire, possess, hold, alienate, and dispose of lands situate in Antigua, or money, cattle, implements or utensils of husbandry, or household furniture, and other effects, of such or the like nature, of what value and amount soever; provided, that this Act shall not extend to revoke or alter any law now in force in the Island of Antigua, respecting the manner in which Slaves may cultivate land for their own advantage, or to authorize the sale of any articles heretofore prohibited to be sold or disposed of by Slaves, or by any other person or persons on their behalf; and provided also, that this Act shall not extend to authorize any Slave to acquire, or to become the owner of any kind of arms, gunpowder, or ammunition.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that it shall be lawful for the Protector and Guardian of Slaves, or the owner or proprietor, or director of any Slave, on any application to be made to him or her, by such Slave, to bring, maintain, prosecute, and defend any suit or action, on behalf of any such Slave, in any Court of Justice in this Island Antigua, for or in respect of any property which may lawfully be held by such Slave, as fully and amply, to all intents and purposes, as may now by law be done by persons of free condition.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that for the better preserving the property of any such Slaves, Banks for Savings shall be established within the said Island Antigua, and interest at the rate of per cent. per annum, shall be allowed upon every sum deposited in any such bank; which interest shall be charged upon His Majesty's revenue within the said Island of Antigua.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that any Slave, making any deposit of money in any such Savings Bank, shall be at liberty to make a declaration of the manner in which, and of the persons to whom, in the event of his or her death, the amount of such deposits shall be paid; and such declaration shall be recorded in a book to be kept for that purpose at the Savings Bank where such deposit may be made; and upon the death of the Slave making such declaration, the same shall be taken to be the last will of such Slave, in the absence of any other will; and in case any Slave shall marry after making any such declaration, the marriage shall be taken to be a revocation of the declaration; and if any Slave shall die intestate, and without having made any such declaration remaining unrevoked at the time of

his or her death, the property of the Slave shall be disposed of in favour of such persons as, by virtue of the statutes of distribution of intestate's estates, would, according to the law of England, be entitled to any such property.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that the Savings Banks throughout the Island shall be under the protection and control of the Protector and Guardian of Slaves; and the Governor of the Island shall have authority to appoint such proper officers, and make such necessary rules and regulations, as will be best adapted for managing the business of such Banks, and for ensuring order and punctuality therein, and for preventing misapplication of any money which may be there deposited; provided, that such regulations be not repugnant to this Act, and that the same be transmitted to England for His Majesty's approbation.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that no deposit of money shall, at any one time, or in any one week, be received at any Bank for Savings, from any Slave, exceeding the sum of in the whole, unless at the time of tendering such deposit the Slave shall produce the written consent of his owner or manager to such deposit being made; and if any Slave shall be desirous, at any one time, or in any one week, to make a larger deposit, and the owner shall refuse his consent, then the Protector of Slaves, upon application made to him for that purpose, shall issue a summons, requiring the owner or manager to appear before him at some particular time and place, and if the person being so cited shall not appear, or appearing, shall not lay before the Protector and Guardian of Slaves sufficient cause why the deposit should not be made, then such Protector and Guardian of Slaves shall issue an order, in writing, requiring the manager of the Savings Bank to receive the amount of the deposit, and the same shall be received by him accordingly.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that in his half-yearly returns to the Governor, the Protector and Guardian of Slaves shall, amongst other things, state the amount of the sums of money deposited in any Savings Banks in the said Island Antigua, in the preceding half year.

Acquirement of Property by Slaves.

IT would appear that Slaves have, by immemorial usage, been permitted in Antigua to hold, and absolutely enjoy in their own right, property of a certain description; and have never been restricted by law from selling *any articles whatever under a ticket from the owners*, which it was always competent for an industrious and well disposed Negro to obtain. The usage alluded to will be found expressly recognized in the following enactments, viz.

By the 14th clause of the Act of the Leeward Islands, No. 36, already noticed in the Observations made on the Bill for the Protector of Slaves, "any white or free coloured person taking away from a Slave *any article or thing whatsoever for which a ticket shall be produced from the owner or director, or any stock, vegetables, provisions, grass, tops, voura, or any article or thing* which such Slave shall be authorised, by any present or future existing laws, usages, or customs of the Island, to sell or possess, or shall, after purchasing them, refuse to pay for them, or otherwise injure or destroy such articles," shall be punished in the manner particularly expressed in the Act, which establishes a summary jurisdiction for the purpose by two justices (an easier remedy, it is submitted, to the Slave, if duly enforced, than the bringing or maintaining any action or suit at law regarding such property).

By the 4th clause of the Act of the Island of Antigua, No. 130, "Persons dealing with Slaves for sugar, cotton, tobacco, or other goods, *without leave from the owner or director*, are required to be bound over to the Sessions for punishment." And by the Act No. 176, sect. 19th, it is declared, "That if any person or persons whatsoever shall thereafter buy, barter, or truck for or receive, by any means, of or from any Slave or Slaves, any sugar, cotton, rum, molasses, ginger, and other goods or chattels (except only *logs of wood, fire wood, crabs, fresh fish, dunghill fowls, kids, hogs, and ground provisions of the produce of this Island*), without leave given by the owner to such

“Slave to sell the same, such persons shall be guilty of a misdemeanour, and punishable as is therein mentioned.”

Slaves also stand, very properly, by law, precluded from owning or disposing of copper, lead, brass, or other articles generally used on estates, from the obvious temptation to plunder which would be afforded by a right to possess such articles. And by the Act of this Island, No. 649, commonly called the “Police Act,” sections 12 and 13, Slaves are further restricted from selling sugar, rum, molasses, or sugar canes, and are required on working days to be furnished with a pass from the owner, declaring the articles entrusted for sale, or permitted to be disposed of by such Slave, with the particulars thereof. And, lastly,

By the Act of this Island, No. 176, sections 35 and 36, it is made “unlawful for Slaves to hold arms or gunpowder* ; and a penalty of ten pounds, lawful money of the Island, is imposed on any person selling, bartering, or giving to any Slave, any fire arms, cutlass, or offensive weapon, except such as are given for watching.”

These Enactments, therefore, will be found to have already embraced several of the provisions intended to be introduced by His Majesty’s Government.

* Subsequently extended to the sale of shot and flints by the 7th Section of Act, dated 5th July 1823.

ST. CHRISTOPHER.

No. 1.

MY LORD,

St. Christopher's, 1st March 1826.

I HAVE the honour to forward a copy of my Speech to the two branches of the Legislature of this Island at the opening of the present Session, their addresses, and my replies; and I have much pleasure in informing your Lordship, that a Bill for the Amelioration of the Slave Population has been introduced, read the first time, and ordered to be printed.

I have, &c.

(Signed)

CHARLES WILLIAM MAXWELL.

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

&c. &c. &c.

To His Honour the President and the Honourable the Members of Council.

To the Honourable the Speaker and the Members of the House of Assembly.

Mr. President, and Gentlemen of the Council,

Mr. Speaker, and Gentlemen of the Assembly,

THE deep interest which I take and must ever feel in the welfare of a Colony which, by the gracious pleasure of His Majesty, has for so long a period been confided to my administration, causes me to meet its Legislature upon the present occasion with no ordinary feelings of satisfaction.

These feelings arise from the hope which I entertain, that the season of depression which these valuable Colonies have so long and so patiently endured, has passed away; and from the measures which His Majesty's Government have matured and promulgated for the advancement of the best interests of this part of the Empire.

And here we are bound by a common tie of gratitude for the paternal solicitude of our Sovereign, in providing for our spiritual wants by the establishment of Episcopal jurisdiction; a measure which, by the election of a Prelate so eminent for his zeal and virtues, cannot fail, under the blessing of God, to produce the most beneficial results.

Nor is it to the spiritual interests of these Colonies that this solicitude has been confined; by wise and liberal regulations, the great distinction which marked the commercial policy of the parent country as affecting her Colonies, and the shackles which heretofore were placed on your commerce and navigation, are for ever broken.

I believe that I am the faithful echo of the public voice of this community, in the expectation that your deliberations, and the measures to be founded thereon, will correspond with the generous decisions that have been made in your favour; and that you will, in reference to the first point which I have brought under your consideration, give effect to the pious wish of our Bishop, by affording the means of instruction to the indigent male and female children of this Island; and by a law which will scarcely affect the public resources, you will rescue your Clergy from the degradation of trafficking with Colonial produce, which, with only one exception, they now receive as a provision for their respective stipends, and that you will give your assistance whenever it may tend to advance the great object of religious instruction and of our spiritual welfare.

In regard to the second point to which, as affecting your temporal interests, I have adverted, I am confident it is not necessary that I should ask for any

corresponding measure on your part, or that I should repeat the just expectation of His Majesty's Government, that such measures affecting the welfare of the Slave population of this Island, should be at once adopted.

I have only here to refer to the pledge which was so honourably given by the Authorities, which are now, I trust, for the public benefit vested in you; which pledge I proudly feel you will redeem.

I may not conceal the regret which I experience, that the performance of a promise—a promise placing this Colony so high in the public estimation, has been, from causes which I am aware do not in any respect affect its sincerity, so long delayed; and I only now discharge an imperious, but I believe a superfluous duty, in bringing the subject under your immediate notice.

(Signed) C. W. MAXWELL, Capt. Gen.

St. Christopher, January 19, 1826.

Reply from the House of Assembly.

To His Excellency Charles William Maxwell, Esquire, Companion of the most Honourable Military Order of the Bath, Colonel in the Army, Captain General and Governor-in-Chief in and over the Islands of St. Christopher, Nevis, Anguilla, and the Virgin Islands, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c.

May it please your Excellency,

IN reply to your communication, made at the opening of the present Session, to the House of Assembly, the Members of that branch of the Legislature beg leave to return their acknowledgments for those feelings of satisfaction which you have expressed at again meeting them.

The Assembly fully indulge with your Excellency the pleasing hope, that the clouds which have so long hovered over this portion of the Western Hemisphere, are passing away; though we must still admit that a very partial gleam of the general prosperity, which pervades the Mother Country, has as yet shone on this part of her possessions. The restrictions removed from our commerce may in time realize the anticipations which you have expressed; but we are still too much fettered with oppressive duties on our staple commodities to derive any considerable present benefit.

With reference to that part of your Excellency's Speech which treats of His Majesty's paternal solicitude as regards our spiritual welfare, we can entertain but an unmixed feeling of gratitude for the appointment of an Episcopal Establishment; and of a Prelate who appears, even from the brief knowledge we have of him, so well calculated to further the views of His Majesty's Government; and while we look forward with the deepest interest to the good that must result from his labours, and those of a zealous Clergy under his charge, in imparting religious instruction to our Slave Population, on a more extensive scale, we cannot refrain from auguring that much benefit must and will be acquired by the Colonies comprising his diocese, by his impartial and disinterested testimony; for his personal observations must enable him to refute those calumnious charges which are so profusely heaped upon us by a persecuting faction from the most base and self-interested motives.

We shall be most ready to co-operate with our worthy Prelate in as far as our means will permit in the improvement of our church establishments, the formation of schools, and diffusion of religious instruction:—We also concur in the expediency of an alteration as to the mode of provision hitherto adopted for the labours of the Clergy.

We admit in its fullest extent the imperious necessity that exists of redeeming the pledge already given as to the full and fair consideration of measures tending to the improvement of the Slave Population, and so far to ameliorate their condition, that they may gradually acquire those habits and principles which may enable them in time to obtain the station of a free peasantry. But whilst we make such admission, we must still remember that we have an equally imperious duty to perform, that of not losing sight of those land-marks of our own security and welfare, which are equally essential to the present and future well-being of the Slave and of the Master.

(Signed) W. WHARTON RAWLINS, Speaker.

Assembly Rooms, Feb. 6, 1826.

ST. CHRISTOPHER.

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Reply from the Honourable the Board of Council.

To His Excellency Charles William Maxwell, Esquire, Companion of the most Honourable Military Order of the Bath, Colonel in the Army, Captain General, and Governor-in-Chief, in and over the Islands of Saint Christopher, Nevis, Anguilla, and the Virgin Islands, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c.

SIR,

WE the Members of Council return our cordial thanks to your Excellency for the Speech you addressed to us at the opening of the Session, and no less for the kind concern which your Excellency takes in the best interests of this Colony.

We trust that your Excellency's warm anticipations of the improving condition of these Colonies will be amply realized. We feel indeed the deepest gratitude for the solicitude which His Majesty's Government has expressed for the well-being of the inhabitants of this part of the dominion, both in the new modelling the commercial laws, and in establishing episcopal jurisdiction. We hope that the kind and liberal intentions manifested in the first-mentioned measure will produce to the Colonies all those beneficial results which we are convinced they were designed to convey. It is impossible to entertain the smallest doubt as to the salutary effect of the other measure to which your Excellency has adverted. It is not too much to say of it, that nothing could have been devised more eminently calculated to improve the moral and spiritual condition of all classes of persons in the Colonies, and thus to ensure their peace now, and their happiness in eternity; and we are confident that the learning, virtues, and zeal of the prelate chosen to preside over the church establishment, must render all our hopes and expectations on this important subject doubly sure. We encourage the hope that the deliberations and measures of the Board of Council will ever shew our feelings on these subjects, and that we shall consequently be ready at all times cordially to co-operate with the House of Assembly in any designs which may have the instruction of all classes of the rising generation, the more respectable provision for the clergy, and the general advancement of the cause of our holy religion for their object. We have long felt the serious disadvantages of the present mode of remunerating the clergy for their spiritual labours, and we are ready to join in proper measures for amending this objectionable part of our institutions.

We are about to enter immediately into the discussion of the important subject to which your Excellency so strongly calls our attention, with a sincere disposition to go as far in the proposed alterations as a due regard to the safety of our establishment will permit; and we anxiously hope the result may be satisfactory to His Majesty's Government.

(Signed) STEDMAN RAWLINS, President.
JOHN WOODLEY.
JAMES DAVOREN.
R. W. PICKWOOD.
ISAAC DUPREY.

Council Chamber, February 17th 1826.

No. 2.

SIR,

Downing Street, 19th March 1826.

WHEN I had the honour of communicating to you the Resolutions of the House of Commons in 1823, you were instructed to bring under the consideration of the Council and Legislative Assembly of St. Christopher's some of the measures which His Majesty's Government recommended for improving the condition of the Slave population.

In 1824 I had the honour of communicating to you a copy of the Trinidad Order in Council, containing, with the others, the further measures which His Majesty's Government considered it to be their duty to propose for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons.

The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves on such principles as would give to the Slaves, on the one hand, a means of acquiring their freedom, or that of their families, and on the other, secure to the owner, by an equitable appraisalment, a full indemnification for the loss which he might experience by their manumission. In directing you to lay this Order before the Council and Legislative Assembly, I thought it desirable, in the first instance, that it should be left for them to proceed in such manner as might appear to them advisable for taking all these several measures into their consideration.

Since that time you have renewed your representations, but I am not informed that the Committee to which the subject had been referred, had made any progress, and your expectations of a favourable issue appear to have ceased.

You will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Trinidad Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light the effect of some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of St. Christopher's.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the Resolutions of the two Houses of Parliament, and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me that the Council and Assembly have agreed to Bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of those Bills, to congratulate you and the Legislature of St. Christopher's on the establishment of a system, both for the improvement of the condition of the Slave population, and for providing for the manumission of Slaves or of their families, on a principle of equitable appraisalment; which system will have fully carried into effect the Resolutions of the two Houses of Parliament. Nothing will then remain, but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population; the means of accomplishing this object will be facilitated by the Report of the Commissioners of Legal Inquiry, who, as you are aware, have been employed for that purpose in the examination of the Constitution and practice of all the Courts of Justice in the Island.

I have, &c.
(Signed)

BATHURST.

Governor Maxwell, C. B.
&c. &c. &c

No. 3.

SIR,

Downing Street, 21st May 1826.

IN my despatch to you dated the 19th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council classed under separate heads.

In the enclosed papers will be found all the provisions of the Order in Council of the 10th March 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that Order as have been introduced by any subsequent Enactments. *Vide Bahamas.*

These enclosures relate to the eight following subjects :—First, The office of Protector and Guardian of Slaves.—Secondly, The admission of the Evidence of Slaves in Civil and Criminal Cases.—Thirdly, The Manumission of Slaves.—Fourthly, The Intermarriage of Slaves.—Fifthly, The Observance of Sunday, and the Abolition of Public Markets on that day.—Sixthly, The Acquisition of property by Slaves, and the Establishment of Savings Banks for the better protection of it.—Seventhly, The Separation of Families under Judicial Process.—And, Eighthly, The Punishment of Slaves, with the Record to be kept of such punishments, when inflicted by the authority of the Owner.

To each of these enclosures I have subjoined notes explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th of March 1824.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant Governor of Demerara. From the perusal of that correspondence you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the Law are regarded as of primary and essential importance. *Presented to Parliament Session 1826.*

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in St. Christopher; I am aware also, that upon some of the topics comprised in these papers the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing Laws of the Island, and that without a very intimate and practical acquaintance with those Laws, it may perhaps not be possible safely to frame new legislative provisions on the same, or similar subjects.

In transmitting to you the enclosed papers, I do not therefore propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew, and in the fullest manner, the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the form and language of Legislative Acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any Laws in which the Legislature of St. Christopher may effectually embody these principles, and give effect to those intentions, however much such Laws may depart from the enclosed drafts, in arrangement, language, or minor details.

You will therefore, immediately on receiving this despatch, make a confidential communication on the subject to the Law Officers of the Crown within your Government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills, as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the enclosed drafts. In performing this duty they will of course have regard not only to such local circumstances as may necessarily affect the form and language of those enactments, but also to any of the existing Laws of the Colony, in which the same, or similar provisions may be found. They will also consider how far a consolidation of such former Acts with the projected Bills may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed Laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford

no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject you will exercise your own judgment, with all the advantages to be derived from your acquaintance with the established usages of the Colonial Legislature.

At the conclusion of the Session, you will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect; and in case that this object shall not have been effectually accomplished, you will accompany that report by a distinct reference to each clause of each of the drafts enclosed, stating in detail the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision what parts of the clauses recommended have been enacted, and what parts have been rejected by the Legislature. In those cases, where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch without again reminding you that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope that it will shortly be in my power to lay before His Majesty, Acts of the Assembly of St. Christopher, fully carrying into effect the spirit of the various provisions, which by His commands, I have now the honour to transmit to you.

Governor Maxwell, C. B.
&c. &c. &c.

I have, &c.
(Signed) BATHURST.

No. 4.

Extract of a Despatch from Governor Maxwell to Earl Bathurst, dated Government-House, St. Christopher, 7th Oct. 1826.

I HAVE the honour to acquaint your Lordship, that in consequence of Mr. Woodley, the Attorney General, having suggested to me the possibility that an impediment might arise in the Assembly proceeding to take the Bill for the appointment of a Guardian of Slaves into consideration, as that measure had been already rejected by the House of Assembly, and as it was not usual to renew such measure in the same Session of Parliament, he advised me to exercise the prerogative entrusted to me by His Majesty to dissolve the Assembly, and issue writs for electing a new House. This has been carried into effect; and I have the honour to enclose copies of my speech to the Legislature on meeting it; and of the Addresses from both branches, with my replies. I have great gratification in drawing your Lordship's attention to the Address from the Council, and I have equal pleasure in assuring your Lordship, that I am fully persuaded of the earnest inclination of that Board to fulfil the wishes of His Majesty's Government; and it is with considerable regret that I cannot have the same satisfaction in submitting that from the House of Assembly, the tendency of which Address appears to be unfavourable to the true interests of the constituents.

Mr. Attorney General Woodley has prepared four Bills from the heads of those transmitted by your Lordship, and they have been introduced into the House of Assembly by Mr. Smith, one of the King's Council. The first, that for the appointment of a Guardian or Protector of Slaves on the 15th ultimo; and on the 6th instant, the three following were read the first time, and ordered to be read the second time on the next meeting, which will be the 20th instant; second, An Act for the suppression of public markets on Sunday, and for preventing Slaves being compelled to labour on that day; third, An Act to enable Slaves to acquire, hold, and dispose of property, and to make provision for the safe keeping of such property, by the establishment of Banks for Savings;

also to regulate the admission of the evidence of Slaves in the Courts of Justice in St. Christopher; for regulating the celebration of Marriages amongst Slaves, and for declaring such Marriages valid and effectual in law; and to prevent the separation of Slaves, being members of the same family, by virtue of any legal process; fourth, An Act for preventing abuses in the punishment of Slaves, whether such punishment is inflicted in due course of law, or by the authority of the master; also to regulate the proceedings for the manumission of Slaves, and to enable Slaves under certain restrictions to purchase their own freedom.

These Bills are ordered to be printed for the information of the Members of the Legislature; from what I can learn of their opinion, and that of other persons in the community, it appears that the greatest objection will be to the appointment of the Guardian of Slaves, which I much regret, as I feel convinced that without some provision of the kind, the Slaves will not have the protection and support to which their forlorn situation so justly entitles them.

To his Honour the President and the Honourable the Members of
His Majesty's Council.

To the Honourable the Speaker and Gentlemen of the House of
Assembly.

GENTLEMEN,

I HAVE, with the advice of my Privy Council, exercised the prerogative of the Crown in issuing writs for the election of a House of Assembly for this Island, in order that the public voice should be expressed, as far as may be, upon the important subject which I shall more immediately press upon your attention, as requiring your earliest deliberation; and in order that you may proceed to that deliberation unfettered with any difficulties, either formal or substantial, that might have prevented the question being met solely on its intrinsic merits. The subject to which I advert, is the several measures which His Majesty's Government recommends for the amelioration of the Slave population. You are officially in possession of the solemn pledge given by that Government, that these measures shall be adopted; and you are aware, even if there could be a doubt, of the firm determination of those to whom this subject is confided, to accomplish that which they have undertaken, and that the Parliament, supported by the universal voice of the nation, will see that pledge redeemed.

It is highly honourable to this Colony, and gratifying to all interested in its character and welfare, that so much has been done for the benefit of the Slave; and I trust, that on approaching the important subject with calm consideration, and those sound views of policy which are so indispensably requisite on this important occasion, you will cheerfully adopt those measures held to be so essential to the welfare of the Slave; which will be found in no respect to injure the interest of the master, but on the contrary, by raising this degraded class in the moral scale of the creation, it will become a more orderly, intelligent, and more valuable fund of labour.

Experiencing daily inconvenience from the impossibility of consulting a copy of the Colonial Laws, I regret it is my duty again to urge you to mature the plan which has been so long suggested for their publication; and I deplore that any thing has been allowed to delay the execution of the assurances which have been so repeatedly given on this subject.

Mr. Speaker, and Gentlemen of the Assembly,

The attention which has been so beneficially bestowed by your Honourable House on the finances of the country, satisfies me, that every thing in this respect will be done by you, which the public credit, and consequently the public interest demands.

Mr. President, and the Honourable the Members of His Majesty's Council,
Mr. Speaker, and Gentlemen of the Assembly,

The uninterrupted harmony so happily subsisting between the executive and legislative authorities, is a source of high consolation to me, as evidence that my administration has had the public welfare for its object, and that your views have been the same: I therefore find myself united to this community by no ordinary ties; and should I be permitted to witness your returning prosperity, be assured, I shall consider it an advancement of my own.

(Signed) C. W. MAXWELL, Captain General.

St. Christopher's, 5th September 1826.

To his Excellency Charles William Maxwell, Esquire, Companion of the Most Honourable and Military Order of the Bath, Colonel in the Army, Captain General and Governor-in-Chief in and over St. Christopher, Nevis, Anguilla, and the Virgin Islands, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c. &c.

SIR,

WE the Members of His Majesty's Council of Saint Christopher, beg leave to offer to your Excellency our thanks for the measures you have taken to bring to the early consideration of the legislature the important subject of the Bills recommended by His Majesty's Government to be passed for the melioration of the condition of the Slave population.

We assure your Excellency, that we entertain a very sincere disposition to promote the welfare of the Slaves, and that we will enter upon the consideration of the measures about to be proposed with every desire to comply, as far as we can with safety, with the recommendation of the Government and the wishes of Parliament.

Your Excellency's observations respecting the want of printed copies of the laws, shall meet our early attention.

It is matter of great satisfaction to us, that your Excellency so highly appreciates the harmony which exists between the executive and legislative authorities. We entirely agree with you in the inference drawn from that gratifying circumstance; and we feel most sensibly, and return our warmest acknowledgments for the kind interest you take in our concerns.

(Signed) STEDMAN RAWLINS, President.
JOHN WOODLEY,
J. DAVOREN.
DANIEL GATEWARD DAVIS.
G. O'MALEY.

Council Chamber, 15th September 1826.

Governor Maxwell's Reply.

To his Honour the President and the Honourable the Members of
His Majesty's Council.

GENTLEMEN,

I BEG leave to express to you my perfect reliance on the assurance of your sincere disposition to promote the welfare of the Slaves, and that you will give the proposed measure for the amelioration of their condition your cordial and sincere support.

It is highly gratifying to me, to be assured by your Honourable Board, that I have properly estimated the harmony which exists between the executive and legislative authorities, and I receive with unfeigned gratification your very obliging acknowledgment of the anxiety I have, and always shall feel for the prosperity and happiness of this Colony.

(Signed) CHARLES WM. MAXWELL, Captain General.

St. Christopher's, 6th October 1826.

ST. CHRISTOPHER.

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To His Excellency Charles William Maxwell, Esquire, Companion of the Most Honourable Military Order of the Bath, Colonel in the Army, Captain General and Governor-in-Chief in and over the Islands of St. Christopher, Nevis, Anguilla, and the Virgin Islands, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, the Members of the Assembly of St. Christopher, take leave to thank your Excellency for the Speech which you were pleased to deliver to the Legislature at the opening of the present Session.

We duly appreciate the truly constitutional mode adopted by your Excellency, in dissolving the last and convening the present Assembly, for the purpose of ascertaining the expression of the public voice upon the vitally important matters relating to the protection and government of the Slave population, and adverted to by your Excellency, as being about to be submitted to our consideration.

It was with considerable pain and regret, that this House was attracted to that part of your Excellency's address which designates the Slave population generally as "a degraded class in the moral scale of Creation;" an observation often repeated by the enemies of the Colonies, and imputed to the tyrannical acts of the master, and as often clearly refuted.

The House of Assembly would willingly have permitted this incidental expression to pass unnoticed, as they fully believe it could not have been contemplated by your Excellency, that it would have the effect of furnishing the inveterate faction in the Mother Country, with an unfounded and absurd reproach, that the Slave population are a degraded class in the scale of Creation, arising from the cupidity and tyrannical conduct of their masters. We appeal, and appeal with confidence too, to every impartial mind that may be acquainted with the subject, for its absolute and complete contradiction.

We agree with your Excellency, that it is highly expedient, that the laws of the Island should be in a state of immediate and convenient access to every person interested in them; and when the contemplated measure of revising the old, and enacting new laws for the protection and government of the Slaves (which will comprise the most important feature in the code) shall have been concluded, our best attention shall be given to this important object.

Our earliest consideration will necessarily be directed to the state of the public finances, and while a due regard is had to the just interests of the public servant, and due respect for the engagements with the public creditor, a system of the most rigid economy must prevail, in order that the expenditure may not exceed the income, and thereby render any addition of taxation on the community unnecessary.

We cannot conclude without assuring your Excellency, that the House will, at all times, be much gratified to find that an uninterrupted harmony of action and feeling shall subsist between the legislative and executive branches of this Government; and that no effort of this branch of the legislative shall be wanting that can tend to so beneficial and desirable a result, consistent with the paramount duty they owe to the protection of interests and welfare of their constituents.

(Signed) WILLIAM WHARTON RAWLINS, Speaker.

Assembly Room, 15th September 1826.

Governor Maxwell's Reply.

To the Honourable the Speaker and Members of the House of Assembly.

GENTLEMEN,

I AM happy to find you approve of the convening a new House of Assembly, for the purpose of considering the important matters relating to the Slave population, which His Majesty's Government has directed to be laid before you.

I regret exceedingly that you should have felt it necessary to animadvert upon an expression in my Speech; it certainly was not contemplated by me, and I beg to be allowed to say, that I do not now feel that it can be perverted to the ill-purposes, which you apprehend.

I trust the important measures I have submitted to your serious deliberation, will meet with your immediate attention, and that you will afford your cordial co-operation in fulfilling the urgent and repeated expectations of His Majesty's Government on this subject.

(Signed) CHARLES WILLIAM MAXWELL.
St. Christopher, 6th October 1826.

No. 5.

Government House, St Christopher's,
7th October 1826.

MY LORD,

I HAVE already had the honour to apprise your Lordship that the Slave Amelioration Bills for Nevis, were given to Mr. Solicitor-General Forbes, to prepare and introduce into the House of Assembly, that gentleman had fulfilled the duty of framing them, when he was attacked with a violent and dangerous illness, which I am apprehensive will prevent his ever again attending to public business, and has obliged him to return to England; these important Bills have been transferred to the management of Mr. Peterson, the senior King's Council, and a Member of the House of Assembly at Nevis, who introduced them on the 23d ultimo, and they were read the first time; there appears to have been some discussion on the period of their being read a second time, which was at length ordered to be done in six weeks; during this period, I hope those Members who are inimical to the most material provisions of the Bills will form a more favourable opinion of them.

I have, &c.

(Signed) C. W. MAXWELL.
The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

No. 6.

SIR,

Downing Street, 16th November 1826.

I HAVE received your despatch of the 7th ultimo, No. 47, in which you inform me, that the Attorney-General had prepared *four* Slave Bills from the heads of those transmitted by me, and that they had been introduced into the Assembly. It appears that in these four Bills are comprised the measures which by me were distributed into eight; that the third contains the provisions respecting property, evidence, marriage and the separation of families; the fourth, those respecting punishments and manumissions; which six distinct and independent subjects are thus associated in two Bills. I have, therefore, to call your attention to the following instructions contained in my despatch of the 19th March last:

“On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures *severally into effect*, in such manner as may be most conformable to the existing Laws of St. Christopher. When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the *Assembly may have them separately before them.*”

And I am to request that you will explain in what manner, under the distribution above recited, you propose to obtain the important object which these instructions, thus specially directed, should be carefully kept in view, namely, that of securing a separate consideration of the several Bills and respective decisions.

I have, &c.

Governor Maxwell, C. B.
&c. &c. &c.

(Signed) BATHURST.

NEVIS.

No. 1.

Extract from a Letter from James Colquhoun, Esq. Colonial Agent for Nevis, to Earl Bathurst, dated 1st September 1826.

“AS the enclosed Bill, although not signed by the Governor, has been passed by the Council and Assembly, and officially signed by the Speaker and Clerk of the Assembly, and by the Clerk of the Council, I take the liberty to transmit it to your Lordship, in the hope that it may be presented to Parliament, should any untoward circumstance prevent the receipt in due time, of the Bills intended to supersede it.”

NEVIS.

An Act to legalize the Marriages of Slaves in the Island of Nevis, to declare their property secured to them by Law; to render them competent witnesses under certain restrictions; to regulate proceedings at Law respecting them in Civil and Criminal cases; and further to ameliorate their condition.

WHEREAS the two branches of the Legislature of this your Majesty's Island of Nevis, have for some time past had under their most serious and anxious consideration the recommendation of your Majesty's Government relating to the Slave population, and more especially your Majesty's Royal Order in Council for improving the condition of the Slaves in Trinidad, and after having examined and viewed the subject in all its bearings, are humbly but firmly of opinion, that the pre-existing Laws of this Island may, by means of certain alterations and amendments, be rendered fully adequate to all the objects of those recommendations and of the said Order in Council, which can be pursued with due regard to the civil existence and welfare of these Colonies: Wherefore, and for the prudent and cautious attainment of those objects, may it please your Most Excellent Majesty, That it may be enacted, and be it and it is hereby enacted, by his Excellency the Captain General and Governor-in-Chief of your Majesty's Islands of Saint Christopher, Nevis, Anguilla, and the Virgin Islands, and the Council and Assembly of this Island of Nevis, and by the authority of the same, that from and after the expiration of three calendar months from the publication of this Act, and until Sunday markets may by Law be wholly abolished, in consequence of the improved condition of the Slave population in religion and morals, the markets holden on Sundays throughout the said Island shall be limited to the hour of eleven in the forenoon, and that the ringing of the usual ten o'clock church bell in the several parishes of this Island, or of any other bell or bells established or to be established for this purpose by the vestries of the said parishes respectively, shall be sufficient warning to all persons to prepare to depart from the said markets, and for all marketing to cease; and that from and after the hour of eleven of the clock on the Lord's day, if any person or persons whosoever shall publicly shew forth or expose to sale any article or articles whatsoever in any of the said markets, such article or articles shall and may be seized by any constable or other peace officer, and shall be forfeited and disposed of, either in part or in the whole, at the discretion of any Magistrate before whom the matter may be brought, after conviction of the offender, upon confession or by the oath of one credible witness, such offender having been duly summoned to answer for such offence; and in case the offender be a white or free person, such person shall moreover, on conviction as aforesaid, be fined in any sum not exceeding five pounds, or be imprisoned in the common gaol for any time not exceeding five days; and that a verbal summons of the party offending, by the constable or other peace officer,

Preamble.

Royal Order in Council, for improving the condition of Slaves in Trinidad, and recommendation of His Majesty's Government, relating to the Slave population, cited; and the pre-existing Laws of this Island, with certain alterations and amendments, alleged to be susceptible of being made adequate to the objects thereof.

Clause 1.

Sunday markets partially abolished after the expiration of three calendar months from publication of Act, and to cease at eleven o'clock in the forenoon of the Lord's day.

Articles exposed to sale after that hour forfeited.

Penalty of £5 on party offending, if a white or free person.

to appear before any Magistrate on the Monday following, shall be deemed and taken to be a sufficient summons.

2. After the expiration of three calendar months from publication of Act, no shop, &c. to be open for sale of articles, nor spirituous liquors, &c. sold during the Sabbath day. Penalty of £5, not more than £10.

Proviso.
Not to extend to any tavern, &c. nor to carrying or crying about for sale (except during the time of Divine Service) butcher's meat, or fresh fish.

3. Marriages between Slaves, or between a Slave and a free person, declared to be lawful, but with previous consent in writing of Slave's owner, &c.

In case of refusal of consent, how to proceed.

Ordinary to determine the matter, and any Minister of the Established Church to solemnize the marriage, upon Ordinary's licence, after publication of banns.

Proviso.
As to the effect of marriage of Slaves upon the rights of the owner, and not to extend the civil rights of marriage to the parties to such marriages.

4. No marriage, where a Slave is a party, to be valid, unless solemnized by a Minister of the Established Church.

Penalty of £50, or imprisonment not exceeding thirty days, on other persons pretending to celebrate such marriage; and marriage null and void.

5. Slaves competent to purchase, acquire, possess, &c. any kind of property, except real estates, slaves, boats, and vessels, &c. and to dispose thereof by sale, gift, or bequest.

And be it enacted by the authority aforesaid, that from and after the expiration of three calendar months from the passing and publishing of this Act, no shop for the sale of any article whatever, nor any grog shop, punch house, or place where any kind of strong or spirituous liquors shall be sold, or kept for sale, shall be open during the Sabbath Day; nor shall any strong or spirituous liquor be sold, or distributed, or exposed for sale by any person whatever, under the penalty of not less than five pounds, or more than ten pounds, to be levied as hereinafter is directed. Provided nevertheless, that nothing in this, nor in the last preceding clause contained, shall extend, or be deemed or taken to extend, to any tavern, hotel, or boarding house, nor to any baker, nor to the preventing of butcher's meat and fresh fish from being carried or cried about for sale on the Lord's Day, except during the hours for Divine Service of the established parish church.

And be it enacted by the authority aforesaid, that if any Slave or Slaves hereafter shall be desirous of entering into the holy state of matrimony with any other Slave, or with any free person, it is hereby declared to be lawful for him, her, or them so to do. Provided always, that such Slave or Slaves shall first obtain and produce the consent in writing of his, her, or their owner, lawful possessor, manager, or director, to the celebration of the intended marriage; but in case the owner, lawful possessor, manager, or director of any such Slave, shall refuse to give his or her consent as aforesaid, then, and in such case, it shall and may be lawful for such Slave or Slaves to represent the same to the ordinary, or the deputed ordinary of this Island for the time being, and such ordinary or deputed ordinary is hereby authorised and required to summon before him such owner, lawful possessor, manager, or director, so refusing as aforesaid; and if thereupon such owner, lawful possessor, manager, or director, shall fail to appear, or appearing, shall not show just and reasonable cause for withholding his or her consent, then, and in every such case the said ordinary or deputed ordinary shall grant a licence, under his hand and seal, thereby authorising any minister of the Established Church of the United Kingdom of Great Britain and Ireland, to solemnize such marriage, after publication of banns, in the same form, mode, and manner, as he would do if the parties were of free condition. Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, in any manner whatsoever, by means or by reason of any intermarriage with a Slave, or between Slaves, to take away, alter, or annul any right, title, or property, which the owner or master of such Slave or Slaves might or could have in or to them, or either of them, or in or to their issue, by any law or custom of this Island heretofore established, or give any authority to the husband over the wife or her children, nor endow the wife with any property of the husband, nor to give any rights whatsoever, except those of a religious nature, nor to render any such marriage valid or effectual, which would be illegal or void if such person were of free condition.

And be it further enacted, that no marriage from henceforth to be celebrated within this Island, wherein a Slave shall be a party, shall be legal or valid, or be deemed or taken so to be, unless the same shall be solemnized by a minister of the Established Church of the United Kingdom of Great Britain and Ireland. And if any person or persons shall illegally celebrate, or pretend to celebrate, such marriage, contrary to the true intent and meaning of this Act, he or they shall be liable to be prosecuted for a misdemeanor, by indictment or information in the Court of King's Bench and Common Pleas of this Island, and, upon conviction, to be punished by fine, not exceeding fifty pounds, or imprisonment not exceeding thirty days, at the discretion of the Court, as for an offence against this Act; and every such last mentioned marriage shall be null and void, and of none effect in law.

And whereas Slaves in this Island have always been, by the custom of the Island, allowed to possess and dispose of property at their discretion, and it is expedient that such possession and power to dispose of property, and to bequeath the same, be declared and established by law; Be it therefore enacted and declared, that every Slave in this Island shall be competent to purchase, acquire, possess, hold, and enjoy, any kind of property whatsoever, save and except real estate, Slaves, and boats or vessels of any description, and may dispose of the

same either by sale, gift, or bequest; and if any Slave, possessed of or entitled to any such property in this Island, as Slaves are hereby declared competent to acquire and hold, shall happen to die intestate, the property of such intestate Slave shall go and be divided, according to the statutes of distribution.

And be it further enacted, that from and after the passing and publishing of this Act all the property belonging to any Slave or Slaves in this Island, and all and singular the rights in respect thereof shall be vested, and the same is and are hereby declared to be vested in the owner of such Slave or Slaves, for the sole purpose nevertheless of bringing or defending suits, or instituting or carrying on proceedings at law or in equity for the same, if need be, for the benefit of such Slave or Slaves.

And whereas it is expedient, that a Saving Bank be established in this Island: Be it, and it is hereby further enacted, that a Saving Bank shall be established in Charles Town, to be holden by the Treasurer of this Island or his Deputy at the usual place of his office, and that he shall open a book, to be called a Saving Bank Book for the purpose of making entries therein, as hereinafter directed, and that it shall be lawful for every Slave or other person of serving condition, although free, to pay into such Bank any sum or sums of money not exceeding at any one time the sum of ten pounds current money, nor less than the sum of one pound like money, which the said Treasurer or his Deputy is hereby required to receive, and to enter the same in the said book, together with the name of the person paying and the date of such payment, and which sum so paid shall be chargeable with the interest at six per centum per annum, and at such rate for a less time on the public funds of this Island.

And be it further enacted, that the said Treasurer is hereby authorized and required whenever he shall be called upon by any person having paid in any money as aforesaid, or by the executors, administrators, or lawful representative or assignee, to make out the amount of such person's money at the rate of six per centum per annum, and that in all cases, when such sum shall have remained twelve months in the public treasury, the interest shall and may be added to the principal, and become thereby principal, and so on for every year such sum may remain; and after making out such account, the said Treasurer or his Deputy shall pay such person the balance due to him, and take his receipt in the said book at the foot of his account, which shall be a discharge for the sum paid by the said Treasurer.

And be it further enacted, that the Council and Assembly for the time being, shall be, and they are hereby constituted Directors of the said Bank, and that they shall have power and authority to make such rules and regulations respecting the said Saving Bank as they shall deem best adapted to carry the same into effect, and that once at the least, on the first day of June in each year, the Treasurer or his Deputy shall make up all accounts of persons in the said book, and shall exhibit and leave with the Speaker of the Assembly for the time being a true copy of the said book in which he hath entered as aforesaid, the names, dates, and sums paid in, and kept the accounts of the said persons paying; and the Speaker and Council, or a Committee of the same shall examine the said book and accounts, and if right shall certify the same by their Chairman; and if otherwise, shall and may examine the Treasurer or his Deputy or any other person or persons as witness on oath, and make such order as they shall deem just, which the Treasurer is hereby directed to obey, under the penalty of one hundred pounds, to be recovered, with the full costs of suit, by action of debt in the name of His Majesty, in which no essoin nor more than one imparlance shall be allowed, and which penalty shall and may be sued for by any Crown Officer, and when recovered, shall be paid to the Treasurer in aid of the said Saving Bank, after paying thereout the taxed costs of suit.

And be it further enacted, that the said Treasurer be hereby allowed and be permitted to deduct from any money in his hands at and after the rate of two pounds per centum per annum, upon all monies paid into his hands towards the said Saving Bank as a compensation for his services, and that no other fees or compensation whatsoever be allowed to him, or may be received or taken, under penalty of fifty pounds, to be recovered, with full costs of suit, and to be paid as aforesaid.

And be it further enacted, that if any person or persons shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully aid or

In cases of intestate property to go and be divided according to Statutes of Distribution.

6. Property, &c. of Slaves, vested in their owners, for sole purpose of protecting and defending same, either at Law or in Equity, for benefit of the Slave.

7. Saving Banks established, to be holden by Treasurer of Island in Charles Town.

Payments at one time not to exceed £10, nor be less than £1.

Interest 6 per cent. per annum, and how secured.

8. Treasurer to account for money paid in when required.

Interest to be added to principal, and the sum become principal.

9. The Council and Assembly for time being Directors.

Regulations.

10. Treasurer to be allowed 2 per cent. per annum upon sums paid in, for his trouble; under £50 penalty for exacting more.

11. Forging or counterfeiting, &c. any letter of attorney, &c. to re-

ceive money, &c. from Treasurer, &c. felony without Benefit of Clergy.

12. Monies in Saving Bank belonging to Slaves dying intestate, chattels, & subject to Statutes of Distribution.

13. Slaves, or other persons in their behalf, allowed to purchase their freedom.

In cases of disagreement thereon between Slave and owner, &c. legal disabilities, and other difficulties, how to proceed.

Application by Slave, &c. to Magistrate.

Statement of case to be exhibited to Chief Justice, or presiding Magistrate, at Court of Sessions, and by him laid before a Jury, to be impannelled to try the same. — Verdict final.

14. Verdict in favour of Slave, money to be paid to Treasurer. — Deed of manumission to be executed by him, and the regulations prescribed by Act 54 Geo. III. No. 371, and the requisitions of this Act conformed to within ten days, else verdict and proceedings null and void.

assist in the forging, counterfeiting, or obtaining any letter of attorney or other authority or instrument, or letter of administration, or probate, or will, or bill, note, or instrument whereby any monies payable by the Treasurer under this Act may be receivable or with any intent to receive the same, or to enable any other person to receive the same, any such person shall be adjudged guilty of felony without benefit of clergy, and shall suffer death accordingly.

And be it further enacted, that all monies in the said Saving Bank, belonging to Slaves who shall die intestate, shall be considered personal estate, and shall go and be distributed according to the Statutes of Distribution.

And whereas it would be a manifest violation of justice, by legislative enactment, to compel any person to sell any property against his consent, without some legal necessity, while it is consonant to sound policy, and to the feelings of humanity, to reward faithful servants in a state of bondage with facility of emancipation upon just and reasonable terms, in difficult or doubtful cases, it is therefore hereby further enacted, that in case any faithful or well-disposed Slave of or belonging to this Island, or any person on his or her behalf, shall hereafter be desirous of purchasing his or her freedom, and it shall so happen that the owner of such Slave, or other person having the lawful power of manumitting, shall object to selling his or her freedom, or that such Slave, or person in his or her behalf, and the owner or other person having the lawful power of manumitting, shall not agree about the consideration for the manumission of such Slave, or on the terms, mode, or manner thereof, or the owner of such Slave shall be a minor, or married woman, or idiot, or lunatic, or be under any legal or other disability, or shall be absent from this Island without a lawful and authorised representative here, or shall not be found or ascertained, or any suit or action shall be depending in any court, either in this Island or elsewhere, touching the right or title to such Slave, then and in every such case it shall be lawful for any such Slave, or person on his or her behalf, to apply to and represent the same to any Magistrate, who shall, within ten days after such application, exhibit a statement of the case before the Chief Justice of this Island, or, in his absence or inability, to the next assistant Justice present, or before the presiding Magistrate of the Court of Sessions, who are hereby authorised and required respectively, at the next Court of King's Bench and Common Pleas, or then holding of the Court of Sessions, to lay the whole case in a summary way before a jury, which shall be empannelled and sworn to try the said case; and the said jury shall be competent, and is hereby enjoined to determine all matters and points in difference between the parties; and after hearing the evidence on both sides, and being satisfied that such application by or on the part of the Slave was not promoted by any malicious, base, immoral, or unworthy motive or design, shall give a verdict for or against either party, according to the evidence; and if such verdict shall be in favour of the Slave, it shall express if such Slave be likely or not to become chargeable to any parish of this Island, by reason of youth, old age, or any disease or infirmity, and also such sum of money as the said jury shall deem to be an equivalent for the loss of the services of such Slave, in consequence of his or her manumission; which decision shall be final, except in the cases hereinafter expressly declared to be excepted.

And be it further enacted, that within ten days after the giving of such verdict as aforesaid in favour of the Slave, if he or she shall be thereby found to be likely to become chargeable to any parish of this Island, such bond as is required previously to manumission in such cases in and by an Act of this Island, made and passed in the fifty-fourth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal an Act, intituled, An Act to regulate the Manumission of Slaves," shall be delivered by the said Slave at his or her expence, or by some person in his or her behalf, duly executed, to the Treasurer of this Island, or his lawful Deputy, and the sum of money awarded by the said verdict in any case, paid into his hands; and the said treasurer, or his lawful deputy, is hereby required to receive such bond and sum of money, or sum of money only, as the case may be, and thereupon to execute, when called upon, a deed of manumission, according to the form in the schedule to this Act contained, and deliver the same to the Slave, or to the Magistrate, or other person acting on his or her behalf, which deed shall be proved and recorded, and the bond disposed of as in ordinary cases of manumission; where-

upon such Slave shall be reputed and taken, and is hereby declared to be, from the time of the execution of such deed, free, to all intents, constructions, and purposes whatever. Provided always, nevertheless, and it is hereby expressly declared, that if the requisitions hereinbefore prescribed shall not be duly conformed to by or on the part or behalf of such Slave, within the time hereinbefore limited, such verdict and proceedings shall be absolutely null and void, and of no effect, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

And be it further enacted, by the authority aforesaid, that every sum of money which shall be received by the Treasurer of this Island, or his lawful Deputy, as herein before directed for the manumission of Slaves, shall be paid over by him on demand to the owner or other person who had the lawful power of manumitting such Slave; but in case the owner or other person who had the lawful power of manumitting shall refuse or neglect to demand or to receive the same, or in cases of doubt of title to the Slave, disability, or other difficulties hereinbefore mentioned, then, and in every such case respectively, every such sum of money shall remain in the public Treasury for the use of the Island, and shall be a lien upon the public revenues of the same, and bear interest at and after the rate of six pounds per centum per annum, for the benefit of the person or persons, or his, her, or their heirs, executors, administrators, or assigns, who may have been legally or equitably entitled thereto, or to the Slave so manumitted as aforesaid, and shall be under and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands whatever, as such Slave would have been under or subject unto if he or she had never been manumitted; and shall, together with the interest accrued thereon, in every case respectively, be paid over by the said Treasurer or his lawful Deputy to such person as shall produce to him any authentic voucher in writing or a judgment of a Court of Law, or decree in equity, or an exemplification or office copy thereof, shewing him or her to be entitled to receive such money.

And be it further enacted, that it shall be henceforth utterly unlawful to carry, use, exercise, or employ the whip, commonly called the cart whip, either as an emblem of authority, or as an instrument of punishment, or of driving or coercing of Slaves to their labour, and the same is hereby abolished; but nothing herein contained shall extend or be construed to extend to prevent any master, owner, manager, or director of Slaves within this Island from permitting, or causing to be carried and exercised or employed, such emblem of authority, and moderate and innoxious means of stimulating the idle or the lazy to due exertion, as he in his discretion may think fit, so as that such emblem of authority, or means of stimulating exertion, be not repugnant to the rational and acknowledged principles of humanity.

And whereas it is necessary to prevent the indecent exposure of the persons of female Slaves for punishment, but as the exemption of this description of Slaves altogether from whipping, and just but seasonable corporal punishment in cases of insubordination, disobedience, violent obstinacy, insolence, or other refractory or atrocious misconduct, would lead to the subversion of all order and discipline; and although cruel and wanton maltreatment are sufficiently guarded against or are properly punishable by the law already in force, yet, for the more effectual prevention thereof, be it further enacted, that the unnecessary or indecent exposure of the persons of female Slaves for punishment, be hereby strictly prohibited and abolished, and that in future no female Slave shall be corporally punished by whipping beyond twenty stripes over the bare back and shoulders at any one time, and by any instrument more severe than a bunch of rods, in such cases only and in such manner as now allowed by law, upon pain of fine or imprisonment, or both, for each and every offence upon conviction of the offender, as hereinafter mentioned.

And whereas the hardships or inconveniencies imputable to the separation of the families of Slaves in large Colonies, by sale or transfer in this small Island can scarcely arise, yet, in order to prevent the possibility of such occurrence, be it enacted, that from and after the expiration of three calendar months from the passing and publishing of this Act, it shall not be lawful to separate, for the purposes aforesaid, any Slaves, being husband and wife, and belonging to one and the same owner, and living upon one and the same plantation or establishment, nor any child or children, or reputed child or children, under the age of

15. Monies received by Treasurer to be paid over, on demand, to owner, &c. of Slave, in case of doubt of title, to remain in his hands, subject to same lien, &c. as Slaves, and to be paid to person shewing right and title to receive the same.

16. Cart whip abolished.

17. Indecent exposure of the persons of female Slaves for punishment prohibited; but whipping them retained, under restrictions.

No female Slave to be punished by whipping beyond twenty stripes over bare back and shoulders, nor with any instrument more severe than a bunch of rods, on pain of fine or imprisonment, or both, for every offence.

18. Separation of Slaves, being husband and wife, belonging to same owner, and living on same plantation, &c.; or children under fourteen years, from parents, without consent, except for freedom, and on levy and sale on execu-

tions, prohibited. Any sale, &c. contrary to Act, void.

fourteen years, from the father or mother, under like circumstances, unless it be with the free will and consent of the parent or parents, or of such husband and wife respectively, or for the sole purpose of freedom, whether the same be by means of private transfer, public contract, or otherwise, save and except on levy and sale on executions; but that such Slaves shall, unless with such free will and consent as aforesaid, be transferred, contracted for, or sold together; and every transfer, contract, or sale made contrary to the true intent and meaning of this Act, shall be absolutely null and void.

19
Slaves declared competent witnesses, as free persons, under restrictions.

And be it further enacted, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any Court of civil or criminal justice or otherwise, in the said Island, by reason of his or her being in a state of slavery; but the testimony of such person shall be taken and received in the same form and manner, and subject to the same rules and exceptions, as the evidence of a person of free condition would be, or by law ought to be; Provided always, that in the case of a white or free person, no Slave shall be admitted or be competent to give evidence of or relating to any matter or thing concerning a white or free person, antecedent to the passing and publishing of this Act, nor in any case whatsoever, either for or against the master, mistress, possessor, owner, manager, or director of any such Slave, nor for nor against any other person having the immediate authority or control over such Slave, nor for nor against any individual, being a domesticated inmate of the family of such before excepted person as aforesaid, nor any other individual, being within the first and second degrees of kindred or affinity of such family, except in cases of charges or prosecutions for buying or receiving stolen goods, any law, usage, or custom to the contrary thereof in anywise notwithstanding.

Not as to any matter concerning a white or free person, antecedent to publishing of this Act.

Not in any case of the master, mistress, possessor, owner, manager, or director of the Slave. Not in the case of any other person having the immediate control over the Slave. Not in the case of any domesticated inmate of the family of any of the above excepted persons, nor in the case of any individual within the first and second degrees of kindred or affinity of such family, except in cases of buying or receiving stolen goods.

20.
Process for attendance of Slaves.

And be it further enacted, that in all cases where the attendance of any Slave shall henceforth be judicially required in any Court, or before any Magistrate, as a witness, or for any other purpose, the same process shall and may issue as should or might be used in the case of a white or free person; but the same shall be directed to and served upon the master, mistress, owner, director, manager, possessor, or employer, or other person, having the immediate authority or control over such Slave, and shall name the Slave and express the purpose for which he or she may be required, and command such persons respectively, to procure his or her attendance, according to the exigency of the process, and if such persons as aforesaid respectively, shall not do their utmost to cause obedience thereto, they and each of them respectively, who shall offend herein, shall be liable to, and suffer the same pains, penalties, or forfeitures as in ordinary cases; Provided always, that nothing herein contained shall extend to any writ of *copias* or warrant to take or attack the body of any Slave whatsoever.

21.
All and singular the Justices named in the General Commission of the Peace for the time being, declared Public Guardians and Protectors of Slaves, and enjoined to be vigilant and attentive to their complaints.

And whereas the Magistrates of this Island are, upon all occasions, fully competent to support and maintain the rights and interest of the Slave; be it, therefore, further enacted, that all and every the Justices for the time being, named and appointed, or hereafter to be named and appointed, in and by the general commission of the peace for this Island, shall be, and they and every of them are hereby declared and constituted to be, jointly and severally public Guardians and Protectors of Slaves by virtue of such their office, and they and every of them are hereby enjoined and required respectively, to be vigilant and attentive to all complaints whatsoever made by Slaves for wrongs, but more especially to every complaint made before any one or more of them, by any Slave against any person, for or against whom such Slave is, by this Act, debarred from giving evidence, whether such last-mentioned complaint be, for either a civil wrong or a criminal misdemeanor; and if such complainant shall have no legal evidence to prove his or her case, being a case of the nature last mentioned, such Justice or Justices shall briefly state the complaint in writing, and give notice thereof within three days to the party accused, requiring him or her personally to be and appear before such Justice and Justices, and any other Justice or Justices, appointed at the election of the first Justice or former Justices, to compose a Bench of not less than three such Justices, at the time and place to be specified in the said notice; and if such accused

Special Court of Associated Justices, for trial of persons charged with wrongs to Slaves, who are debarred by this Act

party shall thereupon fail, without reasonable and lawful cause, to appear according to such notice, or appearing, shall not establish a lawful defence by legal testimony, or not having such testimony, shall not acquit or exculpate himself or herself by his or her own affidavit in writing, to the satisfaction of the said associated Justices, or the major part of them, he or she shall, in every such case, be deemed and taken to be convicted of the complaint, and the said associated Justices, shall thereupon, in a civil case assess the damages, and in a criminal case award sentence, and proceed to judgment and execution thereof in the same manner, to the same effect, and by the same means, as the Judges of the Court of King's Bench and Common Pleas of this Island by law might, could, or should do upon conviction on a verdict, and judgment had in such a case before them in that Court; Provided always, that if such last-mentioned complaint shall be proved to be groundless, or if the party accused shall be acquitted or exculpated by any of the means as aforesaid, to the satisfaction of the said associated Justices, or the major part of them, they shall or may, if they think fit, impose such fines, or order such lawful corporal punishment to be inflicted upon the complainant, as, according to the circumstances of the case, they in their discretion may judge proper; and in case of the death of any of the associated Justices, during the investigation, it shall be no bar to the survivor or survivors of them proceeding to judgment and execution.

And be it further enacted, that the Secretary of this Island or his lawful Deputy, or some person duly authorised by him, shall attend such Associated Justices under this Act, for the trial of the last-mentioned complaints, as Clerk of the Court, and shall briefly minute and record in a book for that purpose all proceedings, file papers, issue and pass all process and writs, and generally do and perform all other things incident to the said Court and Office, in such manner and form as he might or should do if the same were to be had and done in or out of the Court of King's Bench and Common Pleas, or other Court of Record of this Island.

And be it further enacted, that any constable of this Island shall be directed by the said Associated Justices to attend them in such their Sessions, and is hereby required so to do, and shall do, execute and perform all and all manner of things incident, relating, or appertaining to the said office.

And be it further enacted, that all and every the pecuniary fines, penalties, or forfeitures, on summary convictions before Magistrates, imposed by this Act, shall be deemed and taken to be payable in gold and silver money current within this Island, and the same shall and may be recovered by warrant, under the hand and seal of any one of the Magistrates before whom such conviction shall have been had, directed to the Provost Marshal of this Island or his lawful Deputy, or to any constable, who respectively are hereby authorized and required to levy the same, and full costs, according to the tenor of such warrant, and to proceed to the sale of such levy in the same manner as on executions out of the Court of King's Bench and Common Pleas, save and except that nothing but current gold or silver money shall be tendered or received at such sale in satisfaction thereof, and for want or in default of such levy the offender shall be committed by warrant under the hand and seal of such Magistrate to the common gaol of this Island, there to remain without bail or mainprize, for any space of time not exceeding one calendar month.

And whereas an Act of this Island, made and passed in the sixtieth year of the reign of His late Majesty King George the Third, intituled, "An Act to alter and amend an Act entitled an Act for settling and regulating the trial of criminal Slaves by Jury, to ascertain and regulate the fees of Justices of the Peace, and the charges of Constables; and to authorise the said Justices to compel the payment of such fees and charges by the parties on whom the same shall be chargeable," is found to be in many respects inexpedient, and after the passing of this present Act will become more so, and ought to be partially repealed. Be it therefore further enacted, that from and after the expiration of three calendar months from the passing and publishing of this Act, so much of the said cited Act as relates to the proceeding against, and bringing to trial Slaves accused of felonious offences, shall be and is hereby declared to be repealed, and that thenceforth every person in a state of slavery in this Island accused of any felonious offence shall be proceeded against, prosecuted, and brought to trial, either in the Court of King's Bench and Common Pleas, or other Court of competent jurisdiction, in the

from becoming witnesses against them.

Party accused to exculpate himself, upon affidavit in writing, in default of lawful evidence.

Damages to be assessed, executions to issue, &c. as in Court of King's Bench and Common Pleas.

Complaint groundless, complainant to be punished at discretion of Associated Justices.

Death of any of Associated Justices not to bar survivors or survivor proceeding to judgment and execution.

22. Secretary of Island to attend such Court. Any Constable to attend such Court.

23.

24. Pecuniary fines, &c. payable in current gold and silver money. Recovery thereof by warrant of distress.

Nothing but money a tender at sales of distress.

For want of distress, party to be imprisoned not more than one calendar month.

25. Act 60. Geo. III. No. 297. partially repealed.

Three Calendar Months after publication of this Act,

Slaves accused of felonious offences to be proceeded against, and tried in any Court of

competent jurisdiction the same as free persons.

Prosecution always to be conducted by the Attorney General, the Solicitor General, or Senior King's Counsel, or in their absence by Counsel to be assigned by Commander on the Island for time being at the public charge.

Special Court of King's Bench and Common Pleas may be holden at any time, on application of such Counsel for prosecution.

Trial of Slaves for misdemeanors, as now by law established, not to be altered by this Act, except as therein expressed.

26.
Act 22 Geo. II. No. 135.
Court of Sessions to be holden on the first Tuesday, Wednesday, or Thursday, in January, April, and July, as well as in October, annually.

27.
No writ of Certiorari to remove summary convictions under this Act.

28.
Costs, &c. under this Act, to be taxed by presiding Magistrate.

29.
Judge, &c. refusing to do, or neglecting duty under this Act, to be prosecuted in superior Courts, and on conviction punished by fine or imprisonment, or both, at discretion.

30.
Other persons offending against this Act, not provided for, to be prosecuted, and penalties, &c. not disposed of, to be recovered at suit of Crown in Superior Courts; amount to be paid into Treasury, and applied as by order of Governor or Commander on Island,

same manner and form, and by the same ways and means, to all intents, constructions, and purposes whatsoever, as such person by Law might, could, or should be if he or she were of free condition, except that every such prosecution shall always be conducted by His Majesty's Attorney General or Solicitor General of this Government, or Senior Counsel resident and present in this Island, in succession, or in case of the absence from the Island, or inability of either of them, and there shall be no other resident Crown lawyer present, then by such Counsel as shall be assigned for such purpose by the Commander on this Island for the time being at the public charge; and it shall be lawful for the Chief Justice, or in case of his absence or inability, the next senior assistant Justice of the Court of King's Bench and Common Pleas, on the application of any such counsel for the prosecution, to award and issue writs of Venire and all other usual and requisite process for holding a Court, and to hold a Court in the usual manner at any time which shall be deemed expedient for the prosecution and trial of any party accused of a felonious offence, and such Court shall have the same power and authorities, and their proceedings shall be as valid and effectual to all constructions and purposes whatever, as if the same were to have been holden on the regular Court day, any law, usage, or custom to the contrary thereof in any wise notwithstanding: Provided always, that nothing in this Act contained shall alter, or be deemed or taken to alter the trial of Slaves for misdemeanors in a summary way as now by law established, otherwise than by this Act expressed, nor to render Slaves competent to be jurors in any case whatsoever, nor to prevent their being admitted as witnesses for or against, or between each other as in and by the hereinbefore cited Act is directed.

And whereas by an Act passed on the twenty-seventh day of June, in the twenty-second year of the reign of His late Majesty George the Second, intituled, "An Act for holding a Court of Sessions once every year;" it is amongst other matters enacted, that a "Court of Sessions shall be held every year in Charles Town, in the Island of Nevis, on the first Tuesday, Wednesday, or Thursday in "October."—And whereas it hath been found that one Court of Sessions is not sufficient to administer justice in the said Island, in regard the Court of King's Bench does not sit from the month of August until March following: Now be it further enacted, that the said Court of Sessions shall also sit on the above-mentioned or either of the said days in January, April, and July, in this and every year following, and shall be constituted, and shall have the same powers and authority as the Court of Sessions established by the said recited Act.

And be it further enacted, that no writ of Certiorari shall be sued out or shall be allowed either on the part of His Majesty, or of any other party, either in a civil or criminal case, on any summary conviction or convictions in any inferior Court not being for felony had by virtue of this Act, any law, custom, or usage to the contrary thereof in any wise notwithstanding.

And be it further enacted, that all Bills of costs and charges for any thing had or done by virtue of this Act in any Court or Sessions, save and except the Court of King's Bench and Common Pleas, shall and may be taxed by the presiding Judge, Justice, or Magistrate before whom or under whose immediate jurisdiction or authority such matter may have been had or done.

And be it further enacted, that every Judge, Justice, Magistrate, Constable, or other officer or person refusing or wilfully neglecting or omitting to do and perform any duty required of him, or prescribed by this Act, shall for each and every offence be liable to be prosecuted at the suit of the Crown in any of the Superior Courts of Record in this Island, and, being duly convicted thereof, shall suffer such punishment, by fine or imprisonment, or both, as the Court in which he shall be convicted may think fit to adjudge, as for an offence against this Act.

And be it further enacted, that all and every other person and persons offending against this Act, and not hereinbefore specifically provided for, shall be prosecuted, and all penalties and forfeitures not hereinbefore disposed of or appropriated, shall be recoverable at the suit of the Crown, in any of the Superior Courts of Record of this Island, and such penalties and forfeitures, when recovered and received, or levied, shall be paid into the public Treasury of this Island, to be applied to such uses as the Captain-General and Governor-in-Chief, or Commander-in-Chief for the time being, or the Commander of this Island for the time being, by and with the advice and consent of His Majesty's

Council, and approbation of the House of Assembly, may think fit to direct, and not otherwise.

And be it further enacted, that in all proceedings and summary convictions to be had and done by virtue or under the direction of this Act, the forms hereinafter set forth in the Schedule hereunder written shall be used, and that no advantage shall be taken or allowed in any Court whatsoever for any departures therefrom, or any omissions or defects in matters of form, but that the same shall be good and sufficient for the purposes intended by this Act; and that no higher or greater fees than those enumerated in the Schedule aforesaid shall be payable to the several officers or persons therein mentioned, or to any person or persons acting under them or any of them; and if any such officer or person shall ask, demand, take, or accept any higher or greater fee than is therein set forth, for the several matters and things therein contained and specified, he or they shall be liable to be prosecuted at the suit of the Crown for extortion.

And be it lastly enacted, by the authority aforesaid, that if any action, suit, or prosecution shall be commenced or prosecuted against any Judge or Judges, Justice or Justices, Officer or Officers, or any other person or persons, for any matter or thing done or performed under or by virtue of this Act, over and above the protection provided in and by an Act of this Island, intituled, "An Act for rendering Justices of the Peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants," and which Act is hereby extended to all such Judges, Justices, Officers, and other persons as aforesaid, it shall and may be lawful to and for the defendant or defendants in any such action, suit, or prosecution, to plead the general issue, and to give this Act, and the special matter in evidence; and if the plaintiff or plaintiffs, prosecutor or prosecutors in such action, suit, or prosecution, shall be nonsuited or discontinue such action, suit, or prosecution, or judgment shall be given against such plaintiff or plaintiffs, or prosecutor or prosecutors, he or they shall pay to such defendant or defendants treble costs of suit, for which such defendant or defendants shall have the like remedy as any other defendant or defendants have or may have in any other actions or suits: Provided always, that this Act shall not be in force until it shall have received the Royal Assent, and be published in Charlestown in this Island.

with consent of Council and Assembly, and not otherwise.

31. Forms in Schedule to be used. No advantage to be taken or allowed for departures, &c. therefrom, in matters of form; and no higher fees than those in docket to be demanded or received, under pain of prosecution for extortion.

32. General Indemnity Clause.

Act not to be in force until it receives His Majesty's Assent, and be published in Charles Town.

Dated at the day of in the seventh 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 one thousand eight hundred and twenty-six.

(Signed) WM. PEMBERTON, Speaker.

Passed the Assembly, this 27th day of April 1826.

(Signed) E. L. HOWE, Clerk of Assembly.

Passed the Board of Council, this 27th day of April 1826.

(Signed) BENJAMIN LORD, Clerk of Council.

Schedule referred to in and by the foregoing Act.

F O R M S.

(No. 1.)

Summons by Ordinary or Deputed Ordinary.

(To be served by any Constable.)

" You are hereby required to appear before me at on
to shew just and reasonable cause for withholding your consent, as it is said to
the celebration of an intended Marriage between and

Given under my hand,
the of

To

(No. 2.)

(L. S.)

Licence thereupon.

“This shall be a sufficient Licence to any Minister of the Established Church to solemnize the Marriage of _____ with _____ after publication of Banns according to Law.

Given under my hand and seal, in Nevis,
the _____ of _____ 18____

(No. 3.)

Oath of Jurors on Manumission Trials.

“ You _____ shall well and truly try the case before the Court, and shall determine all matters and points in difference between the parties, and a true verdict give according to the evidence. So help you God.”

(No. 4.)

Deed of Manumissions by Treasurer or Deputy Treasurer.

“ Know all men by these presents, that I _____ Treasurer (or Deputy Treasurer) of the Island of Nevis, for and in consideration of the sum of _____ (in words at length) into my hands paid, at or before the sealing of these presents, by _____ (name the payer) for the manumission of _____ (name and particularly describe the Slave) pursuant to the Act of the said Island of Nevis in such case made and provided, have manumitted, enfranchised, and set free, and by the power and authority in me vested by the said Act, do to all intents, constructions, and purposes whatever by these presents, manumit, enfranchise, and set free the said _____ (repeat the name and description of Slave) from the day of the date hereof for ever. In witness whereof, I the said _____ (Treasurer or Deputy Treasurer, as the case may be,) have hereunto set my hand and seal, this _____ day of _____ in the year of our Lord _____ (words at length).

Signed, sealed, and delivered }
in the presence of _____

(L. S.)

(No. 5.)

Writ of Subpœna for appearance of Slaves.

(To be served by any Constable, or as in ordinary cases.)

NEVIS. (L. S.)

George the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

To _____ greeting.

We command you, strictly enjoining that all businesses and excuses whatever ceasing, you cause _____, being Slave under your immediate authority or control, personally to be and appear before _____ (state before whom, when, and where, and whether to answer to complaint or accusation, as the case may be,) and hereof fail not on pain and peril of the law.

Witness, _____ (the Judge or Justice awarding it,) the _____ day of _____ in the _____ year of our Reign.

Passed the Office.

Secretary.

NEVIS.

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(No. 6.)

On a Summons in name of Judge or Justice.

NEVIS.

By _____ one of

L. S.

You are hereby required to appear, or to cause to appear _____, as
 in foregoing *mutatis mutandis*.
 Given under my hand and seal.

(No. 7.)

Notice on Complaint of Slave.

(To be served by any Constable.)

NEVIS.

Take notice, that a certain Slave of _____ named _____,
 hath complained before _____ that _____ (briefly state the com-
 plaint,) and you are hereby required personally to be and appear before
 _____, on the _____ day of _____ at _____ to
 answer the said complaint, and further to be dealt with according to law.

Given under my hand, the _____ day of _____ 18 .
 To _____

(No. 8.)

Notice of Justice to Associate.

(To be served by any Constable.)

You are hereby required to associate yourself with _____ and
 myself (or us) to compose a Bench of Justices, on the _____ day of _____
 at _____ to hear and determine a case between _____
 complainant, and _____ defendant.

Dated the _____ day of _____ 18 .
 I am yours, &c.

To _____

(No. 9.)

Notice to Secretary, or Constable, or Marshal.

You are hereby required to attend a Bench of Justices _____ (as in the
 preceding.)

Dated the _____ day of _____ 18 .
 I am, Sir, yours, &c.

To _____

(No. 10.)

Summary Conviction.

NEVIS.

L. S.

BE it remembered, that on the _____ day of _____ in the year
 of our Lord _____ before _____ Justice of the Peace of
 the said Island _____ of the said Island _____ having been duly

summoned (made default or appeared, as the case may be)
 to answer to a certain complaint (or information) of that
 did on (briefly state the complaint, information, or accusation),
 and was on the evidence of (or his or her own confession,
 as the case may be) thereof convicted (or acquitted), and it was thereupon, by
 , adjudged, that (state the judgment).
 In witness whereof, I (or we), the to this record of conviction,
 have put hand and seal the day of in the
 year of our Lord

(No. 11.)

Warrant to execute Sentence generally.

NEVIS.

L. S.

BY (name the Magistrate to sign) Whereas
 (name the party) of the said Island (description or addition), on
 the (day, month, and year, in words at full length),
 before (name the convicting Magistrate) was (or were)
 convicted of (state the offence) and thereupon ad-
 judged to (recite the sentence)

These are therefore in His Majesty's name to command you to execute, or
 cause to be executed, the said sentence according to law, and to the tenor
 thereof.

Given under my hand and seal, the (day, month, and years in
 words).

To

(No. 12.)

Warrant to levy Fine, Penalty, or Forfeiture, and commitment for default thereof.

(To be directed to the Provost Marshal of the said Island, or his lawful
 Deputy, or to any Constable.)

NEVIS.

BY (name and describe the Magistrate to sign)

Whereas of the said Island was (or were) on the
 day of before (name the Magistrates)
 convicted of (state the offence) and thereupon adjudged
 to (recite sentence).

These are therefore, in His Majesty's name, to command you to levy of the
 goods and chattels, lands and tenements, of the said sufficient
 to satisfy the said (fine, penalty, or forfeiture, as the case may be),
 and costs: that is to say, first, on tobacco, cotton, ginger, indigo, rum, sugar,
 or any other goods or merchandize of the growth and manufacture of this
 Island, or other merchandizes; and for want of such goods and chattels, to levy
 the said and costs upon the household goods and furniture
 of the said house; and for want of such, to levy the said
 and costs upon the cattle, horses, asses, mules, and other plantation utensils of
 the said; and for want of such, to levy the said
 and costs upon the said Slaves; and for want of such Slaves, you
 are to levy the said and costs on the said lands and
 tenements; all which levies, and the sales thereof, shall be made by appraise-
 ment or public outcry, as the said party shall think fitting; and in satisfaction
 thereof, nothing but current gold and silver money shall be tendered or re-
 ceived. And finding no such goods and chattels, lands and tenements, then
 you are hereby commanded to take the body of the said and in safe

NEVIS.

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custody to keep in the common gaol of this Island, without bail or mainprize,
for the space of

Given under my (or our) hand and seal, the _____ day of
in the year of our Lord one thousand eight hundred and
To

DOCKET OF FEES.

(To be paid in Gold and Silver Money Current in the Island.)

<i>Ordinary or Deputed Ordinary.</i>		£	s.	d.
For Summons	- - - - -	0	4	6
Hearing and determining Complaint	- - - - -	0	18	0
Licence thereon to solemnize marriage	- - - - -	0	9	0
<i>Minister.</i>				
For publishing banns	- - - - -	{ As fixed or to be fixed by the Lord Bishop.		
For solemnizing marriage	- - - - -			
<i>Clerk.</i>				
For the solemnization of the marriage	- - - - -	Ditto		
<i>Judges or Justices.</i>				
For certificates and other matters on manumissions	- - - - -	Gratis		
For every subpœna, summons, notice or any other process or writ (each)	- - - - -	0	4	6
For hearing and determining complaint or trial, if on one day, or sitting; each Judge or Justice	- - - - -	0	18	0
For every other day or sitting, ditto	- - - - -	0	9	0
For every record of summary conviction; each justice	- - - - -	0	4	6
For every certificate, ditto	- - - - -	0	4	6
For taxing every bill of costs, as of course	- - - - -	0	6	0
For every matter and thing relating to trial of Slaves manumission	- - - - -	0	14	3
For any other matter or thing not herein specified or provided for the same as in Courts of King's Bench and Common Pleas.	- - - - -			
<i>Counsel.</i>				
For retaining fee	- - - - -	3	6	0
For the trial; if on one day or sitting	- - - - -	3	6	0
For every other day or sitting	- - - - -	1	13	0
For every special argument or pleading	- - - - -	3	6	0
For perusing, settling, or signing any indictment, information or plea	- - - - -	1	10	0
<i>Solicitor or Attorney.</i>				
For retaining fee, taking instructions, &c.	- - - - -	0	13	4
For every ordinary indictment, information or plea, per folio, of ninety words	- - - - -	0	3	0
For every trial not being more than one day or sitting	- - - - -	0	18	0
For every other attendance in court	- - - - -	0	9	0
For brief, (when not counsel himself in cause)	- - - - -	2	14	0
For every matter and thing relating to the trial of Slave manumission, not more than	- - - - -	1	14	0
For every other matter or thing not herein specified or provided for the same as in the Court of King's Bench and Common Pleas, or if not provided for, so much as the Court or Justice shall allow.	- - - - -			

Secretary.

	£.	s.	d.
For attendance on every trial, not being in the ordinary Court of King's Bench and Common Pleas, or Court of Sessions, not exceeding one day or sitting	0	18	0
For every other sitting, except the first	0	9	0
For passing or filing any writ or paper	0	1	6
For every writ, piece of writing, or record, of one folio of ninety words or under	0	4	6
For every ditto, ditto, above one such folio, for every folio after, and besides the first, and so in proportion for less than a folio	0	2	0
For administering every oath	0	1	6
For every matter and thing relating to trial of Slave manumissions, not more than	0	10	0
For every other matter or thing, not herein specified or provided for, the same as in the Court of King's Bench and Common Pleas; but if not provided for, so much as the Court or Justices shall allow.			

Constable, Marshal, or other person for him.

For copy of every writ, notice, or other writing, to serve	0	3	0
For serving ditto, or oral summons, if in town, each person	0	3	0
For serving ditto, or oral summons out of town	0	3	0
For every mile going and returning in addition thereto	0	1	0
For horse hire (so much as may be allowed by the Court or Magistrates, if necessary).			
For every matter or thing relating to the trial of Slave manumissions, not more than	0	6	0
For every other writ, process, act, matter, or thing, not herein specified or provided for, the same as in the Court of King's Bench and Common Pleas; or if not provided for, so much as the Court or Justice shall allow.			

No. 2.

DEAR SIR,

Saint James's Place, February 24th 1827.

I HAVE the honour to acquaint you, that the enclosed copy of a Bill for ameliorating the condition of the Slaves, passed by the Assembly of St. Christopher last year, but postponed by the Council, was, I am informed, drawn up from memoranda taken in the House at the time. The enactments are correct in form and substance, according to the best information I can obtain on the subject.

I have, &c.

(Signed)

J. COLQUHOUN.

R. Wilmot Horton, Esq.
 &c. &c. &c.

P.S. The Council had passed seven clauses of the Bill (with a few alterations) at the time when their attention was withdrawn from any further consideration of it, by the advice of the Governor, who recommended that Lord Bathurst's drafts should be substituted.

An Act for further improving the condition of the Slaves in Saint Christopher.

WHEREAS it is expedient that certain parts of the laws now in force, relating to the Slave population in this Island should be repealed, and that other regulations for improving their condition should be made; we, therefore, your Majesty's most lawful and dutiful subjects, the Captain General and Governor-in-Chief, in and over St. Christopher, Nevis, Anguilla, and the

Virgin Islands, and the Council and Assembly of St. Christopher, humbly pray your Most Excellent Majesty, that it may be enacted and ordained.

1. And it is hereby enacted and ordained by the authority aforesaid, that ten days after the publication of this Act, all markets to be held within the said Island on Sunday, shall be limited to the hour of eleven in the forenoon, and that from and immediately after the hour of eleven in the forenoon on the Lord's day, no person or persons whatsoever shall shew forth or expose for sale, any meat, poultry, vegetables, provisions, fruits, herbs, wares, or merchandize, goods, or effects, or shall remain in any market, upon pain of forfeiting the goods so exposed for sale, which may be seized by any constable, and be divided by any Justice of the Peace, between the person who shall seize the same, and the poor of the parish; and if a free person, upon pain of forfeiture also of the sum of nine shillings, by every such free person remaining in any such market on the Lord's day, after the hour of eleven of the clock in the forenoon, exposing for sale or purchasing any goods, to be levied by order in writing under the hand and seal of such Justice of Peace, and paid to the person who will inform for the same.

2. A constable to be appointed to ring a bell, quarter before eleven o'clock in the market.

3. 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 fifty-two days during the whole year to cultivate their provision-ground, under the penalty of five pounds 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 ten 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 ten o'clock on Saturday night and four o'clock on Monday morning, under the penalty in such case of ten pounds currency.

4. And be it further enacted by the authority aforesaid, that it is and shall henceforth be illegal for any person or persons within the said Island of Saint Christopher, to carry any cart whip or cat while superintending the labour of any Slave or Slaves in or upon the fields or cane pieces upon any plantation within the said Island, or to use any such cart whip or cat for the purpose of impelling or coercing any Slave or Slaves to perform any labour of any nature or kind whatever, or to carry or exhibit upon any plantation or elsewhere, any such cart whip or cat as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same over any Slave or Slaves, and in case any person or persons shall carry any cart whip or cat, while superintending the labour of any Slave or Slaves, in or upon any plantation or cane piece within the said Island, or shall use any such cart whip or cat for the purpose of impelling or coercing any Slave or Slaves to perform any labour of any kind or nature whatsoever, or shall carry or exhibit upon any plantation or elsewhere, any such cart whip or cat as a mark or emblem of his, her, or their authority over any Slave or Slaves, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal driving or use, or exhibit any such cart whip or cat, shall be, and be deemed, adjudged, and taken to be guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided; nevertheless, that if he, she, or they so offending shall be a Slave or Slaves, he, she, or they shall, on conviction, before any two or more Magistrates, be punished by flogging, not exceeding twenty-five stripes.

5th and 6th Clauses are so imperfect, that a correct copy cannot be given; the substance is, that any Clergyman of the Established Church of England, or any Minister of the Kirk of Scotland, shall grant certificates to Slaves (free of expense), stating therein the names and places of abode of such Slaves, who, in the judgment of the party so certifying, may be sufficiently instructed in the principles of religion as to understand the nature and obligation of an oath. And that no persons shall be rejected as witnesses in any of the civil or criminal Courts, by reason of his, her, or their state of Slavery, provided they produce

the said certificate, and provided such certificate shall be given prior to the occurrence of the transaction to which they are to testify; and provided also, that no Slave shall give such evidence in which his or her owner, manager, or director of the estate to which he or she belongs is directly concerned, and that nothing therein contained shall extend to render the Slave a competent witness in any case in which such Slave would be incompetent to give evidence if he or she were of free condition. And points out the method of serving the subpoena to obtain the evidence of the Slave.

7. And be it further enacted, that it shall be lawful for persons in a state of Slavery to contract marriage, either with Slaves or persons of free condition, with the consent of their owners, or the attorney of such owner, expressed in writing; but if any such owner, or attorney of such owner, shall refuse such consent, or omit to give the same, then it shall be lawful in every such case, for such Slave or Slaves to apply to the Ordinary, or Deputed Ordinary of this Island for the time being, and such Ordinary or Deputed Ordinary is hereby authorized and required to summon before him such owner, lawful possessor, or attorney of such owner of such Slave or Slaves, to shew his or her objection to such marriage, and if thereupon such owner, lawful possessor, or attorney shall fail to appear, or appearing shall not shew just and reasonable cause for withholding his or her consent to such marriage, then and in every such case the Ordinary or Deputed Ordinary shall grant a licence under his hand and seal, thereby authorizing any Minister of the Church of England or Kirk of Scotland to solemnize such marriage, in the same manner, after due publication by banns, as if the parties had been of free condition; and it shall be lawful for any such clergyman or minister, upon receiving any such licence, to solemnize any such marriage in manner aforesaid, and the same, when so solemnized, shall be binding, valid, and effectual in the law. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to render any such marriage valid or effectual which would be illegal or void if such persons were of free condition. Provided also, that no such marriage shall alter, impair, or abridge, or in any manner prejudice the property of the owner or respective owners of such Slaves, of, in, and to such Slaves, their issue and progeny.

8. And whereas persons in a state of slavery in this Island have been permitted to acquire, hold, and enjoy property, free from the control or influence of their owners, and it is expedient that the said laudable custom should be recognized and established by law, be it enacted, that no person in this Island being in a state of slavery shall be, or be deemed or taken to be, by reason or on account of such his condition incompetent to purchase or acquire, possess, hold, or enjoy, alienate, or dispose of property, but every such Slave shall and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of lands situate in the said Island, or money, cattle, implements, or utensils of husbandry, or household furniture, or other effects, of such or the like nature of what value or amount soever, and to bring, maintain, prosecute, and defend any suit or action in any Court of Justice, for or in respect of any such property, as fully and amply to all intents and purposes, as if he or she were of free condition. Provided that no free person or Slave shall be liable to be arrested, or taken in execution, or imprisoned, or taken in custody for, on account, or by means of any action, cause of action, suit, judgment, or execution which may be had, taken, or obtained against such Slave, by reason of any thing hereinbefore contained, nor for any costs which may be incurred by any such Slave in any such suit or proceeding, either as plaintiff or defendant, or otherwise, howsoever; Provided also that nothing herein contained shall repeal an Act of this Island, intituled, "An Act to restrain thefts committed by Negro Slaves, and to prevent the dishonest traffic carried on by such as deal with them as to the following articles; that is to say, sugar, syrup, molasses, rum, canes, sprouts, magoss, pewter, brass, lead, iron, oats, lumber, and plantation utensils."

9. A clause directing that Negroes arriving or otherwise, be considered free till their slavery be proved.

10. That it is and shall be illegal for any person or persons to inflict in one day upon any Slave for any crime or offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding twenty-five in the

whole, or to inflict upon any such Slave any punishment or correction by the whipping, scourging, or beating of their person, unless the person of such Slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any recent whipping, scourging, or beating; or to inflict upon any such Slave any punishment or correction by the whipping, scourging, or beating of the body, until the day after the commission of the offence, for or in respect of which any such punishment or correction may be inflicted, or to inflict upon any such Slave any such punishment or correction as aforesaid, unless one person of free condition shall be present at and witness the infliction of such punishment other than and besides the person by and by the authority of whom the same may be so inflicted. And in case any person or persons shall inflict in any one day upon any Slave any number of stripes or lashes exceeding the number of twenty-five in the whole, or shall whip, scourge, or beat any such Slave, at any time when there shall be upon his or their person or persons any laceration occasioned by any recent whipping, scourging, or beating, or shall inflict upon any such Slave any such punishment or correction as aforesaid, previous to the day next after the commission of the offence, for or in respect of which the same may be so inflicted, or without the presence or attendance during the whole of such punishment of some person of free condition, other than and besides the person by or by the authority of whom the same may be so inflicted, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal punishment of any Slave, shall be and be deemed to be guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as hereinafter provided. Provided nevertheless that nothing herein contained shall extend or be construed to extend to any punishment which may be inflicted upon any Slave under or by virtue of any sentence or judgment of any Court of competent jurisdiction within the said Island.

11. Clause prohibiting the exposure of females.

12. And be it also enacted, that there shall be kept upon every plantation and estate within the said Island, a book to be called the Plantation Record Book; and that it be the duty of the owner, proprietor, manager, or other person having the direction of and the chief authority in the said plantation, to enter and record in the said book, at or immediately after the time of the infliction of any punishment whatsoever of any Slave who may be punished with any number of stripes exceeding twelve, a statement of the nature and particulars of the offence for or in respect of which such punishment may be inflicted, and at the time at which and the place where such punishment was inflicted, and of the nature, extent, and particulars of the punishment, together with the name of the persons by whom and by the authority of whom the punishment was inflicted, and of the person or persons of free condition present and attending at the infliction of such punishment.

13. And be it further enacted, that if any person, being the owner, proprietor, or manager, of any plantation or estate within the said Island, or having the management thereof, or the chief authority therein, shall neglect or omit to make, in the said Plantation Record Book, any entry which, according to the provisions of this Act, ought to be made therein, or shall not make such entry within two days next after the infliction of each and every punishment to which the same may refer, the person so offending shall incur and become subject to a penalty, not exceeding fifty pounds, nor less than five pounds, current money, to be fixed and determined by the Court before whom such offender shall be tried, and to be recovered and applied in manner hereinafter mentioned. And if any person or persons shall wilfully or fraudulently make or cause, or procure to be made, any false entry or fraudulent erasure in any such plantation book, or shall wilfully or fraudulently burn, cancel, destroy, or obliterate the same, or any part or parts thereof, the person or persons so offending shall be, and be deemed and taken to be, guilty of a misdemeanor, and being convicted thereof shall suffer such punishment as hereinafter provided.

14. And be it further enacted, that upon the prosecution of any person being the owner, proprietor, or manager of any plantation, for inflicting, or causing or procuring to be inflicted, on any Slave or Slaves, any punishment hereby declared to be illegal, if the Slave so declared to be illegally punished shall be produced in open Court, and if the marks or traces of recent flogging or laceration shall ap-

pear upon the person of such Slave, and if such Slave shall in open Court declare such traces to be the consequences of any such unlawful punishment or correction, and, being duly examined by the said Court, shall make a particular, consistent, and probable statement of all the circumstances attendant upon such unlawful punishment, then and in every such case, although such Slave will not be a competent witness within the provisions of this Act, the owner, proprietor, manager, or other person having the charge of such Slave, shall be bound to shew to the satisfaction of the Court and Jury, or prove upon his own oath that the punishment, of which the marks or traces may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or to prove that such punishment was a lawful punishment within the meaning of this Act, and was inflicted in the presence of one such witness of free condition, as is required by this Act. And in default of his shewing to the Court and Jury, or giving proof on his own oath or otherwise, such owner, proprietor, manager, or other person as aforesaid, shall and may be convicted, and adjudged to be guilty, of the offence imputed to him.

15. And be it further enacted, that it shall not be lawful, in the execution of any judgment, sentence, decree, or order, of any tribunal of any Court of Justice within the said Island, to seize and sell, in satisfaction thereof, any Slave having a husband or wife, or a child under the age of sixteen years, or a reputed husband, or wife, or child under the age of sixteen years, who may be the property of the same person or persons, unless such husband, and wife, and child, or reputed husband, or wife, or child, shall be sold together, and in one and the same lot, and to the same person or persons. And if in the execution of any such judgment, sentence, decree, or order, any Slave or Slaves shall be sold separate or apart from any such husband, wife, or child, or reputed husband, wife, or child as aforesaid, then and in every such case such sale and execution shall be, and the same is declared to be, absolutely null in the law, to all intents and purposes whatsoever. Provided, that no such sale of a Slave shall be void or invalid by reason or on account of the husband, or wife, or child under sixteen years, or the reputed husband, wife, or child under sixteen years, belonging to the same owner, not being sold together with such Slave in the same lot, if such Slave, being questioned thereto by the marshal or other officer who shall make such sale, which such marshal or other officer is hereby required to do, under the penalty of twenty pounds current money, to be recovered as hereinafter mentioned, shall not give to the said marshal or other officer information thereof, and declare the name or names of such his or her husband, wife, or child under sixteen years, or reputed husband, wife, or child under sixteen years, belonging to his or her owner; and the marshal or other officer who shall make any such sale of any Slaves, without selling any husband or wife, or child or children, with such Slave, shall make a memorandum in his book of sales of his having made inquiry of such Slave as to his or her having a husband, or wife, or child, or children under sixteen years, or a reputed husband, wife, or child, or children under sixteen years of age, belonging to his or her owner, and his or her having failed to give such information thereof as aforesaid, which memorandum, duly signed by the marshal or other officer making such sale, shall in all Courts be had and taken as sufficient evidence that such inquiry, as hereinbefore directed, was made, and of such default in such Slave of giving such information of his or her having such husband, wife, or child, or reputed husband, wife, or child, belonging to such owner.

16. Clauses establishing Saving Banks for the Slaves, and placing such Banks under certain regulations, and under the control of the Colonial Treasurer.

17. And be it further enacted, that in case any Slave within the said Island shall be desirous to purchase the freedom of himself or herself, or if his or her husband or wife or child, or brother or sister, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself or of any other person as aforesaid, and if the owner or proprietor of any such Slave shall be unwilling to effect his or her manumission, or shall by reason of any mortgage, settlement, or lease, or other charge upon or interest in such Slave, being vested in any other person or persons be unable to execute a valid and effectual manumission of any such Slave, or if the owner or proprietor or any other person having an interest in any such Slave shall be a minor or married woman, or idiot, or

lunatic, or if the real or true owner of any such Slave shall be absent from the said Island, or shall not be known, or if any suit or action shall be pending in any Court of Justice in the said Island wherein the title to such Slave or the right to his services shall or may be in controversy, or if the owner of any such Slave shall demand as the price of his or her freedom a greater sum of money than may be the fair and just value thereof, then and in such and every of the cases aforesaid, any two Magistrates of the said Island, on application to them for that purpose made, shall issue a summons under their hands and seals, requiring the owner or manager of such Slave, or the person or persons under whose direction such Slave may be to appear before them, either by themselves or their agents, at some convenient time and place to be for that purpose appointed; and notice shall also be published by the said Magistrate in the public Gazette of the said Island, on three several days, of the time and place appointed for the purpose aforesaid, and in such notice, all persons having or claiming to have any title or interest in or to the Slave proposed to be manumitted, either in their own right or as the guardians, attorneys, trustees, or executors of any other persons, shall be required to attend and prefer such claims.

18. And be it further enacted, that at the time appointed for any such meeting as aforesaid, the said Magistrates, in the presence of the owner or attorney of such owner of the Slave or Slaves proposed to be manumitted, or (upon proof being made to them upon oath, of the due service and publication of such notice as aforesaid, then if necessary) in the absence of such owner or attorney shall proceed to hear in any summary way what may be alleged either by or for the said Slave, or by the owner or attorney, or other person claiming any interest in the Slave proposed to be manumitted; and in case the parties or any of them shall refuse to effect any such manumission, or if it shall appear to the said Magistrates that a valid and effectual manumission of any such Slave cannot be legally effected by private contract, or if it shall be made to appear to the said Magistrates that the owner or proprietor of any such Slave, or that any person having any charge upon or interest in him or her, is absent from the said Island, or is unknown or cannot be found, or that any action or suit is depending in any Court of Justice in the said Island, wherein the title to the said Slave or the right to his services is in controversy, or if it shall appear to the said Magistrates that any difference of opinion exists between the said Slave or Slaves and the owner thereof respecting his or her price or value, then and in every such case the said two Magistrates shall require the said Slave and the owner or attorney, or the person having the direction of the said Slave, each to nominate an appraiser of his or her value, and the said Magistrate shall nominate an umpire between such appraisers, and the said appraisers, being first duly sworn before the said Magistrates to make a fair and impartial appraisal, shall within seven days next after their appointment make a joint valuation of the Slave proposed to be manumitted, and shall certify such their valuation to the said Magistrates under their hands and seals; and in case such joint certificate shall not be delivered to the said Magistrates within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall within the next seven days certify his valuation under his hand and seal to the said two Magistrates, and the valuation in the manner aforesaid, either by the said joint appraisers, or in their default by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Registry of the said Island.

19. And be it further enacted, that upon payment to the owner or owners, or other person or persons, in the said Island, competent to give discharge for the same, such owner or owners, person or persons, shall give a receipt or discharge for the same; or, if by reason of any of the circumstances aforesaid, there be not any person or persons on the Island competent to give such lawful discharge, or, being such person or persons, he, she, or they shall refuse to receive the same and give such receipt, then, upon payment to the Treasurer of the said Island of the appraised value of any such Slave as aforesaid, the said Treasurer shall grant to the said Slave a receipt for the money so to be received by him, and such receipt of the Treasurer shall be duly enrolled in the office of Registry of Deeds in the said Island, together with a declaration under the hand and seal of the said Magistrates, that the proceedings required by law by the manumission of the Slave, by or on behalf of whom such money was

paid, had been duly had before them ; and thereupon, such Slave shall be, and be deemed, taken, and reputed to be free to all intents and purposes whatsoever.

20. A Clause appropriating the money so received by the Treasurer.

21. And be it further enacted, that any person who may be convicted of any act, hereby declared to be a misdemeanor, shall, if of free condition, be and become liable to a fine, not exceeding two hundred pounds currency, or to imprisonment not exceeding six months, or both to fine and imprisonment, at the discretion of the Court before which any such person may be convicted ; and in case any person be convicted of cruelty to any Slave, the said Court is hereby authorized, at their discretion, to order the right and title of and interest of the person so convicted of and in such Slave to be absolutely forfeited to His Majesty ; and all fines and pecuniary penalties shall be recovered by indictment or information, and shall be divided and paid, one half to His Majesty, for the use of the public of this Island, and the other half to the use of the person or persons who shall prosecute for the same.

22. And be it further enacted, that the 3d, 5th, 12th, and 15th Clauses of an Act of this Island, intituled, " An Act for attainting several Negroes therein " mentioned ; for the more effectually preventing Negroes from running away " from their master's service ; and for explaining and rendering more effectual " an Act, intituled, An Act for the better government of Negroes and other " Slaves," shall, from and after the passing of this Act, stand and be absolutely and entirely repealed ; and also that such part of the tenth section of the said Act as relates to the prosecution of any Slave, who shall have absented himself from his master's service above the space of six months, and such part of the twelfth section of the said Act as requires the master or owner of any plantation, who shall find any Slave upon his plantation without a ticket or business from his master or owner, to punish such Slave, shall also stand and be repealed from and after the passing of this Act.

ST. VINCENT.

No. 1.

SIR,

Downing Street, 19th March 1826.

WHEN I had the honour of communicating to you the Resolutions of the House of Commons in 1823, you were instructed to bring under the consideration of the Council and Legislative Assembly of St. Vincent some of the measures which His Majesty's Government recommended for improving the condition of the Slave population.

In 1824 I had the honour of communicating to you a copy of the Trinidad Order in Council, containing, with the others, the further measures which His Majesty's Government considered it to be their duty to propose for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons. The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves on such principles as would give to the Slaves, on the one hand, a means of acquiring their freedom, or that of their families, and, on the other, secure to the Planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing you to lay this Order before the Council and Legislative Assembly, I thought it desirable, in the first instance, that it should be left to them to proceed in such manner as might appear to them adviseable for taking all these several measures under their consideration. The Act which you have recently transmitted to me is yet under His Majesty's consideration. It contains many provisions which must be considered as making a praiseworthy and important approximation to those which have been recommended. It contains also a provision respecting the trial of Slaves accused of capital offences which has been spontaneously introduced by the Legislature, and does them credit. I shall reserve for a future opportunity the detailed observations which it may be desirable to make upon several of the Clauses, but in the mean time it is my duty to apprise you that however sensible of the merits of the Act, as far as it goes, I cannot but be also sensible that an Act in which there are no provisions respecting manumission without the consent of the owner, flogging of females, disuse of the driver's whip, and the appointment of a duly empowered Protector of Slaves, must fall far short of what Parliament and the Country require.

You will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Order in Council classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of St. Vincent's.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the Resolutions of the Two Houses of Parliament, and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me that the Council and Assembly have agreed to Bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of these Bills, to congratulate you and the Legislature of St. Vincent on the establishment of a system, both for improving the condition of the Slave population, and for providing for the manumission of the Slaves and of their families, on a principle of equitable appraisement, which system will have fully carried into effect the Resolutions of the Two Houses of Parliament. Nothing will then remain but to provide for the improvement of the Judicial System, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object will be facilitated by the Report of the Commissioners of Legal Inquiry, who, as you are aware, have been employed for that purpose in the examination of the constitution and practice of all the Courts of Justice in the Island.

I have, &c.

(Signed)

BATHURST.

Rear-Admiral Sir C. Brisbane, &c. &c. &c.

No. 2.

SIR,

Downing Street, 21st May 1826.

IN my despatch to you dated the 19th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council, classed under separate heads.

Same as in the case of the Bahamas, with the exception of Note 1, on Bill 1, which is omitted.

In the enclosed papers will be found all the provisions of the Order in Council of the 10th March 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that Order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects: First, the Office of Protector and Guardian of Slaves; secondly, the admission of the Evidence of Slaves in civil and criminal cases; thirdly, the Manumission of Slaves; fourthly, the intermarriage of Slaves; fifthly, the observance of Sunday, and the abolition of public markets on that day; sixthly, the acquisition of property by Slaves, and the establishment of Savings Banks for the better protection of it; seventhly, the separation of families under judicial process; and, eighthly, the punishment of Slaves, with the record to be kept of such punishments, when inflicted by the authority of the owner.

To each of these Enclosures I have subjoined Notes, explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th of March 1824.

Presented to Parliament Session 1826.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant-Governor of Demerara. From the perusal of that correspondence, you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in St. Vincent. I am aware, also, that upon some of the topics comprised in these papers, the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing laws of the Island, and that, without a very intimate and practical acquaintance with those laws, it may, per-

haps, not be possible safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not, therefore, propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew and in the fullest manner the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the form and language of legislative Acts, because, in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any laws in which the legislature of St. Vincent may effectually embody these principles, and give effect to those intentions, however much such laws may depart from the enclosed drafts in arrangement, language, or minor details.

You will therefore immediately on receiving this despatch, make a confidential communication on the subject to the Law Officers of the Crown within your Government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the enclosed drafts. In performing this duty, they will of course have regard, not only to such local circumstances as may necessarily affect the form and language of those provisions, but also to some enactments in the late Slave Melioration Act, and to any other of the existing laws of the Colony, in which the same or the like provisions as are contained in these drafts may be found. They will also consider how far a consolidation of such former Acts with the projected Bills may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford no reasonable cause for any jealousy or complaint on the part of these bodies. Upon this subject you will exercise your own judgment, with all the advantage to be derived from your acquaintance with the established usages of Colonial Legislature.

At the conclusion of the Session you will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect; and in case that this object shall not have been effectually accomplished, you will accompany that report by a distinct reference to each clause of each of the drafts enclosed, stating in detail the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision what parts of the clauses recommended have been enacted, and what parts have been rejected by the legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch without again reminding you that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to anticipate the continued rejection of the enactments, so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope, that it will shortly be in my power to lay before His Majesty Acts of the Assembly of St. Vincent, fully carrying into effect the spirit of the various provisions, which by His commands I have now the honour to transmit to you.

I have, &c.

(Signed) BATHURST.

Rear-Admiral Sir Charles Brisbane, K.C.B. &c. &c. &c.

No. 3.

SIR,

Downing Street, 25th May 1826.

ALONG with this letter you will receive a despatch on the subject of the Slave Laws of the Colony under your Government. You will find no more than an incidental notice of the Slave Melioration Act transmitted by you on the 27th December, for I have found it impossible in my present despatch to enter into a minute examination of this Act without occasioning delay.

In case, however, the Legislature should meet to consider the subject of my present despatch before I shall have been enabled to communicate to you the result of my more mature consideration of their recent Slave Act, you will assure them that I shall not omit the earliest opportunity in my power of offering any observations which may be suggested by that Act, and appear calculated to assist their further legislation upon the subject.

I have, &c.

(Signed)

BATHURST.

Rear-Admiral Sir C. Brisbane, &c. &c.

No. 4.

MY LORD,

Government House, St. Vincent's, 3d August 1826.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 17, dated 21st May, with its several enclosures, relating to the improvement of the condition of the Slaves within this Colony, the whole of which are now under the consideration of the Crown Officers.

I have, &c.

(Signed)

C. BRISBANE.

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

No. 5.

MY LORD,

Government House, St. Vincent, 23d August 1826.

I HAVE the honour to transmit, for your Lordship's information, my proceedings on the drafts received from your Lordship relating to the proposed measures for the further amelioration of the condition of the Slaves in this Colony.

The Crown Officers, as your Lordship will perceive by their communication (herewith inclosed), conceived it most advisable to embody the several Clauses, thereby forming one Bill, and they state the reasons which induced them to make some alterations. In this shape I submitted these measures to the consideration of the Assembly on the 17th instant, when the Bill was read a first time, and a second reading ordered for the 5th September.

I refer your Lordship to the Speaker's letter for the sense of the present Assembly on this important subject, and although his expressions are not calculated to excite any favourable impressions as to the ultimate success of the Bill, I nevertheless hope a new Assembly, which I must shortly summon, may be induced to listen more favourably to the suggestions of your Lordship.

I have, &c.

(Signed)

C. BRISBANE.

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

SIR,

Saint Vincent, 8th August 1826.

WE have the honour to acknowledge the receipt of your Excellency's communication of the July, with the documents accompanying it, which are returned. After due consideration we have deemed it advisable to consolidate the eight Acts into one, and to repeal such Clauses in the present Slave Act as are repugnant to this supplement, and to propose that it shall be limited to the

duration of that Act, so that at a future period, when their legal effects have been duly appreciated, they can be consolidated.

We now submit to your Excellency the prepared draft of the Bill, and we have added a table specifying the Clauses of each Act, and its corresponding relative in our proposed draft, with notes on the particular Clauses, where any omission has been made, or trifling addition inserted; the blanks filled up in pencil are taken from His Majesty's Order in Council. We do not consider ourselves authorized to make any alterations in the general measures proposed further than to adopt them to the Acts now in force.

We have, &c.
(Signed) J. R. DASENT,
CHARLES SHEPHARD.

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

No. 1.—Protector of Slaves.

	Clauses in the Bill.
1. Protector appointed	1
2. Deputy in case of absence	2
3. Duty performed in person	} 3
4. Oath prescribed	}
5. Not to own estate or Slaves	} 4
6. Acts valid until forfeiture	}
7. Residence in Island	5
8. Office in Kingston	6
9. Assistant Protectors	} 7
10. Appointed during pleasure	}
11. Salaries in lieu of fees	8 (Note 1)
12. Public Prosecutor	9
13. Quarterly Reports	omitted, included in cl. 53 (2).
14. Altering Books or Returns	10
15. Commander-in-Chief's acts valid	} omitted (3)
16. Duties performed	}

No. 2.—Savings Banks.

1. Slaves acquire property	11
2. Savings Bank established	12
3. Declaration of trust	13
4. Under care of Protector	14
5. Limitation of deposit	15
6. Return of deposits made	omitted, included 53

No. 3.—Evidence of Slaves.

1. Clergyman give certificate	16
2. Licence to grant such	17
3. Slaves' Evidence admissible	18
4. Protector give copies of certificate	19
5. Not evidence against Owner in civil cases	} 20
6. Nor Whites charged capitally	}
7. Not affect powers of Courts	}
8. Nor competency, as if free	}
9. Return of certificates granted	omitted, included 53

No. 4.—Marriages.

1. Protector grant Licence	21
2. Proceedings on Owner's refusal	22
3. Licences, to whom directed	23
4. Validity confirmed	} 24
5. Certificate of Marriage	}
6. Marriage rights as free	}
7. Return of Licences	omitted, incl. in cl. 53

No. 5.—*Sale of Slaves.*

1. Slaves not separated	} 25
2. Marshal's Special Return	

No. 6.—*Markets.*

1. No market after 10, Sunday	26 (Note 4.)
2. After abolition same penalties	} 27
3. Proclamation for total abolition	
4. Sale of victuals allowed	} omitted (Note 5.)
5. Private Markets	
6. Period of Slaves working	} 28
7. Not to be hired	
8. Necessary duties to be done	} 29
9. Preservation of crops	
10. Not worked on Sundays	30

No. 7.—*Punishments.*

1. Protector attend trial of Slaves	31
2. No whip carried	} omitted (Note 6.)
3. Punishments restrained	
4. Proviso for Courts authority	} omitted (Note 7.)
5. Females not whipped	
6. Children punished	} 32
7. Punishment of Females defined	
8. Penalty on repeating punishment	} 33
9. Males punished as females	
10. Inflicted after 24 hours	} 34
11. Record Books kept	
12. Copies delivered Protector on oath	} 35
13. When no punishments	
14. Form of Affidavits to be sent	} 36
15. Neglecting returns	
16. Assistant Protectors returns	} 37
17. Returns to be copied	
18. Traces of punishment evidence	} 38
19. Perjury	
20. Misdemeanor, punishment for	} 39
21. Slave forfeited for cruelty	
22. On twice conviction, penalty	} 40
23. Forfeiture not to affect other interests	
24. Not carried into effect until notice	} 41 (8)
25. Returns of punishments	
	42
	43
	omitted, incl. Cl. 53.

No. 8.—*Manumissions.*

1. Fees on manumissions	44
2. Slave buying, self or wife, &c.	} 45
3. Proceedings on Owner's refusal	
4. Appraisement, &c.	46
5. Manumission, how made	47
6. Appropriation of purchase-money	48
7. In particular cases	49
8. Certificate on title on private sale	50
9. Protectors Certificate of age, &c.	51
10. Return of Manumissions	omitted, incl. in Cl. 53.

Additional Clauses.

Act to be taken as Supplemental to Slave Act	52
Returns of Protectors of Slaves	53
Repeal of certain Clauses of Slave Act	54
Duration of Act	55

Notes referred to in the foregoing pages.

No. 1.—In this Clause we have added that the salary of the Protector shall be paid by warrant of His Majesty, but we have not specified out of what fund.

No. 2.—A Clause of this kind is inserted at the end of each of the Acts which we have consolidated in Clause 53.

No. 3.—These Clauses are quite useless in this Island.

No. 4.—We have defined the penalty as more convenient for Justices than a reference to the English Statutes.

No. 5.—This Clause is useless, as we have no private markets, nor can any prescriptive right exist in this Island.

No. 6.—These are already provided for by the 21st and 23d Clauses of the Slave Act, except the presence of a free person at punishments, which we have introduced in the 34th Clause.

No. 7.—This is provided for by the 68th and 71st Clauses of the Slave Act.

No. 8.—The punishment of a Slave for perjury has already been defined in the 72nd Clause of the Slave Act, which we have retained.

(Signed)

J. R. DASENT,
CHARLES SHEPHARD.

SIR,

Government House, St. Vincent's, 17 August 1826.

IN obedience to the commands of His Majesty's Government, signified through the Right Honourable the Earl Bathurst, I have convened the present meeting of the Legislature, to submit for their consideration, with a view to the adoption of certain measures which I have the honour to transmit to you embodied in a Bill prepared by His Majesty's Crown Officers of the Colony, for giving full effect to the improvements and appointments which are considered essentially necessary to secure to our Slave Population the benefits therein contemplated.

Enactments upon a subject so comprehensive and important require great deliberation. I think we may with reason expect many advantages from a more intimate and practical acquaintance with the operation of the proposed Law.

From the frequent expressions of the Legislature of their readiness at all times to co-operate with His Majesty's Government in the great work of amelioration, I look forward with a lively interest as to the result of their deliberations on the subject now laid before them, and while I earnestly entreat attention to the desires of the Imperial Parliament, and of every class of Society in Great Britain, I cannot but allude to the exertions made in the Mother Country to enforce those measures, which, however, His Majesty's Government have preferred should be the spontaneous act of the Colonies themselves.

It will be my duty to report the progress which may be made in carrying these intentions of His Majesty's Government into operation, and I do sincerely hope I shall have the pleasure of transmitting for His Majesty's consideration such an Act as will give effect to the various provisions, and reflect the highest honour on the character, loyalty, and liberality, of this very flourishing Colony.

I have, &c.

(Signed)

C. BRISBANE.

The Hon. John Dalzell, Speaker of Assembly, &c. &c.

A copy of the above, accompanied by a draft of the Bill sent to the Board of Council.

(Signed)

C. B.

SIR,

St. Vincent, Council Chamber, 17 August 1826.

I AM commanded by the President and Members of His Majesty's Council to acknowledge the receipt of your Excellency's communication of this date, with a copy of a Bill for the amelioration of Slaves.

I am directed to state that they will pay such attention to the matters therein contained, when they shall be brought before them, as the importance of the subject requires.

By Command,

(Signed)

CHARLES SHEPHARD.

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

&c. &c. &c.

SIR,

House of Assembly, Saint Vincent's, 19 August 1826.

THE House met on the 17th instant, in obedience to your Excellency's call, and received your communication of that date with the solemnity and attention naturally created by the grave and important nature of the measures submitted to its consideration.

The Bill containing the enactments which His Majesty's Government seem so extremely anxious to have become the Law for the Government of Slaves, has been read a first time, but many of the most valuable and wholesome Clauses are already in full operation under our present Slave Act, and others are so utterly repugnant to that influence and control which the master seems naturally destined to exercise over his Slaves, that I am not enabled to give your Excellency much reason to expect that the intentions of His Majesty's Government will be carried into effect by the Legislature of this Colony.

I have, &c.

(Signed)

JOHN DALZELL, Speaker.

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

&c. &c. &c.

No. 6.

MY LORD,

Government House, St. Vincent's, 28th September 1826.

WITH reference to the despatch which I had the honour to address to your Lordship on the 23d of August, relating to the proposed measures for a further amelioration of the condition of our Slave population, I now transmit for your Lordship's information the enclosed communication from the two Houses of Legislature on the subject of the measures in question, and I have much reason to apprehend the determination therein expressed is the echo of public feeling and opinion.

The Session of the present Assembly is drawing to a close; and, although I cannot anticipate any very favourable change, either of members or of sentiment on these important measures, yet, I assure your Lordship, my influence and interest shall be equally exerted to encourage them to listen with more readiness to the proposals of His Majesty's Government.

I have, &c.

(Signed)

C. BRISBANE.

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

SIR,

Saint Vincent's, September 5, 1826.

HIS Majesty's Council and the House of Assembly entered upon the consideration of the measures which your Excellency submitted to the Legislature on the 17th August, with that diligence and anxiety which the nature of the subject demanded, and, moreover, with a fixed and unfeigned determination to meet and to conform on every practical point to the wishes of His Majesty's Ministers. In addition to this feeling, the Council and Assembly are actuated by a sincere desire, not only not to treat the declared opinions of Parliament with the semblance of contumacy, but to evince their continued affection for

our gracious Sovereign's Throne and Government, and their unabated attachment to the Laws and Constitution of the Country. But it is distressing to reflect that they are nevertheless, by an unexampled course of circumstances, placed in such a situation as to have no other course of proceeding left but that which will appear at variance with those express intentions and desires of Government. They can only pursue a frank and manly line of conduct, by at once declaring their opinion that many of the proposed enactments, the draft of which has been laid before them, are unsound in principle, and totally inapplicable to the present state of Slavery, while others appear ill-timed and inexpedient, even if viewed with exclusive reference to the class of society in that state.

The Council and Assembly freely admit that those measures have been framed in England with good intentions, and on the most benevolent principles, and that many persons there, with the best intentions towards the Colonies, are of opinion that their legal operation would prove not only not detrimental to the rights and interests of the Master, but would materially improve the moral condition, and physical comfort and happiness of the Slave. This proposition they maintain to be extremely erroneous, and charged with the most troublesome and dangerous consequences to both parties. Thus, unhappily, at the very threshold of this important question, they are compelled to be at issue; and, unless they shall be fortunate enough to convince those in power that their apprehensions are not groundless, not only will the amelioration of Slavery be greatly impeded, but such strife and confusion may speedily pervade these Colonies, as will ever after leave the safe, practical decision of the question hopeless. Measures of doubtful expediency are thrust upon the Legislatures, with a haste and dogmatism unknown in more temperate and unprejudiced times, and equally at variance with that sound and deliberate consideration usually bestowed on great questions, affecting or impugning at once moral principles and civil rights. It is admitted we are on the road leading to the amelioration of personal Slavery, but, instead of making our route with the caution of prudent commanders in an unknown country, no progress is satisfactory but that made by tiresome forced marches with one division only, while the unwieldy, undisciplined mass, the main body, the moral character and propensities of the Negro, are left unheeded and unprotected in the rear.

Acting as the Government avowedly professes on the principle that the Master and Slave are equally to reap the benefit and advantage of their proposed measures, they appear to have closed the door against any further discussion of their safety or practicability; no contrary opinion appears to have weight, however respectable the source from whence it is derived. Lessons that have been acquired by disinterested parties, from experience and knowledge of the actual state of the mind and habits of the Negro population, are received with a thrilling indifference; and, finally, the entreaty or even remonstrance of those who contend and show that their prosperity and fortune, at the least, are at stake on the result of those measures, is met with silent reproof or determined hostility. Thus circumstanced, with such a host of opinions and authorities against them on the expediency of enforcing a doubtful and dangerous experiment, which is to affect for ever a million of people and millions of property, not one moment's delay will be allowed, no day for reflection and reconsideration; and Ministers seem to hesitate at no part of this perplexing question but the pledge of compensation, which they openly affirm the Colonists have no right to expect or demand. The Council and Assembly decidedly maintain that the enactment of those measures would not only remove from the Proprietor all that wholesome and salutary controul over his labourers which has grown up with, and now is incorporated in the very best parts of the system, and which is still necessary for the security and well-being of both,—but that it would abridge in every respect, and destroy in many others, those hitherto undoubted rights of property, without the exercise of which for the present the plantations would become equally ruinous to the owner, as the Colonies would prove unproductive to the Parent State. We, therefore, for these and the other reasons hereafter to be enumerated, cannot consent to become the agents for executing measures from the result of which we can only contemplate one unvaried scene of disquiet, contest, or ruin. The West India estates, such as they are, once, in the proudest day of Britain, in her zenith, cherished and esteemed by her most valiant sons and wisest statesmen,

but now cast off, contemned, and detested, the Proprietors are ready and prepared to surrender to the Nation, on receiving a fair and clearly-defined compensation for their value. Then the question between the Government and the Colonists, and between the Colonists and their calumniating adversaries, may, without any violation of National faith, or invasion of private rights, be firmly and practically set at rest. The Proprietors will then bear their full share at so costly an experiment; but it appears neither just nor honest to cast on them alone the whole risk and loss, when they assert and believe the measure to be so pregnant with mischief and ruin to themselves.

The Council and Assembly do not wish to contend that the day will never arrive when those enactments may be reasonably and usefully applied. Another generation of Slaves may safely participate in all their intended advantages. But in the mean time many preliminary improvements must gradually disclose themselves, that not even the omnipotence of Acts of Parliament can hasten. Orders in Council, however ably framed with reference to plausible theories, cannot eradicate in a day or a year the craft and superstition of savage Africa, in which the minds of a great proportion of the Slave population of the Colony are still imbued. Orders in Council cannot infuse at once, and by magic, into minds thus benighted, the lights of sound feelings and intellectual endowments; and, above all, they cannot, as it were, with the speed and plainness of the type, imprint upon a dissolute and unprincipled population, the sound, mild, and benevolent doctrines of Christianity, just now fairly begun to be preached with success by the educated Ministers of an established and responsible Church. When the completion, or even progress, of all those good works, now commenced under such fair and promising auspices, shall have opened a safe and practicable road to the expanded minds and improved hearts of the Negroes, then the Legislature of St. Vincent will be foremost, as it already has been, to extend to that class of society those rights and privileges which time and religious instruction only can fit them to receive and enjoy, with happiness to themselves and advantage to their Masters.

It has already been remarked to your Excellency, that many of the most valuable of the proposed enactments are either positively or virtually in operation here, under the Slave Act which obtained your Excellency's sanction last December; and that others are so directly at variance with the ties that connect the Master and Slave in the bond of reciprocal protection and service, that they seem inadmissible, either for the purpose of restricting the one or of relieving the other of those parties, even admitting that restraint on the one hand, and relief on the other, be necessary. It now remains for the Council and Assembly to endeavour to support this proposition, with as much brevity as the nature of the subject will admit.

The draft of "*A Bill for appointing a Protector of Slaves*" appears quite uncalled for in St. Vincent, and would merely create a new and expensive office, with inconvenient and perplexing machinery, to accomplish a purpose that is already fully attained by the most simple and unobtrusive means. The Attorney General of the Colony receives his appointment from the Crown, and the Legislature has granted him a salary of £500 currency *per annum*, fixed in the same permanent manner as that granted to your Excellency. This salary is in lieu of all fees of office in criminal proceedings. This officer is by custom and by law the Protector of Slaves, and bound to prosecute all serious offences against them, or such as are not cognizable and remediable by the Magistracy, who are in like manner *Assistant Protectors*, without the name only, but armed by law with all the powers in minor offences contemplated by the proposed Bill. In support of this fact, it will be merely necessary to have reference to the 25th and 26th Clauses of the Slave Act.* In the event of any

* 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

person whatever being charged with any of those enumerated offences, or others of a serious nature against Slaves, not punishable summarily by the Magistrates, or *Assistant Protectors*, they are bound, in the words of the Act, "to prosecute the offender according to law," that is, by returning the examinations in the case in writing to the Crown Office, and by binding over the parties and witnesses to attend at the Court of Grand Sessions of the Peace. In the case of Slaves being witnesses, their Master must enter into recognizances for their appearance in like manner. The functions of the Attorney General, or *Protector*, then commence; and he necessarily follows up the proceedings till the offence is investigated, and the criminal punished in the same manner, and with all the form and solemnity proposed in the Bill for appointing a Protector. In fact, we can safely assert that in no case does a Slave lose the protecting power of the Attorney General, until by his own misdeeds he stands arraigned as a criminal, either for an offence against a fellow Slave or person of free condition; and in either case the Legislature can triumphantly appeal to the Slave Act, Clause 69th,* to show that no sooner is he reduced to this situation than he is transferred to other hands, equally capable of defending and protecting him. Admitting the worst view ever taken of the character of the Proprietor, it will be here seen he has not the power, if he had the inclination, of leaving his Slave to his fate, but that, in the hour of his distress, and at the day of trial, the public purse is opened for his benefit and protection, and all the talent and humanity of British Barristers at his command.

On the important question of "*Slave Evidence*," the Council and Assembly must again appeal to the measures the Legislature has already adopted in this delicate and yet untried subject. The only variations from the Trinidad Order in the Slave Evidence Enactment, Clause 66th,† are, that Slave

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 any 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, maltreat, 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, where 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 69. 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 appraisalment 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 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

testimony is inadmissible in prosecutions against their Master, or his agents over them, and that a certificate of good conduct is required from the Master or Attorney, in addition to the other guards in that Order. These additional precautions were thought highly advisable in the mere infancy of this experiment, because it was deemed improper to place the Slave at once, before he could well comprehend the nature of the privilege extended to him, in direct and public opposition to his master, and because Slaves might frequently be brought up to give evidence, who, from the retired nature of their habits, and secluded residence, could only be known personally, or with reference to their moral habits and general behaviour, by their Master, or his agents. * * * * * But we are by no means inclined to be inflexible in future enactments with reference to Slave evidence in criminal matters, when it shall be found that no danger and inconvenience have been experienced from the extent to which it is at present admissible. In civil proceedings however we think it advisable to take a more decided course, from the conviction that here it is perfectly unnecessary, and that its admission would neither promote the public good, nor contribute to private advantage, and therefore we utterly reject any enactment on this branch of the subject.

The most important of all, are the considerations involved in the next proposition, of "*a Bill to manumit Slaves, and to enable them to purchase themselves*;" this question aims at the vitals of all property, and while glancing over the Slave with a slight wound, would reach the heart of the Master. The Legislature has removed every obstacle to the voluntary manumission of Slaves, by the 18th* and 19th Clauses of the Slave Act, but if the measure of

before the Judge, Justice of the Peace, or Court, to which any 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, her, 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, and 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 least, produced as witnesses, clearly and consistently with each other depose to the same fact, act, or circumstances, and also, unless the said Slaves are examined apart, and out of the hearing of each other; and provided also that no white person, or free person shall be convicted on the testimony of any Slaves of any of the crimes aforesaid, unless the 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 18. And be it further enacted by the authority aforesaid, That all manumissions of any Slave or Slaves, duly executed and recorded in the Register's 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 three successive gazettes or other newspapers, published next after the acknowledgment of such manumission, at the expense 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 19. 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 person or 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

compulsory manumission should be hastily brought into operation in St. Vincent, it would prove destructive of the advantages hitherto derived in a national point of view from the Colony. It never can be sanctioned or submitted to by the Council and House of Assembly till the fact shall have been satisfactorily and practically established, that free agricultural labour, may be, and can be substituted, at the will of the Proprietor, for that which he would be deprived of by the operation of compulsory manumission; and that too upon terms equally advantageous in point of expense. When this desirable point has been established, His Majesty's Ministers will find the Colonists as willing to adopt this measure as they can possibly be to propose it; although the Council and Assembly should then still fail to see their way clear through the other numerous and well founded objections to it, in the present state of Negro habits, wants, and propensities. Many of these objections have been already urged with so much force and truth from other quarters, that it would prove fruitless to repeat them in this place, or to enlarge upon the danger and absurdity of extending the privilege to "*reputed relations*," when so much pains are now taken to inculcate marriage, and the other kindly and domestic affections.

Among the numerous cases of manumission, to the present time, we have been unable to trace in this Colony a solitary instance of an agricultural Slave obtaining his freedom and remaining for wages or any other consideration at his original occupation on a sugar estate. Nor do we think that any reasonable compensation in the shape of money-wages would induce one of them at the present moment to return to the continuous, although not onerous labour necessary for the culture and manufacture of sugar. If this be the fact, and we challenge enquiry into, and disproof of it if possible, what prospect would the unfortunate Planter in St. Vincent have before him, but that of depopulation of his once valuable estate, and consequent ruin to himself and family? The Law now rigidly prohibits the importation of agricultural labourers from the neighbouring and over-peopled Colonies, and if the proposition be admitted, that Slaves when made free, even with the consent of the Master, invariably act as has been represented, in what quarter is the Proprietor to seek relief from such a prospect, or can it be said the fears he entertains are unfounded.

This Colony contains a vast proportion of uncultivated land, perhaps sufficient to maintain, on a scale commensurate with their present wants, its whole Slave Population. Those lands are hilly, and sometimes mountainous, but abounding in rich ravines—extremely well watered—always, from the geographical form of the Island, contiguous on one side or the other to the sea; and affording every other inducement to an easy or indolent life. The self manumitted Slave, by whatever means* this purpose had been accomplished, would invariably leave the property of his former Master, and retire to some delightful spot of one hundred feet square of this land on the banks of a rivulet, where, with a few hours light work in each week, he would maintain himself, and be relieved from the only evil of magnitude which in his estimation this world ever presented to him, *persevering daily labour*; while the Master, out of the remnant of his dilapidated estate and deteriorated means, would be compelled to support the aged relations of this very freed man, and perhaps his infant children, till they should be fit to place themselves beside their indolent and now half savage father. Until this deep rooted error has been eradicated, or in some measure removed from the mind of the Plantation Negro, it cannot be difficult to foresee and to comprehend all the disastrous consequences the Council and Assembly apprehend from compulsory manumissions. It would prove tiresome, and perhaps unprofitable, to enter into the details of this measure, or it might be clearly shewn that for a healthy young field Negro the sum of five hundred pounds sterling would prove an inadequate compensation to the Proprietor of a sugar estate, unless he could at the same time make a sale of the whole of them; as the removal of his young labouring

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.

* Honestly acquired money, theft and plunder, or societies formed for liberating him.

hands one by one would leave the establishment to be upheld at the same expence with diminished means for cultivation, and therefore prove a harassing prolongation of his ruin. It is possible that in some of the long settled populous Colonies with exhausted soils, and subjected to continued droughts, this measure of compulsory manumission may not present such insurmountable obstacles ; should it therefore be enacted in those Colonies, still all the well founded alarm and danger to be apprehended from it, would remain undiminished in Saint Vincent.

The machinery by which the Bill proposes to render the measure operative, is so odious and unconstitutional, that it would be a severe reflection on the spirit of the Mother Country to suppose her descendants would quietly submit to place the disposal of their entire property in the hands of a single Judge and Protector. In questions of property, as well as of life, British subjects have been taught to believe in, and rely on, the efficacy and necessity of the interposition of a Jury even to the value of ten pounds, while here, for the first time since the signing of the Bill of Rights, at four thousand miles distance from the fountain head of English Jurisprudence, a new Star Chamber Court is proposed to be erected, and one hundred millions of wealth to be placed at the disposal of some twelve or fifteen Judges and Slave Protectors, without remedy or appeal left to its hitherto unfortunate but now insulted proprietor.

“*The Bill to prevent Slaves being separated by legal sales from their families,*” is of minor importance. This separation was proved, in an Address from the Council and Assembly to your Excellency, of the 4th September 1823, never to happen with respect to agricultural Slaves in Saint Vincent, and the Act of Parliament already alluded to for “*Consolidating the Slave Laws,*” having prohibited the removal of all Slaves excepting domestics, would seem to obviate the necessity of further enactment on this subject, in a Colony of such confined dimensions. There has not been a Marshal's sale of agricultural Slaves separated from the soil for many years, and nothing seems more improbable than such an event in future. In an Island, as has been already remarked, of trifling extent, the whole of the objections are removed that (would in an extensive country) apply to tradesmen and domestics who, of the same family, frequently have different owners, and are never separated more than members of a family in England, when seeking service or employment in the same parish—once a month, or even once a week, they may exchange personal intercourse and kindred offices, by making a journey of a few miles.

The Legislature, in the 10th Clause* of the Slave Act, has anticipated “*The Bill to regulate Marriages,*” with the exception of the right of the Slave to appeal to the Protector against his master's determination ; and here again we are forced to lament that precipitancy with which all those measures are forced upon the Colonists. Those who best know the present feeble state of intellect and judgment in the Negroes generally, may well express surprize that that wholesome controul with which the Law invests the father of a family over its disposal in marriage, should be denied to the master in the case of his Slave. In the formation of so important a connection, it is impossible that any other authority can be so beneficially interposed as that of the master ; the true interests † and happiness of the Slave must for every possible purpose be his primary

* 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 such Slaves 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 marriages 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 so intermarrying to any penal infliction, the effects of which might destroy the rights or injure the property of their owners.

† 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

object, and therefore it is contrary to the most obvious principles in life to suppose that his decision, in the case of marriage, should be at variance with those interests and that happiness. Marriages are daily taking place, and the Council and Assembly believe that no single instance of dissatisfaction or disappointment on this subject has been felt or expressed by a Slave.

“*Sunday Markets*,” the Council and Assembly, on a former occasion, stated to your Excellency, that the Legislature has taken a preliminary step towards abolishing, by the 7th and 9th Clauses* of the Slave Act. It is impossible to clear away in a day all the difficulties surrounding so many complicated subjects, and if the Government will force upon us Laws before events have ripened for their reception, they will retard rather than hasten the attainment of those salutary results for which the Colonists equally with themselves are anxious.

The 11th and 12th Clauses† of the Slave Act accomplish much that is in-

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 person 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 the 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 9th. And whereas it is proper and necessary to limit the duration of Sunday markets holden in the town of Kingston, be it further enacted by the authority aforesaid, that from and after the first day of June one thousand eight hundred and twenty-six, the market holden in the town of Kingston 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 to 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 Wardens 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 to 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 Saint George.

† 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;

tended by the proposed Bill, to prevent labour on Sunday, or any encroachment on the time usually allowed the Slave. General labour on Sunday has ever been unknown in Saint Vincent, either for the preservation of crops or any other purpose on the plantations or elsewhere. Sailors who navigate the craft around the Island, in cases of emergency, and tradesmen, when accidents have befallen the buildings or machinery, are sometimes employed on Sunday, but constantly repaid, either with an equivalent of time or in money, at the option of the Slave. But he is not compellable to the performance of this work, and should his pursuits or inclination lead him to decline it, the master must then look for assistance in some other quarter, and on the best and cheapest terms in his power. Why he alone, of all other men, should be deprived of this right by Law, is, perhaps, one of the inquiries which even a West India Planter may be allowed to make without being charged with impertinence! The wages generally given to sailors, tradesmen, and other able Negroes, when unavoidably employed on Sundays, holidays, or the * twenty-six other days secured to them by Law, is ten shillings current money, or four shillings and four-pence sterling each day.

The 21st, 22d, 23d, and 24th Clauses † of the Slave Act, offer a good an-

Clause 12th. And be it further enacted by the authority aforesaid, that every field Slave on any plantation or estate, 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 first day of May and the thirty-first 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 holidays; 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 holidays, or shall allow them any other or more days in the Christmas holidays than as aforesaid, the person or persons so offending shall forfeit the sum of fifty pounds current money of these Islands.

† 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 thirty 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 Bequia 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 inquiry 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 23. And be it further enacted by the authority aforesaid, that no Slave or Slaves shall, from and after the first day of January one thousand eight hundred and twenty-seven, 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 misdemeanour, and being thereof convicted, shall suffer such punishment as the Court before which such misdemeanour is cognizable shall in its discretion direct.

Clause 24. And be it further enacted by the authority aforesaid, that no person shall, on any pre-

swer to the "*The Bill to prevent abuses in the punishment of Slaves,*" or to so much of it as is framed either with reference to the rights or feelings of the master or to the maintenance of due subordination on his estate. The Legislature is about to erect a tread-mill as a substitute for whipping of females; whenever it is found to succeed, and that not only whipping, which is now seldom or ever resorted to, but that even the dread of it may be safely removed from the mind of the female Slave, your Excellency may assure the King's Government, that the practice shall be immediately abolished by Law. Many of the Clauses of this proposed Bill are marked with a degree of relentless rigour towards the weakness and failings of our erring nature, that is seldom to be found in the spirit of modern enactments. Everlasting infamy and ruin are made to attach to offences which, if not venial, are certainly not very malignant; others are perplexing and vexatious; and, lastly, they shew that an unworthy prejudice is operating against the proprietor in a quarter where his true character and interests should be better understood and appreciated. This Bill would degrade the most respectable of the class to a station little better than that of lackey or dependant of the Slave Protector.

These are the observations that present themselves to the Council and House of Assembly, in the progress of the consideration of those important measures submitted for their enactment by desire of His Majesty's Government. In declining *in toto* to accede to some of them, and in desiring time to watch the operation of so much of others as the Legislature has already adopted, nothing evasive is intended, nor any thing disrespectful offered towards that Government. The Council and House of Assembly are sensible that an immense difference of opinion unfortunately exists between His Majesty's Ministers and themselves, but they hope it will be met without any acrimonious feeling, and treated merely as that kind of dissonance which sometimes prevails on the agitation of new and momentous subjects, where even both parties occupy the same ground and possess the command of equal means of accurate information. It has been * elsewhere remarked, with reference to this subject, that on the expediency or safety of what is called the "*Catholic Question,*" the wisest and most eminent men have been differing for a quarter of a century, during which time the subject has been almost annually discussed. Evidence on *both sides* has been received. Inquiries of the most tedious and expensive nature have been instituted, yet those differences of opinion remain as irreconcilable as before.

The Council and Assembly feel confident your Excellency will cheerfully undertake to assure His Majesty's Government, that our aversion to those enactments arises only from a conviction of their inexpediency and their tendency to abridge or destroy all the rights of property of our constituents, without any pledge or even promise of compensation should our predictions be verified, and our apprehensions confirmed. It is only eight months since the enactment of the amelioration Law, now so satisfactorily and beneficially in operation. Your Excellency can bear testimony to the good intentions and benevolent views of the Legislature in framing this enactment, which comes so near to the desires of the Mother Country.

The Council and Assembly will act on the thorough conviction of the soundness of the opinions and statements here put forth, as applicable to the existing state of Slave propensities, and the duties and reciprocal rights of Master and Slave. Should another authority discredit those statements, and outweigh those opinions, and interpose a different course of proceeding, which shall produce all those misfortunes and calamities apprehended, then we shall stand acquitted

ence 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 directions 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 from the Slave or Slaves wearing and bearing the same, save and except Slaves committed to the gaol or cage.

* Vindication of the Legislatures.

of the charge of having surrendered the rights or betrayed the trust confided to our care.

We have, &c.
(Signed) J. R. DASENT, President pro tempore.
JOHN DALZELL, Speaker.

No. 7.

SIR,

Downing Street, 7th December 1826.

I HAVE received your despatch of the date of the 28th of September ultimo, and I much regret to receive the communication from the two Houses of the Legislature, which you have therein enclosed to me.

On the 19th March last, I instructed you as follows: "On the receipt of this communication you will take the proper steps for having Bills drawn up for carrying these measures *severally into effect*, in such manner as may be most conformable to the existing laws of St. Vincent. When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, *so that the Assembly may have them separately before them.*"

I have therefore to request that you will forthwith transmit full particulars of the manner in which these Bills were brought forward (in obedience to these instructions) in the House of Assembly for the consideration of the Legislature, and that you will send copies of such Bills, which I must presume were submitted separately for their consideration, in conformity with my instructions.

I have, &c.

(Signed)

BATHURST.

Rear Admiral Sir C. Brisbane, &c. &c.

No. 8.

SIR,

Downing Street, 3d April 1827.

THE Act passed by the Legislature of the Island of Saint Vincent's, in the month of December 1825, intituled, "An Act to repeal An Act entitled, 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 free-coloured people and number of Negroes within this Government and its dependencies, and to ameliorate the condition of Slaves, and for other purposes," has been laid before His Majesty in Council, and I have now the honour to transmit to you an order of His Majesty in Council, by which His Majesty has been pleased to order that this Act be left to its operation.

14th March 1827.

I am further commanded by His Majesty to communicate to you, for the information of the Legislative Council and Assembly of Saint Vincent's, the following observations upon the Act in question:

His Majesty has observed with satisfaction the progress made by these enactments in the measures to be taken for the improvement of the state of the Slave population, but it is at the same time my duty to remind you that there are several measures which, though recommended in the instructions approved by the two Houses of Parliament, are either entirely omitted in this Bill or are imperfectly accomplished, and that unless the Legislature of St. Vincent's take them into their serious consideration, and make some further provision on these subjects, they will not have satisfied the expectations of Parliament or the public.

Of the omissions there are no less than six in number. First, no provision is made respecting the office of Protector and Guardian of Slaves. Secondly, the use of the whip for the punishment of females is not prohibited. Thirdly, no presumption of inflicting an illegal punishment is declared to arise against the owner on the production of the person of the Slave exhibiting the traces of recent punishment accompanied by his own probable and consistent statement of the fact. Fourthly, there is no regulation respecting the separation of families under

judicial process. Fifthly, the subject of Savings Banks is altogether omitted. Sixthly, no incapacity of holding Slave property, will follow upon convictions for cruelty however frequent.

Upon comparing the corresponding provisions of the present Act, and of the Trinidad order in Council His Majesty has been gratified to perceive, that the Council and Assembly of Saint Vincent's have to a considerable extent adopted the measures which, under my instructions, you suggested to them.

I am, however, to direct your attention to those deviations from the Law of Trinidad, which appear to be of essential importance, and for this purpose, I shall pursue the order which the Act itself has observed.

Possession and Employment of Property.—With respect to the possession of property, I remark that the Slave is not enabled to maintain an action, whether in his own name or that of any other person; neither is any provision made for the securing the payment of money lent by a Slave, or of any legacy bequeathed to him. If the property of a Slave be sold to his owner or manager, there is no provision for enforcing the payment of the purchase-money; and even in the case where the Slave is unlawfully deprived of property, the law is silent respecting the manner in which, or the person by whom the complaint is to be advanced and proved, if the owner or manager should be the party offending. I observe also, that the Slave is prohibited from holding land, even in the smallest quantity.

In all these respects, more particularly that part which does not provide the Slave with the legal means of redress if he be unlawfully deprived of his property, the provisions respecting the property of Slaves are defective and inadequate; and they will therefore require the early and careful revision of the Legislature.

Observance of Sunday, and Sunday Markets.—With respect to the observance of Sunday as a day of rest, and the abolition of markets on that day: I am to remark, that the Act appears to contemplate the continuance of Markets until ten o'clock on Sunday morning, as a permanent regulation, and not in the light of a temporary relaxation of the principle, until adequate provision be made for the religious instruction of the Slaves. The prohibition of labour on the Sunday, extends only to that period of the year, during which the crop is taken. There is no general prohibition of employing Slaves in any description of labour except that of the plantation on Sunday, nor is any plan devised for ensuring to them a remuneration for such necessary works as they may undertake upon the estate for the benefit of the master on that day.

Marriage.—Regarding marriage, it is to be noticed, that no provision is made by this Act for the case of an improper and capricious refusal on the part of the owner to sanction the marriage of his Slaves. The right of celebrating marriages is confined to the Clergy of the Established Church. There is no provision for registering the marriage of Slaves. The general declaration, that marriages of this nature shall to all intents and purposes be binding, valid, and effectual, is omitted. But the qualifying words introduced to obviate the injurious consequences to the master, with which that declaration was supposed to be pregnant, were retained. There is an additional qualification, the object of which it is difficult to perceive. The Act declares, that the marriage is not "to subject the Slaves to any penal infliction, the effects of which might destroy the rights, or injure the property of their owners."

Upon both these very important branches of the subject, the Legislature will therefore perceive, that some important alterations are necessary.

Manumission.—On the subject of manumission, this Act has made an imperfect approach to the law of Trinidad. No means are devised for enabling persons to manumit Slaves, in whom they have a partial or temporary interest. The Slaves of persons labouring under any legal disability of infancy, insanity, or coverture, will remain incapable of acquiring their freedom. No security is taken against a Slave, paying the price of his freedom to a person who has no legal title to effect the manumission. No officer is charged with the duty of superintending the form and enrolment of the deed of manumission; and no provision is made to secure to the Slave his manumission, on his being able to pay the price of a fair and equitable appraisement, should his master refuse to accede to such a valuation.

As this measure is of equal importance, and closely connected with the im-

provement of the condition of slavery, you will direct the very particular observation of the Council and Assembly to the preceding remarks, and you will apprise them that His Majesty's Government will anxiously expect an additional Act, introducing a much closer resemblance to the law of Trinidad for the manumission of Slaves.

Domestic Punishments.—The infliction of punishments by the domestic authority of the owner, is the next in order of the topics to which the Act adverts. I perceive that it does not distinguish between the punishments of the different sexes. The extremity of legal punishments which the master may inflict by his own authority, is fixed at thirty-nine, instead of twenty-five lashes. No interval is required to elapse between the commission of the offence and the infliction of the punishment. The presence of a free person, as a witness, is not required. I remark also, that there is some ambiguity in the language of this Act, upon which it is possible, that a doubt may arise, whether an overseer or driver, or other subordinate agent, could be convicted under it; nor does it seem perfectly clear, whether the grammatical construction would not require the actual presence of the owner, in order to the completion of the legal offence of excessive punishment.

The Council and Assembly will, of course, correct all minor inaccuracies of this nature, as soon as their attention is directed to them, nor will they, I trust, be unwilling to supply the more substantial omissions which I have pointed out in their rules respecting domestic punishments.

In immediate connexion with this subject, I have to observe, that the Act authorizes the punishment of persons preferring groundless complaints of excessive domestic punishment. While I am ready to admit, that a Slave must not be permitted to avail himself of his liberty to complain, as a channel for calumnious accusations against his master, I must, at the same time, remind you, that unless punishments of this nature are administered with extreme caution, they will have a direct tendency to prevent the most just and reasonable complaints; the law consequently ought not to authorize the punishment of a complaint, simply because no conclusive proof is adduced to justify it; but the party against whom the complaint is made, should be required at least to prove that it was groundless or frivolous (if not malicious) before the party complaining is punished for preferring it.

Record of Punishments.—The records of domestic punishments required by this Act, will be an inadequate substitute for the rules established by the Trinidad Order in Council. The record is limited to one description of punishment, that, namely, of whipping. No specification is necessary of the time and place at which the offence is committed, or of the names of the persons inflicting and authorizing the punishments. No penalty is provided for the cases of false entries, fraudulent erasures, or wilful destruction of the record. No periodical return is required of the contents of the record books. The accuracy of the book is not to be verified by the oath of the owner or of any other person. I fear, therefore, that this part of the measure, can scarcely be attended by that good effect which, I trust, was intended by the Legislature.

The use of the Whip in the Field.—The provisions respecting the use of the whip in the field, are so constructed, that a free Negro might use it with impunity, and that even a Slave might be employed to use it, if it were not carried as an emblem of authority, but as a means of impelling other Slaves to labour. The prohibition extends only to one description of whip, viz. "that which is usually called the cart whip," and it is only upon the plantation or estate that it is prohibited at all. In other places it might be exhibited, even by a Slave, with impunity.

It is obvious that these rules will require a careful revision.

Evidence.—The law of Slave evidence, as established by the Act under consideration, will exclude the evidence of unbaptized Slaves, or of Slaves baptized among any body of Christians dissenting from the Established Church. The Act will also exclude all Slaves who are not sufficiently well known to some clergyman to obtain a certificate from him of their good character and repute, and of their being sufficiently instructed in the principles of religion, to understand the nature of an oath. Now as the term "clergyman" is inapplicable to a dissenting minister, the Act will virtually disqualify as witnesses the disciples of that class of religious teachers. What is still more objectionable is the ne-

cessity of obtaining a certificate to the same effect from the proprietor, or his attorney, which will prevent the Slave being heard as a witness in any case where the proprietor or his attorney has any motive for preventing it. The Slave cannot be admitted as a witness in any civil case; and even in criminal prosecutions he cannot be heard against his owner, or manager, or his delegates. The testimony of a single Slave, though supported by the clearest circumstantial evidence, or even, perhaps, by the testimony of another witness of free condition, would not under this Act be sufficient for a conviction. I observe, also, that the Legislature of Saint Vincent's have not established a Public Record for the registration of the names of Slaves competent to give evidence.

You will point out to the Council and Assembly the expediency of reconsidering these provisions of their Act, in reference to the preceding observations.

Additional provisions for improving the condition of Slaves.—This Act contains various provisions for the protection and benefit of the Slaves which the Order in Council of Trinidad did not contain, and His Majesty has observed with great satisfaction the regulations for limiting the daily period of labour: for allowing twenty-six days, in addition to the Sunday, for the cultivation of provision-grounds: for medical attendance; for the encouragement of population; for the protection of freedom, and for the prevention of cruelty.

Criminal Law.—Among the rules of Criminal Law for the government of Slaves contained in this Act, are those for the punishment of Slaves carrying away boats, and of free persons aiding in the offence. The criminal intention, which is to constitute the offence, is declared to be the intent to “take and carry away the boat.” It should seem that the mere intent to carry away, as distinct from the intent to steal, might in many cases be innocent and justifiable.

Obeah.—The penalties denounced against the crime of obeah, are, I am aware, a part of the ancient law of the Island. It is earnestly to be hoped that the progress of religious instruction may speedily put an end to the necessity of such enactments, by eradicating the superstitions against which they are directed. But even if the prevailing ignorance of the Negro race required the prevention of such practices by legal provisions, it may be reasonably doubted whether death is not a punishment of undue severity, and it is clear that the terms employed in this Act to describe the offence would include many of the ordinary and innocent actions of daily life. It will be necessary to revise this part of the Act, to obviate certain constructions of it, which, though justified by the mere words of the law, cannot be consistent with the real intention of the Legislature.

Burglary and Theft.—I observe that the distinctions between a burglarious and a peaceable entry into a dwelling-house, and between the actual commission of theft, and the intent to commit it, are disregarded.

Personal violence.—If any free person is “injured” in body by a Slave, the punishment is capital; a penalty of extreme severity when the comprehensive sense of the word “injured” is considered; and this clause therefore requires revision.

Rebellion.—Among the catalogue of the capital crimes are to be found the offences of rebellion, and rebellious conspiracy; but the Act supplies no definition of these words, nor am I aware that they have any technical or appropriate sense in the law of England.

It is highly necessary, therefore, that expressions so vague and indeterminate, should not be employed without some authoritative interpretation of their meaning.

Imagining the Death of a White Person.—The mere imagination of the death of a white person, declared by an overt act, is also made a capital crime. If it be necessary to extend to private persons the safeguard with which the law of England has protected the life of the King, it is, at least, a measure of extreme rigour to render the offence capital; nor indeed is it obvious, why a felony of so peculiar a character should be established by the law of St. Vincent's, while it continues unknown to the Slave Codes of the greater part of the neighbouring Colonies.

Indemnity to the Owner.—In cases of capital conviction, the owner is to be indemnified by the public for the loss of his Slave. Without disputing the propriety of such a measure in some occasional and peculiar cases, it may be productive of great mischief and injustice, as a general rule. It deprives

the master of a strong motive for preventing the commission of crime among his Negroes, and it deprives the Slave of the protection which the self-interest of his master might otherwise afford him on his trial. Nor is it consistent with justice that the master should, in all cases, be indemnified by the public, without some inquiry, how far his own neglect of domestic discipline and instruction may have occasioned the offence for which the Slave has suffered.

Unlawful Meetings.—The prohibition of meetings held for any “unlawful or dangerous purpose,” is probably necessary; but, considering that the punishment is capital, the character of the offence ought to be ascertained more distinctly, than by words so indefinite as these.

I abstain from commenting upon various passages in this Act, which, perhaps, could not stand the test of a rigid verbal criticism. Whenever a general revision of the law is undertaken, His Majesty’s Law Officers in the Colony should be instructed to consider carefully how far such passages may admit of correction and improvement.

Upon a review of the whole of this law, I am commanded by His Majesty to express his satisfaction with the general disposition of the Council and Assembly to adopt the recommendations which have been addressed to them, upon this important subject. But I have it further in command to signify to you, that His Majesty’s expectations will not be satisfied, until the law has been revised and amended, with reference to the observations contained in my present despatch.

I have, &c.
(Signed) BATHURST.

Sir Charles Brisbane, K. C. B. &c. &c.

TOBAGO.

No. 1.

SIR,

Downing-Street, March 19, 1826.

WHEN I had the honour of communicating to you the Resolutions of the House of Commons in 1823, you were instructed to bring under the consideration of the Council and Legislative Assembly of Tobago, some of the measures which His Majesty's Government recommended for improving the condition of the Slave Population. In 1824, I had the honour of communicating to you a copy of the Trinidad Order in Council, containing, with the others, the further measures which His Majesty's Government considered it to be their duty to propose for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons. The measures recommended in these communications provided, first, for the improvement of the condition of the Slave Population; secondly, for the manumission of Slaves, on such principles as would give to the Slaves, on the one hand, the means of acquiring their freedom, or that of their families; and, on the other, secure to the planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing you to lay this Order before the Council and Legislative Assembly, I thought it desirable, in the first instance, that it should be left for them to proceed in such manner as might appear to them advisable for taking all these several measures under their consideration.

Since that time, the attention of the Legislature has been twice called to the subject. The Legislative Assembly at first asserted, that prudence would not allow them to add any thing to the provisions of the Slave Court Act; and I learned, with regret, that they afterwards declined to resume the subject, diverted from it, as they allege, by circumstances, of which, as they have ended in the dissolution of the Assembly, I shall only say, that they ought not to have been regarded as of such paramount importance as to preclude the consideration of what had been so repeatedly recommended to the Assembly. With regard to the observations of the Legislative Council, which were transmitted in your Despatch of the 4th of November last, I trust that further explanation will induce that body to extend the limits within which they had decided to confine their co-operation in measures of reform.

You will, in addressing yourself to a new Assembly, have to communicate to them the unanimous concurrence of the House of Lords with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of this Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Order in Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light the effect of some of those provisions, which I have reason to believe have been misunderstood.

On the receipt of this communication you will take the proper steps for having bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of Tobago.

When these bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may

have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The new Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the resolutions of the two Houses of Parliament; and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me that the Council and Assembly have agreed to bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of these bills, to congratulate you and the Legislature of Tobago, on the establishment of a system, both for improving the condition of the Slave population, and for providing for the manumission of Slaves, or of their families, on a principle of equitable appraisement, which system will have fully carried into effect the resolutions of the two Houses of Parliament. Nothing will then remain but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object will be facilitated by the report of the Commissioners of legal inquiry, who, as you are aware, have been employed for that purpose in the examination of the constitution and practice of all the Courts of Justice in the Island.

I have, &c.

Lieut-Gen. Sir F. P. Robinson, K. C. B.
 &c. &c. &c.

(Signed) BATHURST.

No. 2.

SIR,

Downing-Street, May 21, 1826.

IN my Despatch to you, dated the 19th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council, classed under separate heads.

*Vide Bahamas,
Part I.*

In the enclosed Papers will be found all the provisions of the Order in Council of the 10th March 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that Order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects:—First, the office of Protector and Guardian of Slaves. Secondly, the admission of the evidence of Slaves in civil and criminal cases. Thirdly, the manumission of Slaves. Fourthly, the intermarriage of Slaves. Fifthly, the observance of Sunday and the abolition of public markets on that day. Sixthly, the acquisition of property by Slaves, and the establishment of savings banks for the better protection of it.—Seventhly, the separation of families under judicial process. And, Eighthly, the punishment of Slaves, with the record to be kept of such punishments when inflicted by the authority of the owner.

To each of these enclosures I have subjoined notes explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th March 1824.

*Printed for Parlia-
ment, Session 1826.*

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad and the Lieutenant-Governor of Demerara. From the perusal of that correspondence you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in Tobago. I am aware also that upon some of the topics comprised in these Papers, the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing laws of the Island, and that without a very intimate and practical acquaintance with those laws, it may perhaps not be possible safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not, therefore, propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew, and in the fullest manner, the measures which His Majesty's Government desire to introduce, and I have for this purpose adopted the form and language of Legislative Acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any Laws in which the Legislature of Tobago may effectually embody these principles, and give effect to those intentions, however much such Laws may depart from the enclosed drafts in arrangement, language, or minor details.

You will, therefore, immediately on receiving this despatch, make a confidential communication on the subject to the Law Officers of the Crown within your Government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the enclosed drafts. In performing this duty, they will, of course, have regard not only to such local circumstances as may necessarily affect the form and language of those provisions, but also to some enactments in the late Slave Court Act, and to any other of the existing Laws of the Colony in which the same, or the like provisions as are contained in these drafts, may be found. They will also consider how far a consolidation of such former Acts with the projected Bills may be practicable or convenient, and they will report to you, in writing, every material observation which they may have to offer upon the form and structure of the proposed Laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding, on this occasion, with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford no reasonable cause for any jealousy or complaint on the part of those Bodies.

Upon this subject you will exercise your own judgment with all the advantage to be derived from your acquaintance with the established usages of the Colonial Legislature.

At the conclusion of the Session you will transmit to me, with the least possible delay, a Report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect; and, in case that this object shall not have been effectually accomplished, you will accompany that Report by a distinct reference to each clause of each of the drafts enclosed, stating, in detail, the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision what parts of the clauses recommended have been enacted, and what parts have been rejected by the Legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will, at the same time, call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject; and I cannot close the present despatch without again reminding you, that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly.

I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope that it will shortly be in my power to lay before His Majesty Acts of the Assembly of Tobago, fully carrying into effect the spirit of the various provisions, which, by His commands, I have now the honour to transmit to you.

I have, &c.

Lieut.-Gen. Sir F. P. Robinson, K. C. B., (Signed) BATHURST.
 &c. &c. &c.

No. 3.

MY LORD,

Tobago, June 29, 1826.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 10th of April, 21st and 25th of May, and, with that of the 21st, eight drafts of bills, for meliorating the condition of the Slaves; together with a copy of your Lordship's correspondence with the Governor of Trinidad and the Lieutenant-Governor of Demerara.

I have, &c.

The Right Hon. Earl Bathurst, K. G. (Signed) F. P. ROBINSON.
 &c. &c. &c.

No. 4.

Extract from a Despatch from the Officer Administering the Government of Tobago to Earl Bathurst, dated August 5, 1826.

MY last communication will have informed your Lordship that I had prorogued the two Houses of Legislature to this day, for the reasons therein stated, and being anxious to show your Lordship that no unnecessary delay has taken place in submitting to the Legislature the important subject contained in your despatch, dated the 21st of May 1826, I now forward to your Lordship a copy of my Address to the two Houses upon opening the present Session, which I hope will meet your Lordship's approbation.

I also transmit, for your Lordship's information, the Attorney-General's Report upon the proposed measures, on comparing them with the existing laws.

Extract from the Speech of the Officer Administering the Government to the Council and General Assembly of Tobago, dated 5th August 1826.

I HAVE now the honour to submit, for your information, the measures contained in the papers, Nos. 1 to 8, which His Majesty's Government, under the strong recommendation of Parliament, and the wishes of the people of the United Kingdom, request should be adopted for meliorating the condition of the Slaves in this colony, by the enactment of such laws as may be necessary to give legal effect to these regulations. In calling your attention to this important subject, I am commanded to make the communication to you with every respect to your constitutional rights and privileges; and with the conviction I feel of your anxiety to do every thing that is right, I now with perfect confidence submit the proposed measures as they are to your wisdom, knowing the ample abilities you possess to give full legal effect to them when comparing them with the existing laws, and I should do great injustice to a subject, which is of such vital import to the best-interests of the colony, were I not to implore your favourable consideration of the communications which I have now the honour to submit to you, in conformity with instructions from Earl Bathurst, contained in a duplicate despatch from his Lordship, dated the 21st May 1826, which I have received since the departure of his Excellency Sir F. P. Robinson.

SIR,

Belvidere, Tobago, August 3, 1826.

HIS Excellency Sir Frederick Robinson, previous to his departure from the Colony, transmitted to me, by direction of Earl Bathurst, the various proposed enactments for the amelioration of the condition of the Slave population in this Island, with orders to investigate how far they might be arranged so as to agree with the existing laws of the Colony, and to report in what form it might be expedient to introduce them to the consideration of the Legislature.

I have now the honour of submitting that report to your consideration, as Administering the Government of the Colony, and have only to express my hope that the urgency of the subject, and the extent and magnitude of its details, will apologize for the imperfect manner in which it may be treated.

In the following suggestions, I, of course, act purely *ministerially*: it becomes me not to decide upon the expediency or in expediency of enacting any particular measure, a question, the determination of which belongs purely to the Legislature; but I have humbly endeavoured, on the supposition that the Legislature may be disposed to second the views of His Majesty's Government, to arrange those measures which have been recommended by them in such a form as may make them, if enacted, combine with the present laws of the Colony, without leaving on its Statute-book any conflicting or doubtful enactments on the subject to which they relate.

To accomplish this very desirable end, it appears to me of primary importance, that any Slave Code to be enacted, should not only comprise such new ameliorating propositions as may be deemed expedient, but should also repeal such old laws as may be no longer requisite in practice; and consolidate into one act all the rules prescribed for the treatment of that class of the population. Such a measure, however, requires great care and attention, and I am by no means prepared to say, that the drafts I have made of the bills proposed by Government, to be presented to the consideration of the Legislature, are by any means so correct as not to be found to require considerable additions when they come to be submitted to the scrutiny of a committee. So far, however, as I have gone, I trust I have kept these principles in view, and I submit to you the result of my deliberations as affording, at least, a ground work whereon to proceed.

Proposing, as I do, to new model the Slave Code entirely, it appeared to me unnecessary to retain the form of so many distinct bills as were presented by the *Heads* transmitted by His Majesty's Government. I consider the whole of the proposed new system dependent on the appointment and efficiency of the office of Protector of Slaves, and, therefore, while I propose combining all the other seven Heads of instruction sent out under one bill, and consolidating them with such parts of the regulations at present in force as it may be expedient to retain, I think it of material importance to keep the bill for the appointment of a Protector of Slaves separate and distinct, as on the passing of such a law previously to the consolidation of the other parts of the code, will, in a great measure, depend the due execution of the other provisions contemplated by His Majesty's Government.

With regard to this first Head, I beg to report to your honour, that it appears to me the proposed enactments transmitted by His Majesty's Government, are arranged in a form sufficiently well calculated to attain the end proposed, except in one or two particulars, which I have accordingly altered in the draft I have made of this bill. These are, first, that I consider it would be extremely hard, and even injurious, to the public service, on every occasion, to compel the Protector of Slaves to seek leave of absence from *His Majesty*, however urgent the call might be, to cause him to visit even the nearest island, and however short the period of his absence might be. I cannot think the public service could suffer by its being left in the power of the Commander-in-Chief, for the time being, to give such limited leave as might be required on an emergency; for which period, of course, a Deputy Protector would require to be appointed.

I have left the clause appointing Assistant Protectors to be dealt with at the discretion of the Legislature, though I am myself of opinion that local circumstances may not make it expedient to appoint so many as one in each

parish. If those Assistant Protectors, as it would appear, are to be salaried officers, an additional objection to maintaining such a number will arise, and the division of the island into three or four districts, with an Assistant Protector to each, will, perhaps, be deemed quite sufficient.

I have in one other particular deemed it right to alter the form of this bill. By the draft transmitted, it would be in the power of the Governor, or Commander-in-Chief for the time being, whenever he considered the Protector to have contravened any one of the provisions for the regulation of his conduct, to have of his own will, an advertisement inserted in the Gazette, declaring his forfeiture of office. This summary and absolute jurisdiction appears to me inconsistent with that perfect independence which the Protector, above almost any other public officer in the Colony, ought to enjoy. I therefore propose instead, that in case the Protector should incur any of the forfeitures for which he may be deprived of office, that the Governor, with the advice of the Privy Council, may *suspend* him from the exercise of his functions, and fill up the situation by the appointment of a Deputy, until His Majesty's pleasure can be known. While this mode would prevent any injurious exercise of power, it seems to me sufficient to guard against the occupation of the office by any person who may become disqualified, which is the object apparently of His Majesty's Ministers in framing the clause in the manner I have stated.

I cannot conclude my observations on this act, without pointing out to your honour that, though it repeatedly alludes to the Protector's salary, yet no enacting clause is introduced to give him one, nor any source pointed out from whence such salary, as also the expences incidental to his office, can be drawn. Not being in the least aware of the intentions of His Majesty's Government on this point, I am compelled to leave that part of the project in its present state of obscurity.

I now, Sir, beg to draw your honour's attention to the form requisite to be given to the Consolidation Bill, which is in every way an enactment requiring the most serious attention. Pursuing the plan proposed by me, I beg to report, that I am decidedly of opinion its first clause should contain a *repeal* of *all* the Slave Laws now in force, and of the various parts of such other enactments as, though not directly professing to be for the good order and government of Slaves, may yet contain clauses inconsistent with the code proposed to be adopted. This will require a very careful perusal of the records of the laws; as while several acts require generally to be repealed, they still contain clauses proper to be re-adopted. Of the Slave Court Act this is peculiarly the case, as, with the exception of one or two clauses to be expunged, and some others modified and amended, I am of opinion it should be taken as the basis of any new system; annexing thereto such of the measures recommended by His Majesty's Government as the Legislature may adopt.

The first alteration I would recommend adopting, is the striking out of the present second clause of this act the felony created by "compassing the death of any white person," as urged by His Majesty's Government in their earliest communications on this subject; I cannot help thinking sufficient protection against crime will still exist, though the clause should be so altered.

There can be also but little difficulty, I think, in meeting the wishes of Government, in-making the maiming of cattle a misdemeanor, instead of a felony.

An important point for the consideration of the Legislature will arise in discussing this clause; I mean whether the *amount* of goods or money, stolen by a Slave to constitute a capital felony, should continue the same as by the law of England existing here, it is at present in the case of free persons. I would beg to suggest, as my opinion, that the amount should be considerably increased, as to my mind it appears rather to retard than facilitate the administration of justice to compel the public prosecutor to have recourse to a grand jury &c. for every petty larceny committed by a Slave. The delay too, which thus arises between the commission of the crime, and its trial, is productive of serious inconvenience.

I have, therefore, in a subsequent clause, proposed a different mode for the trial of petty larcenies under the amount of any fit sum to be fixed by the Legislature, by directing their trial before a Petty Session of the Peace, with

the assistance of one of the Judges, within ten days after the committal of the criminal; and by submitting to the consideration of the Legislature the propriety of directing the Justices to record all their proceedings in the Secretary's Office. This plan, if adopted, will be infinitely less severe on any offending Negro; justice will be more prompt, and the country put to much less expence than by the present mode of trial. In fact, no injury appears to me at all likely to arise from its adoption to any one, save the loss of fees it will occasion to the Attorney-General, a matter which I am assured the Legislature will not overlook, if they should be of opinion the change were otherwise desirable.

Should the Legislature be disposed to coincide with the views of His Majesty's Ministers on the subject of the testimony of Slaves, the 22d clause of the present Slave-Court Act must be considerably altered. As that question, however, will be raised when a discussion takes place on the Slave Evidence Bill, as transmitted by Government, I have, in my present draft of this bill, merely altered the clause so far as to admit their evidence in *all criminal cases* without reservation, an extension of the clause, which is, I believe, in accordance with the general sense of the colony.

Clause 25, establishing Guardians, will become useless on the appointment of a Protector, and is therefore expunged; and the 35th, being more fully expressed in the proposed alterations, may be so also.

With the exception of several minor alterations, I observe nothing else in this act requiring me particularly to draw your honour's attention to it; and its other clauses may, I think, be connected with sufficient clearness and precision with the new regulations proposed by Government, which I have accordingly appended without further alteration than the mere verbal correction of some passages for the purpose of enabling them, if passed into laws, to be carried into execution by the Colonial Authorities.

Several clauses of the Bill for the observance of the Lord's-Day, are rendered unnecessary by the Sunday market having been abolished in this island some years ago. And the provisions for remunerating the proprietors of markets may also be expunged, no person holding any such rights in this colony.

I have already pointed out to your honour what I propose in the 22d clause of the Slave Court Act, whereby the testimony of Slaves would be received in *all criminal cases*. So far as such cases, therefore, are concerned, the certificates proposed to be granted by the Evidence Bill, to render a Slave a competent witness, would be *restricting*, instead of enlarging, the rights he enjoys at present. It is, however, a matter for the Legislature to judge whether any such system of rendering Slaves competent witnesses in *civil suits* can be adopted with advantage. I myself doubt, at present, of its advantage, or even its practicability. These, Sir, are a few of the most important points which, in obedience to the commands laid on me, I have deemed it proper to call your attention to.

I beg to conclude, with the expression of my conviction, that, if the Legislature should think fit to adopt the suggestions of His Majesty's Government, a law, embodying them somewhat in the manner I have attempted to detail, will be preferable to framing distinct and separate enactments on each head; and, if the *principles* they contain are deemed unobjectionable, I am of opinion their present wording and arrangement is sufficiently well calculated to attain the objects in view.

The question of principle is one solely for the consideration of the Legislature; but to me they appear throughout framed with the most anxious care, to prevent any serious injury to the proprietor, while they certainly contain many enactments, which, if carried judiciously into effect, would confer lasting benefits on the Slave.

I have, &c.

(Signed)

WILLIAM MACBEAN,

Attorney-General of Tobago.

His Honour William Brasnell, President, Commanding,
 &c. &c. &c.

No. 5.

Extract from a Despatch from the Officer Administering the Government of Tobago to Earl Bathurst, dated August 23, 1826.

MY despatch of the 5th instant will have informed your Lordship, that I opened the present session by an address to the two Houses of Legislature, a copy of which I then transmitted, and I now beg leave to forward to your Lordship copies of the reply made to that communication by the Council, and the House of General Assembly.

The Legislature are still occupied with public business, and will probably remain so for ten days; I have no expectation that they will come to any decision at the present Session upon the measures submitted to their consideration by order of your Lordship's despatch of the 21st of May; and the very great importance of the subject, in every point of view, entitles the Legislature to a reasonable time for deliberation, which I believe will be done, by the appointment of a Special Committee from each House to consider the proposed alterations, and to report their opinion at the next session, which, in the regular course, will be in October, and I sincerely hope that it will be favourable to your Lordship's wishes: but there are great apprehensions entertained of serious evil arising from the appointment of a Protector of Slaves being vested in a person who may be wholly unacquainted with the dispositions and habits of the Negroes, and upon whose mind prejudice may have a powerful effect. I am no advocate for the continuance of slavery, and lament extremely that it ever existed: I presume to say this to your Lordship in proof of my anxious desire to accomplish the amelioration of the Negroes as early as their happiness, and the general safety will admit; but it is a subject which you well know, my lord, requires the exercise of patient and serious deliberation.

Extract from the Address of the Legislative Council of Tobago to the Officer Administering the Government, dated August 9, 1826.

THE subject of the proposed new regulations for ameliorating the condition of the Slave, (as adverted to by your honour in your speech) shall have our best consideration, and we will endeavour to give full force and effect to such as will not militate against the true interest of the Colony. For rest assured, Sir, we are fully aware of the importance that must naturally be attached to the adoption of such measures, and when discussing their merits, we trust our deliberations will be guided by temperance and prudence, so that when we shall have completed the task imposed, your Honour, as well as His Majesty's Ministers, will find we have viewed the subject dispassionately, and on liberal principles, and have endeavoured to meet their wishes as far as was consistent with the true comfort and real happiness of the Slave, and the interest and safety of the Master.

No. 6.

SIR,

Downing-Street, October 23, 1826.

I HAVE received your letter of the 5th of August last, and I have to call your attention to the following instructions in my despatch of the 19th of March last.

“ On the receipt of this communication you will take the proper steps for having bills drawn up for carrying these measures *severally into effect*, in such manner as may be most conformable to the existing laws of Tobago.

“ When these bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, *so that the Assembly may have them separately before them.*”

And I have to request that you will explain whether any measures have been taken for obtaining the important object which these instructions, thus specially directed, should be carefully kept in view, viz. that of securing a separate consideration of the several bills and respective decisions.

I have, &c.

(Signed)

BATHURST.

The Officer Administering the Government of Tobago,
&c. &c. &c.

No. 7.

Extract from a Despatch addressed to Earl Bathurst by the Officer Administering the Government of Tobago, dated 26th January 1827.

IN the morning of the 23d instant, the day on which the Legislature were to meet, I received the Letter which I have now the honour to enclose, from the Attorney-General, together with the eight bills therein referred to, and having delivered these acts to a Member of the House of Assembly, who promised to bring them forward, I opened the session that day by an address to the two Houses, of which I transmit your Lordship a copy. One of the Members of Council being ill, no business can be done, which prevents my receiving an answer from that branch of the Legislature.

SIR,

Belvidere, Tobago, January 23, 1827.

I HAVE now the honour of transmitting to you the Drafts of eight Bills for carrying into effect the measures proposed by His Majesty's Government for the amelioration of the condition of the Slave Population; and in these drafts I have carefully kept in view the provisions of the drafts transmitted along with Earl Bathurst's despatch of 21st May last, which I have only departed from in the undermentioned particulars, and for the following reasons, viz:—

I.—Savings Banks Bill.

Clause 1.—The proviso respecting the mode of cultivating land acquired by Slaves is left out, there being no Law in this Colony imposing restrictions on them in this matter.

II.—Bill for Prevention of illegal Punishments.

Clause 18 omitted.—As the present Law, in all cases of undue punishment admitting the *direct testimony* of the Slave injured, it does not seem at all requisite to resort to the *presumption*, arising from the marks of stripes.

III.—Sunday Market Bill.

This is in a great measure anticipated by the Act of 1823, suppressing such markets in Tobago. Clauses 2 and 3 are, therefore, omitted as unnecessary; Clause 5 is inapplicable.—No person holding any proprietary rights over markets in this colony: the other provisions have been embodied in a bill.

IV.—Bill to facilitate Manumission.

There being no tax on manumissions in this colony, clause 1 is almost unnecessary; as, however, it varies, though slightly, from the present practice, I have inserted it.

Clause 9 is omitted entirely, the existing Law regarding voluntary manumission appearing to me more humane, and to meet more fully the wishes of Government on this point, than the method proposed by taking bond, previous to the manumission being effected.

V.—Bill to regulate Evidence.

This Bill is almost unaltered by me also, although in certain criminal cases the existing law admits Slave evidence more unrestrainedly than in the mode proposed to be done here.

Almost all the other alterations introduced by me are mere matters of form, for the purpose of adapting the measures to our Colonial institutions and practice: and in obedience to your honour's command, I have now the honour of submitting the result of my labours to your consideration.

I remain, &c.

(Signed)

His Honour the President.

WILLIAM MACBEAN,
Attorney-General of Tobago.

Extract from the Address of the Officer Administering the Government of Tobago to the Council and General Assembly, dated January 23, 1827.

IT now becomes my duty to call your early and most serious attention to the several measures recommended by His Majesty's Government, for the establishment of laws to ameliorate the condition of the Slaves, which I had the honour to submit to you at the August session. I am well aware of the very great importance of these regulations to the real advantage of the Slaves, and the safety of the Colony, but great as I know the difficulties to be which surround this question, I feel confident that your wisdom and discretion will induce you to consider the proposed alterations, with an anxious feeling to meet the wishes of His Majesty's Government, as far as they can be carried into practice with safety. If, however, any of the measures should appear to you, upon serious deliberation, to be of such a nature as to require you to reject them, I should be glad to receive the reasons upon which the refusal may be grounded, as I feel perfectly assured that nothing but well founded objections will ever induce you to oppose the recommendation of His Majesty's Government and the Parliament of Great Britain; and I earnestly entreat that you will not permit the present session to terminate, without enabling me to transmit your decision upon this subject to the Secretary of State for the Colonial Department.

The recent visit of the Lord Bishop of Barbadoes and the Leeward Islands to this part of his Lordship's diocese, has been attended with those happy results which every inhabitant felt must ensue from his Lordship's personal knowledge of the community; and I am happy to say, that the mild and reasonable method in which his Lordship proposes to instruct the Slave population in religious duties, has left my mind impressed with a conviction, that it will be received with general satisfaction, and be soon adopted. It is also a subject of infinite gratification to me to be enabled to state to you, that his Lordship left the colony, expressing the highest satisfaction of all he had seen, and his anxious desire to return to it as early as possible.

Extract from the Address of the General Assembly of Tobago to the Officer Administering the Government, dated January 26, 1827.

EVER since your Honour laid before the House the despatch of the Right Honourable the Earl Bathurst, containing the suggestions of His Majesty's Government for the improvement of the condition of the Slave population, we have never ceased to dedicate our best attention to the consideration of recommendations so important. We appointed a Committee so far back as the 23d of August last, to investigate the subject, and to report thereon to the House; a report which has only been delayed by the difficulties which the Committee found to embarrass them at every step that they advanced in their consultations. We have, within the last day or two, resolved, that the Committee do speed their report, and we are not without hopes that it may be made in the present session; and when the House have discussed the report, we will lose no time in making a communication to your Honour of our views of the measures so earnestly pressed on us for adoption.

Your Honour will do us the justice to believe it to be more than empty profession, when we assert that we heartily rejoice at the happy results of the visit of the Lord Bishop to this part of his diocese.

It is with every satisfaction we have heard, that the method in his Lordship's contemplation, for the instruction of the Slave population in religious duties, has met with such high approbation from your Honour.

No. 8.

MY LORD,

Sans Souci, Tobago, January 27, 1827.

THE Legislative Council having formed a board this morning, I am now enabled to enclose your Lordship a copy of the address which has just been presented to me by that branch of the Legislature.

(Signed) WM. BRASNELL, President.

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

Extract from the Address of the Legislative Council of Tobago to the Honourable William Brasnell, President, Commander-in-Chief, Ordinary and Vice Admiral of the same, dated 27th January 1827.

WE have frequently expressed to your Honour and to His Majesty's Government, our readiness to enter upon the discussion of the important measures recommended by His Majesty's Government for the amelioration of the condition of the Slaves, and we shall gladly co-operate with the House of Assembly in the consideration of this momentous subject. Should the present session terminate without the decision of the two Houses, so anxiously requested by your Honour, we venture to assure you that it will not be the fault of this Board, for we continue to feel that anxiety we have ever professed to promote—a progressive improvement in the character of the Slave population at the earliest period that can possibly be made compatible with the well-being of the Slaves themselves, with the safety of the Colony, and with a fair and equitable consideration of the interests of private property.

We feel extremely gratified at the results stated by your Honour to have already followed the much wished for visit of the Lord Bishop of the diocese. We look forward with pleasure to his promised return; and we beg to assure you that every effort of your Honour, in co-operation with his Lordship, to promote the civilization and Christian instruction of the Slave population, shall have our cordial and active assistance.

Council Chamber, January 27, 1827.

No. 9.

Extract from a Despatch addressed to Earl Bathurst by the Officer Administering the Government of Tobago, dated 21st February 1827.

I TRANSMIT to your Lordship an Address and Report from the Legislative Council, upon the ameliorating Laws proposed in your Lordship's Despatch of the 21st May last, and the Address and Report from the House of Assembly upon the same subject.

Your Lordship will perceive such important differences in the opinion expressed by the Council and Assembly upon the most essential points recommended by your Lordship, as to make it difficult to reconcile them as emanating from the same community; and I feel it my duty to state to your Lordship, that I consider the Address and Report from the Assembly to be much more in unison with the general sentiments of the inhabitants than the Report from the Council. The latter, I know, would have undergone considerable alterations if it had not been delayed until the last day of the session, when the subject could not be fairly discussed. The proposition that Government should pay a large salary to a Protector, without having the entire appointment, appears to me to be altogether unreasonable.

To his Honour William Brasnell, President, Commanding-in-Chief in and over the Island of Tobago and its Dependencies, Chancellor, Ordinary, and Vice Admiral of the same.

THE ADDRESS OF THE LEGISLATIVE COUNCIL OF SAID COLONY.

May it please your Honour,

WE, the President and Members of the Legislative Council of this Colony, approach your Honour with sentiments of esteem and respect, to detail to you the result of our labours, in regard to the very important subject of the proposed amelioration of our Slave Laws, to the consideration of which your Honour directed our attention at the commencement of the session. The results of that consideration will be found in the accompanying Report, embracing the various topics submitted to this Board by your Honour, which, having been confirmed by this Board, we now present to your Honour for your information, as to the views we entertain on this important subject.

We trust a perusal of this document will convince your Honour of our readiness to effect every thing that may be consistent with the well-being of the Colony, which can in any way benefit the Slave, and we venture to express our hope you will impress on His Majesty's Government the conviction, that the Legislative Council of Tobago possesses on this subject the warmest wish to accomplish all that genuine philanthropy can require, and that their rejection of one or two of the propositions submitted to their consideration, proceeds solely from a well founded conviction that they cannot at present be effected with a due regard to the interest of the public, or the rights of private property.

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

Report of the Select Committee appointed by the Board of Legislative Council of this Colony, to consider of the proposed amelioration of the Slave Laws thereof, and to state the reasons for the rejection of any of the proposed alterations which may be deemed objectionable.

PREVIOUS to the surviving Members of your Committee submitting to the consideration of your honourable Board the following Report, as the result of the investigations confided to them, they must express their deep regret, that they were at so early a period of their labours deprived by death of the valuable assistance of the senior of their number, whose long acquaintance with the Colony, its manners, and the internal regulation of its plantations, rendered him peculiarly capable of affording them the greatest assistance, and whose liberality of feeling the surviving Members consider they are but emulating, when, in the course of the ensuing detail, they recommend the adoption of every measure likely to elevate the Slave in the scale of the moral creation, or to improve his physical condition, which can by any means be made compatible with the security of the Colony, and with an equitable regard to the legal rights of the Slave owner.

Your Committee beg to assure your honourable Board that it has been their anxious endeavour, in framing the following Report, to steer equally clear of innovating rashness on the one hand, or of ancient prejudice on the other. They think a period in the History of these Isles has come, when some of the rules and modes of Government, well enough fitted, nay absolutely requisite, for a ruder and earlier stage of their existence, may well be abrogated, and others more suited to the rapid march of intellect and civilization substituted in their place.

Before entering upon the detail of their labours, your Committee beg leave to call the attention of your honourable Board to the fact, so honourable alike to the Slave owner, as to the Slaves, that, 'mid all the vicissitudes of later years, 'mid prosperous and adverse seasons, and surrounded by sister colonies, in which the dissemination of anarchical principles has actually caused the sword to be drawn, and fear, apprehension and tumult to prevail, this Island, has maintained an unbroken, cheerful tranquillity, in which the turbulent wish for innovation is as little known as a complaint, or even surmise of general severity.

Your Committee from this infer, that in many of the alterations of the Law which they humbly suggest to the consideration of this Board, they will rather follow the stream of public opinion, than impel or oppose it. The common practice of the Colony is decidedly more liberal and humane, in regard to the Government of its Slave population, than the written code would lead an inexperienced person to suppose; and your Committee are of opinion such common practice should receive the sanction of positive Laws, for the purpose of detecting and punishing the instances, (though they be but few and rare) in which a contrary practice may be followed, but which to others, who know not the circumstances, may seem to give a character of severity to the Colonial Law and practice regarding Slaves, which neither of them deserves. The subject matter for the consideration of your Committee may be divided into two branches, first, the consideration of the Slave Law at present in force in the Colony, with the propriety of effecting any alterations in its provisions; and secondly, the consideration of the various new measures submitted on this subject by His Majesty's Government for discussion, with the admissibility and probable practical result of each suggestion in detail.

These branches your Committee will now treat of in succession. On the first head your Committee will take as their text the Slave Act of this Island, passed in 1823, an enactment reflecting infinite credit on its framers for the liberality of its *principles*, but which in detail requires numerous amendments, always incidental to a complete reversal of any system of legislation, such as, in regard to the Criminal Slave Code, was effected here by the Act in question. The following are the points appearing to your Committee most proper to be altered:—In the 2d Clause, they recommend that the capital offence of *maiming and wounding any white or free person, or other Slave*, shall be restricted to cases where such cutting and maiming was "*with intent to kill*," as unless the jury can, from the circumstances of the case, infer malice to this extent, your Committee are of opinion the punishment is disproportionate to the offence.

In the same Clause, your Committee recommend that the crime of *compassing the death of a white or free person* be struck out of the list altogether, as quite unnecessary for the protection of the free population, a dead letter blot upon the Statute Book, and as investing the Slave Code with an appearance of tyrannous suspicion wholly alien to the mildness of its administration.

Your Committee are, for similar reasons, of opinion, that the attempting by Slaves to kill, *by poison or otherwise, or the maiming or destroying of horses, mules, asses, horned cattle, &c.* should be transferred from the class of capital crimes to that of misdemeanours; still, however, reserving a capital punishment for one aggravated case, viz: the actual and felonious killing of those animals by poison or other inward applications; a crime the consequences of which may be so ruinous to the owner, the facilities for the accomplishment whereof are so numerous, and the means of detection so few, that your Committee cannot recommend to the Legislature to award any punishment short of the highest to its convicted perpetrator.

Your Committee further recommend to the consideration of the Board, to fix the sum which is to constitute the limit of petit larceny a good deal higher than it stands at present under the English common law, as the necessary consequence of requiring every larceny, however trifling, to be tried in the Supreme Court, has been to discourage such prosecutions altogether, and to give a kind of impunity to this crime. The imprisonment previous to trial is, in most cases, too great a punishment, while the lapse of, perhaps, half a year from the commission of the offence, ere the punishment can be awarded, takes away all appearance of connexion between them.

Your Committee recommend, instead of this system, that all larcenies under a fixed amount should be tried before the tribunal which has cognizance of misdemeanours committed by Slaves, and regarding the constitution of which they will, in a future part of this Report, state their opinion. An omission in Clause 3d of this Act should be supplied by requiring proof of a guilty knowledge, on the part of receivers of stolen goods, that the same were stolen. And in Clause 9th, your Committee would suggest the propriety of lodging the power of bail in the hands of the Chief Justice alone; and, in case of his absence or sickness, in the other two Judges, as instances are not

unfrequent in which, from the non-attendance of the requisite number of Judges, bail cannot, as the Clause now stands, be taken.

Your Committee now beg to direct the attention of the honourable Board to the 15th Clause of the Act, which creates a Court of Justices and freeholders for the trial of misdemeanours and petty offences, and to report, as their humble opinion, that the constitution of such Court should be altered. In so small a community, as it becomes impossible to vary the freeholders who are to act as a jury, so as to give them the genuine character of such a body, and, in point of fact, not above five or six persons have ever been summoned under this Clause to act as jurors, so that, on each successive trial, the same jurors have invariably sat; moreover, as the law now in force requires every petty offence, however far distant from Scarborough, the place of its commission may be, to be tried at the Court-House there, this objection gains tenfold weight. The expence of summoning, the delays attending their absence, and the postponements which thus necessarily take place, are so many additional objections to this mode of trial; in lieu of which your Committee would recommend the trial of petit larceny, and all misdemeanours before a Court of not less than three Justices of the Peace, one of whom, at least, to be of the quorum, to sit under such rules as to the Legislature might seem meet, as near as possible to the place where the crime may have been committed, as a measure far better calculated to preserve the police regulations of the country, more prompt in its decisions, and by far more lenient to the Slave.

The 17th Clause provides for the punishment of Slaves giving false evidence in either of the Courts created by the act, but there seems to be an omission in not annexing the same punishment to free persons committing a similar offence in those Courts, which your Committee are of opinion should be made indictable in the Court of Grand Sessions. The Committee will not here enter on the questions arising from the present enactments in Clauses 19, 20, and 21, regarding the legal mode and measure of Slave punishment by their owners, as their consideration will more properly take place under the proposed new regulations in the second branch of this Report, but with reference to Clause 22, they earnestly recommend its being completely remodelled. When that Clause was framed, it was justly considered a great step to the establishment of the Criminal Slave Code on the foundations of humanity and justice, but the experience of upwards of three years has led your Committee to the conviction, that still more is required to give stability and effect to the system, and that more may with safety be accorded. Your Committee are of opinion, that while a professional Judge presides in our Criminal Courts, to direct attention to the rules and construction of evidence, while accused persons are allowed, as is the practice in these Colonies, the benefit of professional assistance in every shape, and at every stage of the proceedings; and, finally, when they reflect on the powerful efficacy of cross-examination in presence of a jury of white freeholders, merchants, or planters, as a means of eliciting truth, or detecting falsehood, there can be no possible objection to the removal of all legal disabilities affecting the evidence of Slaves on account of their condition; and that in every *Criminal Court* of the Colony, the testimony of a Slave should be put in point of *competency*, on the same footing with that of a free person. As the law indeed stands, it is fraught with monstrous inconsistency: two or more Slaves, who could give evidence on which to convict the murderer of their fellow Slave, are yet as nothing in the scale of legal demonstration, should the victim happen to be a person of *free* condition. This glaring absurdity of receiving or rejecting testimony according to the colour or condition of the individual to whom it has reference, ought immediately to be remedied, though, in passing, your Committee may remark this one out of a good many instances, in which the Criminal Code of the Slave is more lenient and protecting than that to which his owner is subject. Your Committee beg to call the attention of the honourable Board to the 31st Clause, which seems to them to proceed on very erroneous principles, in directing that runaway Slaves, confined in gaol, if not claimed in six weeks from their incarceration, shall be turned adrift on the public to starve or to steal as may best accord with their previous habits. The Committee, in lieu thereof, would recommend a recurrence to the ancient practice of selling such

Slaves for their fees, and they are the more confirmed in this opinion from observing, that, so late as December 1825, the Colony of St. Vincent has in its last ameliorating act adopted a similar rule.

Your Committee have forborne any discussion on the question of the efficacy of the Court of Guardians, established by the 25th Clause of this Act, in affording protection to the Slave, as they will have to consider that point under their second branch, when they come to treat of the proposed establishment of a Protector and Guardian of Slaves; and on this first head of their subject, your Committee have little to add, save to mention to your honourable Board, that there are still one or two enactments of very old standing that contain Clauses so little consonant with the spirit of the age, that your Committee are of opinion not one person in a hundred in the community dreams of such being in existence; but which, though long ago become obsolete and forgotten, ought not to remain longer unrepealed on the Statute Book. Your Committee are humbly of opinion that a consolidation of the Slave law, as it at present stands, with the amendments thereof above suggested, and several others of minor importance, together with such of the new measures proposed by His Majesty's Government, as it may be advisable to adopt into one Act, thus comprehending the whole Slave Code, would be a measure at once conducive to certainty, precision, and a correct understanding of its provisions.

To the second branch of their subject, the consideration of the newly proposed regulations, your Committee will now proceed:—The first essential point is the appointment of a Guardian or Protector; and here your Committee at once take leave to say, they do not participate in the alarm and antipathy expressed against the appointment of such an officer. Your Committee feel but one objection on the subject, namely, that to enable him to perform his functions effectually, to preserve a proper independence, and to remunerate his labours adequately, his salary should be large. Your Committee are well aware that the financial situation of this Colony will not admit of any large permanent charge on its resources; but, as the measure is so earnestly recommended by His Majesty's Government, your Committee suppose this objection might be obviated, and they beg to report, that, on principle, they can see no good or valid objection to the appointment of such an officer. Whatever rules may be framed for the protection of the Slave population, it is obvious they will require some person to look after their enforcement, as it can never be reasonably expected that an unpaid Magistracy will take upon themselves voluntarily the obnoxious character of informers. If, therefore, new laws are to be made for the protection of the Slaves, your Committee think there should be a sworn and salaried officer to watch over their observance; for while they feel your honourable Board will, along with them, spurn the imputation of the Colony being ready to frame laws, specious enough on paper, but rendered nugatory in practice, by an alleged supineness in carrying them into execution, they can apprehend no danger from the appointment of an officer, himself subject to the positive directions of the law in the execution of his office, whose only duty will be to see that those laws affecting Slaves, which may receive the assent of the United Legislature, are duly carried into operation, or that any breaches of them which may occur be brought under the cognizance of some Constitutional Tribunal. Your Committee are of opinion, that a Colonial nomination to this office (subject always to the approval of His Majesty) would be preferable to a Trans-Atlantic one, as being more likely to fall on a person acquainted with local laws and customs, a point, ignorance in which might lead to unpleasant results; and should Deputy Protectors be deemed essential, your Committee are of opinion a much smaller number than one for each parish, as contemplated in the draft bill before them, would be amply sufficient for every beneficial purpose.

Such being the opinion of your Committee on the first bill, it will be with reference to this that they frame the succeeding parts of their Report, as the whole system depends on the power and appointment of some such officer as a Protector or Guardian.

On the next head of the proposed new regulations, your Committee may be very concise in their remarks. It is that of the bill to enable Slaves to acquire property, and for the establishment of Saving Banks.

Regarding this, your Committee, with pleasure, point to the positive enactment of security to Slave property, contained in the 35th Clause of the late Slave Act, as a provision unsuggested by any Trans-Atlantic influence, but which emanated solely and spontaneously from the good feeling of the Colonists towards the well-being and domestic comforts of their Slaves. As to Saving-Banks being established, your Committee are by no means disposed to foster any ideas which may be entertained of their great efficacy in creating ideas of economy or pecuniary independence among the Slaves; but, as their establishment appears to be of that nature of negative propositions which, if it cannot be expected to produce much good, can by no possibility, so far as they perceive, be productive of evil, your Committee recommend the adoption of all the provisions of this Bill.

A much more important question arises on the next proposed measure, regarding the mode and degree of punishment to which Slaves are to be subjected. To the first Clause, allowing the Protector of Slaves, in case of such an appointment being made, to appear in all Courts as the Guardian of Slaves' rights, the Committee see no objection. And they are also of opinion, that the exhibition of the whip in the hands of the drivers in the field may very properly and safely be discontinued. This has already been effected in the colony of Saint Vincent's, by the 23d Clause of their Act, already quoted; and your Committee recommend its adoption here as particularly advisable, from the circumstance that, as our present law has prohibited the drivers from using the whip at all, the suffering it to remain in their hands is only exposing them to the temptation of committing a breach of the law, by placing the means thereof constantly within their reach.

Your Committee are of opinion, that the present law of the colony, by which no owner, &c. can inflict on any Slave more than ten lashes without the presence of another free person as a witness, and in no case give more than twenty lashes for one offence, without the intervention of a magistrate, is, if effectually enforced and watched over, as humane a provision as the state of the Slave population generally will, even yet, allow to be adopted. Neither can your Committee recommend the adoption of any general rule, either to postpone, in every case, the punishment till twenty-four hours after the commission of the offence; as they think such a regulation would, in many cases, be impolitic, in others cruel, and, in not a few, impracticable. They are, therefore, humbly of opinion, that, for these reasons, the 3d Clause of this proposed Bill should be rejected.

Neither do your Committee recommend the adoption of the system proposed for the punishment of female offenders, as set forth in the 5th and three following Clauses. They cannot, from all the evidence they can procure, come to the conclusion, that it will be perfectly safe to abolish flogging of female offenders entirely. In their present state they would consider the promulgation of any such order as equivalent to an exemption from punishment altogether, and while the difficulty of preserving order among themselves would thus be much increased, an envious jealousy would pervade the minds of the males, which could not be allayed till they had endeavoured, by clamour or menaces, to accomplish a similar change in their own system. Without, however, effecting so radical and dangerous a change as the total disuse of the whip in regard to female offenders, your Committee think civilization and humanity require, at least, a modification of the present system, so far as that the severity of flogging, when requisite, to be inflicted on females, might be mitigated by the adoption of a lighter instrument of punishment than the cart-whip, (such as that generally known by the name of the cat,) and, in particular, that decency should not be outraged by the exposure of females under punishment, for which purpose your Committee are of opinion, flogging of females should always, when necessary to be resorted to, take place without the presence of any other males than the driver by whom it is to be inflicted, and such witness as the law may require to prove its extent.

Your Committee can see no objection to the establishment of the proposed record-book of punishments, as they are given to understand it is, though not quite so formally arranged as in the proposed regulations, in effect carried already into practice on the great majority of the plantations in the Colony, and no person, confining his punishments within the measure allowed him by the law, can ever feel any difficulty in keeping a record of them.

Your Committee humbly recommend to your honourable Board decidedly to reject the 18th Clause of this proposed Act, whereby traces of a recent flogging on the person of a Slave are proposed to be converted into a legal suspicion against his owner, from which he is to exculpate himself as he best can, by proving he was not the person who inflicted them; a greater departure from the principles of equity, or one more calculated to defeat its own purpose, your Committee cannot conceive than the enactment of such a rule would be, but luckily, it is unnecessary to comment on it further, as the unqualified and direct admission of Slave testimony in all criminal cases whatever, which your Committee have already recommended, must even, in the eyes of the original proposers of this Clause, be so far preferable to it as to leave no shadow of argument left for its adoption.

Clauses 21st and 22d of this proposed enactment are, in their present state, equally inadmissible in the opinion of your Committee. It appears to them but reasonable that there should be a power vested in the superior court of the Colony, to liberate a Slave from the controul of any master who may be convicted before it of a wanton or malicious exercise of his authority over him, but they are of opinion that to declare such Slave free or forfeited absolutely to His Majesty, would be to enact a law likely to become dangerous to the peace of the community, and unjust towards children, and creditors, and mortgagees. Your Committee are, therefore, respectfully of opinion, that the Board cannot adopt the 21st Clause as it now stands, but that by a modification of its provisions, a power may be created sufficient to wrest a Slave from the controul of a cruel master, while, on the other hand, no injustice will be done to third parties interested in such Slave, and no danger arise to the community.

Far different, however, are their sentiments on the 22d Clause, which would inflict the penalty of forfeiture of property, and disqualification to hold it in future in a Slave colony, on any person twice committing any breach of these regulations. On this Clause your Committee have little to say, but that they consider it so harsh as if it were possible to enact it, it would certainly defeat its own purposes. Laws should have penalties proportioned to the moral guilt contracted in the breach of them, but in this instance the moral guilt may be so small, while the penalty attached is so monstrous, that your Committee think no sane legislator, cognizant of the subject, could for a moment think of connecting the two together.

Your Committee recommend the adoption of the provisions of the Bill, to prevent the separation of members of the same family, by virtue of legal process, with the restriction of it in the case of husbands and wives, to such as may be legally married, for they consider its extension to the case of *reputed* husbands or wives to be visionary and impracticable, as well as a direct encouragement to licentiousness. The proposed regulations for Sunday markets being inapplicable here, since the abolition of the market on that day, require not enactment; and in regard to the rules for preventing compulsory labour on Sunday, they are so little called for in practice that they might also be pronounced unnecessary; but that, as stated by your Committee, in the commencement of this Report, it may be advisable to give to such general custom the sanction of positive law. The hour of sun-rise, however, on Monday morning, before which it is proposed to render the working of Slaves illegal, may, according to the season of the year, be too late, and your Committee would suggest in lieu thereof the words "day-break." An addition must also be made to the list of operations which it will be legal for an owner or manager to compel the Slaves to perform on that day, so as to comprehend the various branches of labour required in the boiling and curing-houses, and liquor-loft. No tax existing on manumission in this colony, and there being no fee, save the trifling expence of recording the deed, which does not much exceed 20 shillings sterling, your Committee see no reason for this payment, trifling as it is, being thrown on the public. The protector may be directed to look after the regularity of the deed, and its being duly executed and recorded, but to any Slave who has the means of effecting his own freedom, the fee for recording the deed can form no obstacle.

The question of compulsory manumission involves many difficulties; your Committee have approached it with an anxious desire to get the better of them,

but they are by no means satisfied they will be able to do so; the greatest difficulty, in their apprehension, arises from the impossibility of paying full regard to the rights of third parties interested in the Slave to be manumitted; they do not see, for instance, how they can apportion the respective interests of tenants for life, heirs of entail, mortgagees and others in a sum of money. Should the wisdom of the Legislature, however, be able to devise means to get over this difficulty, your Committee think all the other objections might be obviated. Care might be taken that the price of any Slave to be manumitted should be proportioned not merely to his own intrinsic value, but relatively to the importance of his services to his owner; provision should be made to prevent the evil of any head tradesman, or other person of importance, being freed before the proprietor might be able to supply his place, by requiring, for instance, the lapse of a considerable period of time after his appraisalment, and the lodgement of his value before the act of freedom could take effect; thus giving his owner time to procure another Slave qualified to take the freed-man's place. It might also be proper to provide against female Slaves being allowed to compel their owners giving them freedom by means of funds acquired by concubinage; as to enable them to acquire freedom by such means, and while in such situation, would be holding out a direct encouragement to licentiousness.

Though your Committee are of opinion no legislative enactment can have much effect in promoting the institution of marriage among Slaves, they do not consider that any weighty objection can exist to the enactment of the proposed regulations on this subject, provided that there be inserted in it a qualification, that the protector shall not issue a licence to marry two Slaves where such marriage can be shewn to be detrimental to the interest of either of their owners. Such a case might happen, for instance, in the marriage of two Slaves situated on properties widely distant from each other, the consequence of which would be either the sickness of the Slaves from night travelling to visit each other, or from the infrequency of their meeting, their resorting anew to concubinage.

Your Committee have already, on the subject of Slave evidence, anticipated any remarks required to be made on the proposed Bill for its admission; they wish it to be received in all criminal courts without any restraint whatever, which, if adopted, will render quite unnecessary the anomalous system of licences proposed, whereby the question of the competency of a witness would be transferred from the decision of the court where he was to be examined, to that of a clergyman, an innovation for which there is not the slightest occasion. Your Committee see no reason for rendering Slaves competent witnesses in civil courts, except in questions between themselves. To enact further would be to open a wide door to fraud and perjury, and would be a measure wholly unnecessary for the protection of the Slave, as in his few civil contracts with free persons he can never be at a loss to provide a free witness for their authentication.

Your Committee will now close their report on this extensive and important subject, by again stating to your honourable Board, that, in their opinion, many of the proposed new regulations may be adopted with perfect safety, and some prospect of advantage to the Slave, and none of them are so objectionable but that, under proper modifications, their principles may not be in some measure adopted.

February 12, 1827.

(Signed) WILLIAM MACBEAN.
ROBERT MITCHELL.

To his Honour William Brasnell, President and Commander-in-Chief in and over the Island of Tobago and its Dependencies, Chancellor, Ordinary, and Vice-Admiral of the same, &c. &c. &c.

May it please your Honour,

IN compliance with the pledge contained in our Address to your Honour of the 25th January, we, the Speaker and Members of the House of General

Assembly, beg leave to present your Honour with a copy of the Report brought up from the Select Committee of the House, appointed in August last, to take into consideration the measures suggested by His Majesty's Government for the improvement of the condition of the Slave population, and the practicability of carrying the same into effect. We have taken the earliest opportunity of laying this instrument before you, but in presenting it, we cannot conceal from ourselves that we must, in a considerable degree, disappoint the expectations of His Majesty's Government. The cause is to be found, not in any unwillingness on our part to go as far to promote the benefit of that class of people who are subject to us, as is consistent with the safety of the country, but from the peculiar difficulty we labour under in having measures urged upon us for adoption, which are ill adapted to the state of society in the island, and which are ill calculated to accomplish the ends which they are intended to answer.

The two first suggestions, viz. the appointment of a protector, and a legislative enactment to permit compulsory manumission, we have found so objectionable, for the reasons set forth in the Report, and which we need not here repeat, that we have been obliged altogether to reject them. The effect, however, which the late Slave Act gave to the system of guardianship will render the rejection of the first recommendation a matter of little moment, as the protection designed the Slave is fully secured to him by the provisions of the Act in question.

The admission of Slave evidence is a point that seems to have occasioned a considerable diversity of opinion in most of the colonies. The difference we believe to arise from local causes. In this island, we have not only the inclination, but the means of going further on this head than most of the other islands. We can scarcely conceive, that, in this small community, there could often occur an instance of a witness being brought into Court without being known, either in person or by character, to the Court or Jury, or both, and even were such the case, they would not be without facilities whereby to arrive at a knowledge of the degree of credibility to which the individual would be entitled. We, therefore, feel a reluctance to load ourselves with the certificates of the clergy and the remainder of the cumbrous machinery with which the draft of this proposal was burdened. We propose to do away altogether with the distinction which has heretofore prevailed between the admission of the evidence of persons, free and bond, leaving them, however, equally open to the same common law exceptions.

The abolition of the use of the whip, where females are concerned, is a provision to which we can by no means accede. We like the whip, as a mode of punishment, as little as those can do who have never crossed the Atlantic, and we have seen with gratification its use becoming more sparing every day: but we are not yet prepared to say, that it shall on no occasion be resorted to, even in the case of females. In addition to the other reasons given in the Report, we have a further objection; an enactment, such as now called for, would tend to introduce a totally different mode of Government between the two sexes of the Slave population, the effects of which we are, at present, wholly without the means of anticipating; we believe that the males would not long submit to a discipline from which they found the other sex exempt, and that symptoms of insubordination would soon be manifest. Peculiar immunities to the female part of the community are the result of a state of refinement, which the Negroes cannot yet be supposed to have attained; connected with this subject, is the proposed penalty on a person a second time convicted of unlawfully punishing a Slave. The offence, at the utmost, can be no more than assault and battery, but we venture to assert it is the first time in the history of legislation, since it became a science, that it ever entered into the contemplation of a Statesman to punish such an offence with the confiscation of all a man's property.

For our views of the marriage of Slaves, the non-separation of families, and the employment of the Sunday in the performance of religious duties, we refer your Honour generally to the Report. In it will also be found our ideas respecting the establishment of Savings Banks.

The only other topic to which we wish to advert, is the keeping of a Record Punishment Book; it is one of those alterations in our system to which we

feel a decided hostility. To make a man furnish evidence against himself, is on constitutional grounds, a sufficient objection, but there is another scarcely less forcible: we cannot comprehend without alarm the degradation which the whole class of persons resident on estates must suffer from the adoption of the measure; it would be a virtual declaration that their habits are such that they must necessarily lie under an imputation of cruelty, until, at the expiration of every three months, they purge their consciences on oath, and after all, those whom this provision would be intended to satisfy, would pay little regard to the oath, for they would say, there was every inducement to retrieve by perjury what a man was supposed to have lost by his profligacy. We are convinced no more effectual method could be devised for causing the cruelty, which is sought to be prevented; for the esteem of the world, is a motive to good conduct only inferior to the approbation of conscience, and he who labours under the imputation of guilt is half disarmed when assailed by temptation; in proportion as he has little to lose he will be the less disposed to resist the influence of passion. The recapitulation of improvements which closes the Report, will shew your Honour the length we believe we may safely go, and the benefits they would confer on the Slave are neither few nor trivial.

We look with confidence to your Honour for making such a representation to His Majesty's Government of our humble exertions in this important cause as will ensure their favourable reception and interpretation.

(Signed) CHRIST. IRVINE,
Speaker of the House of General Assembly.

House of Assembly, 6th February 1827.

The Select Committee appointed on the 23d of August last, to take into consideration the Measures proposed by His Majesty's Government for the Amelioration of the Condition of the Slave-Population, and the practicability of carrying the same into effect, and to report thereon to the House, have, pursuant to the Orders of the House, examined the matters to them referred, and have agreed upon the following Report:—

YOUR Committee have given this important subject their fullest and most deliberate consideration, being anxious to give effect to the measures recommended by His Majesty's Government, as far as the same could be done consistent with the welfare of the Colony, and the happiness of the Slave. The difficulties attending this question have almost overwhelmed your Committee, and they at one time despaired of coming to any conclusion on the subject, but at length their minds are fully made up on this momentous matter, and they trust their suggestions and observations will be approved of by the House.

Your Committee in the first place beg leave to urge, that the Legislature of this colony was the first among the colonies to come forward and propose measures for the amelioration of the Slave-population. Their Act, intituled, "An Act to repeal an Act, intituled, an Act for the good order and government of Slaves, and for repealing an Act of this Island, intituled, an Act for the good order and government of Slaves, and for keeping them under proper restraint, and for establishing the method of trial in capital cases, and other regulations for the greater security of that part of the inhabitants' property, and to substitute a new Act in lieu thereof," enacted various regulations for the protection and benefit of the Slave. The trial by jury was granted to the Slave for capital offences; he was admitted as a witness even against a white person in capital cases, provided no white or free evidence was present at the commission of the crime; his property was secured to him by law; Sunday markets were abolished; guardians were appointed for his protection; and various other privileges and immunities granted the Slave, tending to his comfort and happiness, and proving the extreme wish of the Legislature to advance him on the scale of moral civilization.

Considering the situation of the Slave, his habits and customs, and the little progress hitherto made in religious instruction and civilization, it was thought that the Legislature, by the above enactment, had gone as far as was consistent

with prudence, or as could be beneficial or advantageous to the Slave himself at present. It was reserved for a future day, when the benefit secured by the above-named Act should have been felt and understood, to have adopted other measures and to have provided new benefits for the Slave, and as the progress of civilization, combined with religious instruction, should have fitted him for further concessions on the part of the master: but the march of improvement must be gradually progressive, and must be regulated by the march of intellect. Your Committee are of opinion, that the Act above referred to embraced almost every measure which could tend to the happiness and comfort of the Slave, and which were adapted to his capacity and habits, and his situation in the scale of civilization.

The first measure which claimed the attention of your Committee, in the recommendation of His Majesty's Ministers, was the appointment of a Protector of Slaves. Independent of the expence attending the appointment of such a person, as his salary must be considerable, from not being allowed to hold other situations, your Committee are of opinion such an appointment is wholly uncalled for, for they think every object to be obtained by the appointment of a Protector is secured by the provisions of the Slave-Act, which enacts the appointment of guardians for the protection of Slaves against any cruelty or injustice on the part of their owners, or others: this enactment has been found sufficient for any purpose connected with the protection of Slaves from injustice; and has been frequently acted upon, and the office of guardian being confided to the President of the Council, and Speaker of the House of General Assembly, and Judges of the Court of Common Pleas, is a sufficient guarantee of the wish of the Legislature to afford every relief and protection to Slaves from the oppression of their masters and others: but if it shall be the opinion of the House that the Act is not sufficient as it now stands, other assistant guardians might be appointed, who might comprehend the Magistrates of the different parishes of the island, and who, on any complaint made by a Slave, might have power to summon to their assistance other Magistrates to form a court to examine into the complaint, and on such examination, to report the same to the Attorney-General for prosecution, the expence of such prosecution to be borne by the colony. Further than this your Committee would not go at present; they consider the appointment of a Protector, with the powers annexed to the situation, as is witnessed in Trinidad and Demerara, as an attempt to dissolve the tie and relation which ought to prevail between Master and Slave: the attachment which at present exists between Master and Slave will be weakened, the moment the Slave is led to make complaints to other persons, and to expect redress from any other than his master or owner; heart-burnings and differences will ensue, and the happiness of the Slave, as well as the comfort and consequence of the owner and master, will be weakened, if not destroyed. That necessary discipline which ought to prevail on plantations while slavery exists will be much impaired; dissatisfaction will ensue, and your Committee have little doubt but an order of things would soon prevail upon plantations which might prove serious in its consequences both to Master and Slave. Every object to be obtained by the appointment of a Protector would be accomplished by appointing an additional number of guardians as above stated.

The next object which has drawn the attention of your Committee, is the subject of compulsory manumission: the more they have considered this part of the recommendation of His Majesty's Ministers, the more difficulties seem to surround the question. To refuse to a Slave the privilege of freedom when he may be able to acquire it, seems in the abstract unreasonable, and even cruel; but while slavery is suffered to exist, it must be considered as a system to which certain rights on the part of the master are attached, and of which he cannot be deprived without his consent. No measure so effectual for the destruction of slavery, root and branch, could be devised as compulsory manumission: it is well known, whatever be the numerical strength of an estate, the effective service is performed by one-third generally of the strongest and most laborious Negroes; the remaining strength consists of old people, invalids and children. If compulsory manumission be allowed, it will be in the power of the societies who are anxious for the extinction of slavery, to destroy slavery altogether, by assisting in the purchase of some of the most effective of the gang, and thus rendering the proprietor wholly unable to

carry on the cultivation of the estate. Another effectual mode might be adopted by these societies, that of purchasing the young women when arrived at the age of bearing children.

Naturally, slavery must find a term limited to its existence by this mode being adopted: there would be no increase, and a very few years would, if the measure of compulsory manumission be adopted, demonstrate that no more effectual mode for the destruction of slavery could have been suggested, than that of compulsory manumission. Your Committee are well aware that in the Mother Country the suggestions above-enumerated will have no weight, but the master will no longer be master if he can be deprived of his Slaves by the compulsory mode recommended by His Majesty's Ministers; he must fail in the performance of his pecuniary engagements, if deprived of the means of fulfilling them; and he would, by no fault, no act of his own, be made a bankrupt in fortune, with every wish and disposition to pay his debts, and act fairly and honourably towards his creditors.

The next point for the consideration of your Committee, is the admission of the evidence of Slaves. By the Act before referred to, the evidence of two Slaves is admissible even in capital cases, where no white or free person is present, or could be produced to give evidence of the facts. But your Committee are disposed to go further, they think the evidence of Slaves might be admitted in all cases without any restriction; their ignorance and want of religious principles would have the weight only it deserved in the minds of a jury, and the evidence of a Slave, as to competency and credibility, might be measured by the same scale as that of free or white persons. At present your Committee see no ill likely to ensue by allowing the admission of the evidence of Slaves in all cases.

But as to the Act recommended by His Majesty's Ministers, for preventing abuses in the punishment of Slaves, whether the same be inflicted by due course of law, or the authority of the master, your Committee are disposed to take a very different view of the same from what seems to be the opinion of His Majesty's Ministers: in the first place they would suggest that the cart-whip, on which so much reproach has been cast, is as well as an instrument of punishment, a badge of authority, and although used for the purpose of restraint and punishment, is likewise used as a signal to summon the Negroes to attend their work, to receive their allowances, and perform the usual services of the plantation. The substitution of solitary confinement, and the affixing marks and badges on the Negroes by way of punishment, would in the opinion of your Committee be a change highly disagreeable and repugnant to the feelings of the Negroes; the sense of shame being by no means extinct in the Slaves, and it being desirous to keep up this feeling as long as possible, your Committee are satisfied that a moderate infliction of punishment by the whip, under the restrictions of the law, would be less galling and severe to the Slaves than the placing marks and other badges on them by way of punishment. In the one case, custom has reconciled the punishment by the whip, little disgrace is attached to the use of it, but distinguishing badges it would be difficult to reconcile them to; any Slave marked or distinguished in this way for punishment would become a bye-word and reproach to his fellow Slaves; it might become a stain upon families, and the consequence would be strifes and heart-burnings on a plantation, which no order or discipline could allay or subdue.

Your Committee cannot adopt the recommendation of His Majesty's Ministers, respecting the discontinuance of the whip as a punishment for females: the women, it is notorious, are generally the most refractory on an estate, and the leaders and promoters of every disturbance; they frequently lead the men into disorders which they would never otherwise think of, and were they not restrained by the fear of corporal punishment, it would be impossible to maintain order and discipline upon a plantation: your Committee object however, highly to any exposure of the naked body, and are of opinion that punishment in no case should be inflicted on the naked body of females. This may be restrained by legislative provision.

Your Committee object highly to the keeping of a record-book of punishments on an estate. In the first place, they consider such a measure as in direct opposition to the law of the land, and the Constitution of Great Britain, as it calls upon a man to bear evidence against himself, and opens a door to

wilful and corrupt perjury. The suggestions of your Committee, respecting the appointment of an additional number of guardians, would supersede the necessity of keeping a record-book of punishments, as it is to be hoped that, by the vigilance and care of the guardians, and their readiness to listen to complaints, all cruelty and injustice will cease, and the monstrous principle of compelling a man to bear evidence against himself will not be established in this colony. If a record-book of punishments is kept, the individual has no alternative but of bearing evidence against himself, or taking a false oath.

Your Committee forbear making any observation on that part of the recommendation of His Majesty's Ministers, that no person guilty of two several acts of cruelty towards a Slave shall be entitled to hold any such property, or be a manager or superintendant of Slaves. As they consider the proposition of so monstrous a nature, that were your Committee to recommend its adoption, they are of opinion it would be the ground-work of further demands on the proprietors of plantations and slaves, plainly evincing a disposition on the part of His Majesty's Ministers to carry into effect the emancipation of the Slave-population as speedily as possible. Your Committee think it is peculiarly hard and unjust to subject an individual to the consequences suggested and recommended by His Majesty's Ministers for an offence or offences fully within the provisions of the law, the punishment of which may be made sufficiently severe without throwing the individual committing the offence out of the pale of civilized society.

Your Committee see no objection to the system of Savings Banks; every security should be given to the property of the Slave. In this respect the interest of Master and Slave should be inseparable; but your Committee very much doubt, from the suspicious character of the Slave, whether he would confide his savings to any person; he thinks his property safest in his own hands, and is convinced no one can take so good care of it as himself.

Your Committee can see no objection to the recommendation of His Majesty's Ministers, to prevent the separation of Slaves being members of the same family by virtue of any legal process. But they think even the remedy to be provided admits of limitation and restriction. Negro men have generally more than one wife, and Negro women more than one husband. Some proof of long cohabitation should be given to entitle the reputed husband or wife to the privilege of the law, otherwise it would be a matter of some difficulty to ascertain the reputed husband or wife, such person in any legislative provision to be made on this subject should be well defined.

Your Committee further are of opinion that marriages should be encouraged as much as possible among Slaves; but they think this measure should be put under strict regulations. No Slave should be allowed to marry unless he could satisfy the minister of the parish that he had formed a competent idea of the duties attached to the state; long cohabitation would be a sufficient ground for allowing a marriage to take place; but your Committee are of opinion this ordinance should not be entered into hastily and without reflection, as the Slave is too apt to be guided by the impulse of the moment, and might verify the old adage, "Marry in haste, and repent at leisure." Besides, the morals and religious improvement of the Slaves would be much impaired and retarded, if hasty connections were allowed to be formed, which the Slave would feel no hesitation in dissolving when he thought fit. To teach the Slave first to appreciate the value of the blessings attached to the married state, he must make some advance in religious knowledge, and must shew that he has at least some idea of the duties attached to the state, and that those duties mark the difference between the indiscriminate connections which have hitherto prevailed, and the holy state of matrimony.

Your Committee, lastly, are of opinion, that some further legislative provision should be made to prevent the unnecessary employment of labour on the Lord's Day. As His Majesty's Government have determined to devote themselves to the religious instruction of the Slave, it is highly proper and necessary that this day should be kept holy, and that the Slaves should be convinced that Sunday is to be a day of rest. Your Committee are of opinion no unnecessary labour should be performed on that day. Works of necessity, however, must be performed, and so many of them occur on sugar-plantations, that your Committee very much fear that the recommendations of His Majesty's Ministers could not be adopted to the extent suggested by them.

Your Committee recommend that the several Bills above-mentioned be rejected, and that the Act, commonly called the Slave-Act, be amended without delay, and that the said amendments embrace the above recommendations suggested by your Committee, and which they will shortly recapitulate.

1st.—An improvement in the system of guardianship so as to supersede the appointment of a Protector.

2d.—The admission of the evidence of Slaves without restriction.

3d.—The establishment of Savings Banks, and further securing the property of Slaves.

4th.—A Clause to prevent the separation of families by virtue of any legal process.

5th.—A Clause to regulate the punishment of female Slaves, so as to prevent improper exposure.

6th.—A Clause to regulate the celebration of marriages among Slaves.

7th.—A Clause for the religious observation of Sunday.

All which is respectfully submitted.

By order of the Committee, (Signed) JOHN GLANVILLE,
Committee Room, January 30, 1827. Chairman.

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S T. L U C I A.

No. 1.

SIR,

Downing Street, 20th March 1826.

I HAVE submitted for His Majesty's consideration the draft of the Slave Code which was prepared by the first President of the Royal Court of Appeals, in pursuance of the directions given by me for adapting the provisions of the Order in Council for Trinidad, to the French Law in force in St. Lucia.

This draft is understood essentially to execute His Majesty's intentions, and therefore it is His Majesty's pleasure that you do forthwith, with the advice and consent of your Council, issue an ordinance to be expressed in the terms of the draft. This ordinance will ultimately be submitted for the confirmation of His Majesty in Council, with such alterations and additions as His Majesty in Council may deem necessary. The Procureur-General will, therefore, in conformity with the ordinance, act for the present as Protector of Slaves; but it will not be expedient to make any permanent arrangements upon the prospect of these offices continuing to be exercised by the same individual, since it is probable that when the ordinance shall be revised by His Majesty in Council, His Majesty in Council may see cause for dividing them.

I have, &c.

(Signed)

BATHURST.

*Major-General Mainwaring,
&c. &c. &c.*

No. 2.

MY LORD,

Pavilion, St. Lucia, 15th August 1826.

I AVAIL myself of the opportunity of my Nephew's return to England to address a few lines to your Lordship, and I feel that I shall be excused for this intrusion, on the plea, that it is to give your Lordship the highly satisfactory and pleasing information that, since the promulgation of the Slave law, now three months in operation, the greatest harmony and good feeling exists in this Colony, and that, with the exception of the enclosed, I have not heard the slightest complaint; and the happiness, quiet, and good order of the plantations, have been fully proved to me by the reports of the several Commissaries Commandants, and confirmed by the statement of a commission, consisting of his Honour the First President, the Registrar of Slaves, and my Secretary, who have just returned from a tour of the Island, made at my request, and have visited and inspected every estate and plantation on the tour.

I have, &c.

(Signed) J. MAINWARING, Major-General Governor.

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

REPORT

To his Excellency Major-General Mainwaring.

SIR,

The undersigned Commissioners, appointed by your Order of Government of the 9th instant, beg leave to forward the minutes of the evidence taken before them on the Union Estate on the ensuing day, and to add their opinion upon the several points which came under their consideration.

1st. It appears by the correspondence attached to the minutes, that on the 8th July last Mr. Lloyd, as attorney to the property, forwarded a complaint in

writing to the Commissary Commandant of Castries, signed by the manager and two overseers, besides himself, stating the whole of the gang, except sixteen, had refused to work on that day.

This called forth another letter from Mr. Lafitte to the Procureur General, requiring that a detachment of thirty militia men should be sent to the Estate on the subsequent day, "afin de faire arreter les chefs de l'insubordination et en faire un exemple," and requesting an immediate answer.

To an application of so serious a nature, the Procureur General did not think proper to return any answer until, as stated in his letter to the First President of the 9th, he had seen the manager of the estate, and having ascertained from him the negroes were perfectly quiet, and at home in their huts, he put a decided negative upon it, until the matter should be further investigated. The other papers are merely a correspondence which took place, owing to the postponement of the inquiry caused by the illness of the First President presiding this commission, and which ended by the Lieutenant Commissary on the 19th July, ordering one of the women on the estate, Marie Rose, to be flogged, when she suffered fifteen lashes.

The evidence contained in the inquiry has, in the opinion of the Commission, sufficiently cleared up the facts which are chiefly set forth in Mr. Delomel's deposition. He states,

That the day after the sugar crop was over (Thursday, 6th July), Mr. M'Gowan, the manager, distributed to the negroes the articles mentioned in the letter of the 8th, and gave them besides the whole of the Thursday; on the Friday they turned out as usual, but on the Saturday, on his going down to the field, he was surprized to see the major part of the gang go off to their provision grounds, instead of coming to their work; that he reported the circumstance to Mr. M'Gowan, who sent him immediately to town to inform Mr. Lloyd; the latter ordered him to make this declaration verbally to the Commissary Commandant, and this officer, stating that he considered the case extremely serious, called for a written complaint.

It appears that there was no kind of tumult or riot, nor any meeting of the gang; that neither the manager, nor any person whatever having authority over them, was attacked, or molested, or insulted, and that the negroes returned quietly to their huts in the evening. It appears, on the other hand, that they had received orders on the preceding evening to proceed the next day with the usual work of the estate, which orders they had disobeyed.

That Mr. Lloyd had not the most distant idea that Mr. Lafitte was going to make an application for an armed force.

The cause of the disobedience on the part of the negroes seems also ascertained from the information obtained through Mr. M'Gowan.

It is an invariable custom in this Island to allow the Slaves at least one day's holiday at the conclusion of the sugar crop.

The crop was over on Wednesday evening, and on the next day the half-yearly allowance of clothing, together with the usual bounty of spirits, was distributed, and the negroes enjoyed the usual holiday.

But by the 30th section of the new Slave Law, the master has the option of giving the Slaves a certain quantity of provisions for their sustenance, and working them throughout the week (except on Sundays), or a less quantity, but with one whole day in every week, out of crop, and half a day in crop, to cultivate their provision grounds, and the day so granted on nearly every estate is the Saturday. It appears, also, that the attorney of this estate had chosen the latter alternative, and therefore the Slaves were entitled to one day in the week for the express purpose of tilling their grounds, exclusive, as they concluded, and as we conclude, of the day granted them at the end of crop for their recreation.

Mr. M'Gowan seems to have thought otherwise, and having allowed them the *annual* holiday, he thought himself warranted in depriving them on that occasion of their *private weekly working day*, or at least a part of it; a conclusion in our estimation perfectly erroneous, and which he ought at least to have explained to them on the preceding Thursday.

It is true Mr. M'Gowan states that formerly, when they were allowed the day after crop, they were not indulged with another day in the same week, but he

should have recollected that at that time, the law rendering it incumbent upon him to grant them a day did not exist, that the master was then bound to furnish the full quantity of provisions, and it even forbade his granting a day in lieu; if therefore the Negroes did sometimes obtain a day, as he mentions, it was a mere matter of indulgence; for no one could be better aware than himself that they used to receive a larger allowance of provisions.

We therefore consider, that had the Negroes gone to work as ordered, and afterwards preferred a complaint against Mr. M'Gowan, he would have been liable to the penalty provided by the 43d section of the Slave law.

But nothing can in any way excuse the disobedience of the gang; their duty was in the first instance to have obeyed, for there would be an end to all subordination if Slaves were tolerated, under any circumstances, in disobeying their master's orders. This principle is distinctly laid down in the concluding section of the Slave law, and the necessity of adhering to it cannot be more fully proved than in the present instance, when, owing to their conduct on the Saturday not having been properly noticed, the gang continued indolent and nearly idle, though not insubordinate until the 19th. Had therefore Mr. Lloyd ordered the ringleaders on the 8th to be punished, he would have been justified in doing so, and we should in all probability feel ourselves bound at this moment to recommend the infliction of one or more punishments, had not an example been made on the 19th, which, as admitted by Mr. M'Gowan, has had the desired effect.

As to Mr. Lafitte's application, had Mr. Lloyd or Mr. M'Gowan had any share in it, we should express ourselves very fully thereon, but it does not appear they were at all aware of its nature, and we are not called upon to investigate Mr. Lafitte's conduct. We must however beg leave to observe that even the application to Mr. Lafitte seems to have been hastily made. The owner of a property is unquestionably entitled to the assistance of the Commissary Commandant, and the latter to the support of Government, in serious cases; but we take it to be equally clear that no owner or master is warranted in complaining until he has first tried how far the authority with which he is invested by law is sufficient to maintain or establish order, and here there could have been no kind of difficulty in the selection of fit persons for punishment, since Mr. M'Gowan could at once point out to us those he considered as ringleaders; and since, as all were guilty, no blame could attach to Mr. Lloyd in punishing one or more of these individuals, nor could there be any greater difficulty in inflicting the punishments since the gang was perfectly quiet, and, as proved by the punishment inflicted on the 19th, submissive.

2d.—The next complaint was preferred by Marie Rose, who declared that she had been handcuffed by Mr. M'Gowan's orders, and her feet being tied up, her arms were raised above her head, and hung by the handcuffs to a nail in such a manner, that her heels were elevated considerably above the ground. It is evident here that the truth of the latter fact was the most important point for investigation, as upon that depended whether the punishment was of such a nature as to come within the class of cruel and illegal punishments. This fact Mr. M'Gowan denied, but he admitted that the nail was still in its original place, as she had stated. We were therefore enabled easily to ascertain precisely the position in which she had been placed, and with that view we ordered her in our presence, to be tied up in the same way and by the same person; and we have now to report that her charge is fully made out; that her heels were raised considerably above the ground; the whole of her weight resting either upon the handcuffs, which were raised in the air and hung upon the nail, or upon her toes.

We beg to refer to the examination, for Mr. M'Gowan's observations upon this point, and to add, that having satisfied ourselves of the fact that the punishment was inflicted by Mr. M'Gowan's orders, we deemed further investigation into the conduct of the inferior officers, upon whom he then only seemed desirous of laying the blame, unnecessary. The punishment took place close to the buildings, and within sight of Mr. M'Gowan's house. The woman remained there, according to his statement, upwards of an hour, and to her's two hours, and the least he could have done was to see his orders properly executed.

The 3d subject for investigation was a complaint from Emclie, who stated, that having had a blister applied to her back, and having a sore foot, she was ordered out to work by the manager; it appeared from the state of her back, that the blister was long since healed, and it also appeared, that she had found her way on foot from the Union Estate to Castries, a distance of about four miles, part of the road as heavy as any in the West Indies, in the course of three hours, although, when ordered to fetch her hoe, she had not thought proper even to ascertain what work she was to be put to, before she ran away; whether to heavy field labour as she said, or (as declared by Mr. Gowan) merely to clear the weeds in front of the Hospital, and other light work, from which she could not suffer. This complaint was therefore evidently unfounded.

We were also ordered to inquire particularly into the circumstances attending the decease of Adelaide, a Negress belonging to the Union Estate, who died in prison on the 7th instant. It would appear by the declaration of Doctor Chevalier, that in that respect the attorney, manager, &c., of the Union Estate are perfectly free from blame. She was ordered out of the hospital by him on the 28th or 29th; now by her own declaration to the Procureur General she left the estate at the latter date, so that if blame attaches any where, it must be to those who had the care of her in prison; a point which, though very deserving of investigation, we did not consider within the compass of our commission.

Upon the whole it appears that,

In the first case, (the complaint of the 8th July,) all the parties concerned were deserving of blame; but as it was clear the consequences were no longer felt upon the estate, we deemed it sufficient to call before us the attorney and manager, and the Slaves pointed out as ringleaders, (except the woman flogged by the Lieut. Commissary's orders on the 19th,) and in presence of the officers of the estate and the drivers, to explain to the Slaves that they might consider themselves fortunate in escaping the punishment they had merited for disobedience of orders, and that should they render themselves amenable to the law on a future occasion, their past conduct would not be forgotten. Then we distinctly state in private to Mr. M'Gowan, that his interpretation of the order was incorrect and illegal, and that had the Negroes obeyed it and prepared their complaints afterwards, he must have been prosecuted for the penalty; and to Mr. Lloyd, that his application to the Commissary Commandant appeared to us premature.

2d. With respect to the charge so fully substantiated by Marie Rose, your Commission, having before them your Excellency's Proclamation of June last, wherein, by the 2d clause, reference is made to the proceedings of a Commission appointed previous to the promulgation of the Slave Law, to inquire as to the management of this same estate, and by which the government pledges itself, that provisions of the Slave Law shall in such cases be strictly enforced; they cannot but recommend, that His Majesty's Attorney General be directed to enter a prosecution against Mr. M'Gowan.

3d. Emelie's complaint having proved completely groundless, the same even-handed justice requires, and indeed, the state of the gang renders it, in our opinion, necessary that she should be punished under the 122d section, and as the Commission of Inquiry emanates from your Excellency, it will rest with you to limit the extent of the punishment.

In the matter respecting Adelaide, this Commission beg to express their full conviction, that no blame attaches to the officers of the estate, an opinion which they make no doubt your Excellency will share in, on reading the deposition of Doctor Chevalier, whose skill, humanity, and high general character are perfectly known to your Excellency.

They also beg to add, that Mr. Lloyd seems to them exempt from blame on every point which they have investigated, except that previously mentioned, which he had recourse to in consequence of the Commissary Commandant's advice and opinion, when it was quite impossible for him to foresee the use that would be made of his letter. He states, "that it had been a very painful circumstance to him for some months past, that the Negroes had never gone near him to complain, and he never knew what had taken place until they were actually in jail, having preferred their complaints to the public officers."

This is certainly very unusual on the part of plantation Negroes ; but the fact, which is in part confirmed by Marie Rose, satisfactorily accounts for this cruel and illegal mode of punishment having been latterly inflicted on the estate (and it was only introduced latterly) without Mr. Lloyd's knowledge.

(Signed) J. JEREMIE.
H. DE BERNARD.
J. M. STEPHENS.

Castries, 14th August 1826.

ENQUIRY upon the Union Estate, by virtue of a commission issued to his Honour John Jeremie, First President, Honourable H. De Bernard, and J. M. Stephens, Esquires, by his Excellency

M. J. MAINWARING, Governor.

Union Estate, 10th August 1826.

THE commission being read, Mr. James M'Farlane was sworn in as Clerk to the commission.

The proceedings then commenced by reading the following Correspondence :

- 1.—John Lloyd, James M'Gowan, Louis Delomel, Louis Leriche, dated 8th July, 1826, à M. Le Commissaire De Castries.
- 2.—Lafitte, dated 9 Juillet, à M. Le Procureur, Général.
- 3.—James M'Gowan, 12th July, to P. L. Lafitte, Commissary,
- 4.—William Pattison, Lieutenant-Commissary, to John Lloyd Attorney to Union.
- 5.—Lafitte, 15 Juil. 1826, à L'Honi, John Jeremie.
- 6.—John Lloyd, dated 17 July, to William Pattison, Lieutenant-Commissary.
- 7.—James M'Gowan, 18 July, to P. L. Lafitte.
- 8.—James M'Gowan, 19 July, to William Pattison.
- 9.—William Pattison, 16 July, to the Honorable John Jeremie.
- 10.—Castries Jail Report, dated 7 August, 1826.

CORRESPONDENCE.

MONSIEUR,

Castries, 8th Juillet 1826.

J'ai l'honneur de vous informer que l'atelier de l'habitation Union, malgré l'exactitude qu'on a eu de remplir les formalités que la lois nous ordonne envers eux, et après leur avoir donné la journée de Jeudi entière outre leur morne ordinaire de Sallée, 5 aunes et $\frac{1}{2}$ de colette, une casaque, un chapeau, deux couteilles de rum chaq'un, ont refusé de travailler aujourd'hui Samedi, 8th Juillet 1826, à l'exception des Esclaves ci-dessus denominés Jean, Philippe, Benjamen, Baptiste, André, Seveille, Albion, Mark, Bacchus, Jim, Gaspard, Charle, François, Elisé, Pitter, Joseph, Gill, Lorette.

En consequence j'ai l'honneur de vous prie Monsieur Le Commissaire, de m'instruire sur les démarches que je dois prendre pour remettre le bon Ordre sur l'habitation.

J'ai l'honneur, &c.

(Signé) JOHN LLOYD.

Je declare que le fait çï-dessus est veritable.

(Signé) L. DELOMEL.

Je declare le fait veritable.

(Signé) L. LERICHE.

*A Monsieur Mons. Le Commissaire du Qudtier de Castries,
Ile St. Lucie.*

MONSIEUR LE PROCUREUR GENERAL, *Castries, le 9th Juillet 1826.*

Je regrette d'avoir à vous informer de l'insubordination qui s'est manifestée hier d'une manière presque générale dans l'atelier de l'habitation Union ; à l'exception de quatorze ou quinze negres males, tous ont refusé de travailler.

Cette désobéissance est d'autant plus répréhensible, que d'après les ren-

seignemens qui me sont parvenus, cet atelier est traité ponctuellement conformément aux réglemens, et que cette dernière semaine, la revolte étant finie, il lui à été accordé en outre de la morne qu'on à coutume de donner, toute la journée de Jeudi, comme gratification ; on à aussi distribué ce même jour, à tous ces esclaves, 5 aunes et $\frac{1}{2}$ de colette, une casaque, un chapeau, et deux bouteilles de rum.

L'esprit qui domine dans cet atelier, Monsieur le Procureur Général, est le même, je crois, qui règne également sur beaucoup d'autres, en conséquence, je crois, qu'il est urgent d'employer un moyen coercitif pour arrêter ce désordre, et les conséquences qui peuvent en resulter.

Je serai donc d'avis de requérir un détachement d'une trentaine d'hommes de milice, pour les faire rendre demain à l'Union, à fin de faire arrêter les chefs de l'insubordination, et en faire un exemple. Comme cette événement est d'une grande importance, quoiqu'il n'y aie pas de tems à perdre, j'attends votre réponse.

Je n'en ai pas besoin de vous observer que dans le cas que vous approuviez la proposition que je vous fais de requérir un détachement de milice, son Excellence doit en être prévenue.

J'ai l'honneur, &c.
(Signé)

LAFITTE.

EXTRACT.

MY DEAR SIR,

Castries, Sunday.

I transmit herewith a letter which I have just received from Mr. Lafitte respecting the Union Negroes, as I am informed by Mr. M'Gowan, that the people are all at home and are perfectly quiet at present, I have recommended an investigation of the affair to be deferred until your return on Thursday. Mr. Mallett is unwell, &c.

(Signed)

L. MUTER.

To the Hon. John Jeremie, &c. &c.

SIR,

Union Estate, 12th July 1826.

I regret exceedingly the delay that has intervined in redressing the complaint that was made by the attorney of this property on Saturday last, concerning the insubordination of the Negroes (although I am well aware of, and duly appreciate, the motives that caused that delay), as the Negroes appear now to think they may act in any manner they please with impunity. They no longer pay the least attention to the remonstrances of myself or the overseers, nor do they regard the blowing the shell that warns them to turn out to work, but arrive at what hour and in what manner they think fit ; and when in the field they do not perform one half of the work they ought, and have been accustomed to perform, and what they do is done in a careless and slovenly manner.

I hope, Sir, after what I have stated, you will see the necessity of acting with all the promptitude possible, in order to establish order upon the property.

I remain, &c.

(Signed)

JAMES M'GOWAN.

To P. L. Lafitte, Esq. Commissary Commandant, Castries.

Castries, le 15th Juillet 1826.

MONSIEUR LE COMMISSAIRE COMMANDANT,

Monsieur le Procureur Général m'a mis entre mains votre lettre au sujet de l'habitation l'Union.

Votre opinion sur l'insubordination des ateliers me parait extrêmement éronée. Je sais, non sur le rapport d'autrui, mais par ce que j'ai vu depuis huit jours, que jamais les esclaves n'ont été plus obéissans, ni les maîtres généralement plus contens.

J'apprends que le Sieur Lloyd vous a présenté une plainte par écrit qu'il eut convenu que vous eussiez transmise avec votre rapport, et que vous aurez la coûte de me transmettre directement au plus tôt, et même dans les circonstances actuelles je vous prie de veiller à ce que tous les rapports pareils, que vous

pouviez avoir à faire sur l'état des esclaves, soient accompagnés d'une plainte signée du Propriétaire, ou de son fondé de Pouvoirs.

Il est impossible de me décider sur les mesures à prendre, soit en m'adressant à Monsieur le Gouverneur, soit par le moyen des Tribunaux, que je ne sache distinctement de quoi on se plaint; mais je ne puis pour un instant laisser entretenir l'idée qu'il y ait le moindre motif pour requérir la force armée.

J'ai l'honneur, &c.

(Signé)

JOHN JEREMIE.

MONSIEUR LE PREMIER PRESIDENT, *Castries, le 15th Juillet 1826.*

D'après la lettre que vous m'avez fait l'honneur de m'écrire ce jour, je joints ici la plainte de Monsieur Lloyd, et le rapport subséquent du Gèreur de l'habitation l'Union; ce matin on m'en a fait un verbal semblable au dernier.

J'ai cru lors de mon première rapport à Monsieur le Procureur Général, qu'il étoit convenable de rétablir l'ordre, dans cet atelier, puisqu'à l'exception des ouvriers, &c.; tous les Negres étoient désobéissants, et que la plainte à toutes les signatures qui peuvent garantir la veracité des faits.

Si l'esprit qui domine dans l'atelier de l'Union n'est pas le même d'insubordination qui se montre sur d'autres ateliers, je suis induit en erreur, et je puis assurer que je n'ai pas entretenu du tout, Monsieur le Procureur Général, de mon opinion, mais bien de celle d'habitans respectables de plusieurs quartiers il y a, sans doute, des exceptions à faire; mais ce moment montre ses difficultés.

J'ai l'honneur, &c.

(Signé)

LAFITTE.

Partant pour la souffrière je vais en prévenir Mr. Pattison, pour qu'il veuille bien se charger du service.

SIR,

Sunday, July 16, 1826.

I last evening received a complaint from Mr. Lloyd, Attorney to the Union Estate, respecting the insubordination of the Union Negroes, upon which I should have wished to obtain the Governor's sanction; but feeling rather too unwell, I have now to observe, that it does not appear Mr. Lloyd has gone down to the estate himself and tried the effects of those punishments which he is authorized to inflict under the 38th, 39th, 40th, 41st, and 122d sections of the new Slave Law; and until he has done so, or attempted, of course cautiously to do so, I can see no reason for the interference of Government, and can recommend no such measure as that called for by the Commissary, and alluded to distantly by this gentleman.

I beg you will be pleased to forward a copy of this letter to Mr. Lloyd.

&c. &c. &c.

(Signed)

J. JEREMIE, F. President.

To Wm. Pattison, Esq., Lieut. Commissary.

SIR,

Castries, 16th July 1826.

Conformably to the directions of the First President, I beg leave to enclose a copy of his letter on the subject of your complaint respecting the insubordination of the Negroes on the Union Estate; the tenor of which you will please observe for your Government, under the circumstances in which you are placed.

I have, &c.

(Signed)

WM. PATTISON, Lieut. Commissary.

To John Lloyd, Esq., Attorney to Union Estate.

SIR,

Castries, 17th July 1826.

I beg leave to acknowledge receipt of your favour of yesterday, enclosing the copy of a letter from the first President of the same date, and, having duly

noted the contents, in reply beg leave to state, that since the meeting of the Union Negroes, which took place on the 7th current, I have been upon the property repeatedly, and remained there a considerable length of time at each visit; but do not find that more deference is paid to my commands than those of the manager and overseers. In fact, in the whole of last week the Negroes have not done the work that was formerly performed in three days, and they still continue in a state of insubordination. We have no means of solitary confinement upon the estate at present; but handcuffs, stocks, and such means as we are in possession of have been made use of, and I regret to say without effect; and as the women are the principal aggressors, the object of this is to beg that you will authorize us to make use of corporal punishment, in conformity with the 40th article of the Slave Code, to the extent which it may appear prudent to you, on about six or eight of the principal ringleaders, by way of example to the others; and further, that we may be permitted to oblige that portion of the gang which refused to obey orders on the 7th current, to work for two weeks successively, without allowing them one day in the week, as is customary.

Awaiting your reply, I have, &c.
(Signed)

JOHN LLOYD,
Attorney to the Union Estate.

Wm. Pattison, Esq., Lieut. Commissary.

SIR,

Union Estate, July 19th 1826.

I am sorry to be obliged again to trouble you, but the Negro woman named Marie Rose, after receiving fifteen *coups de martinet*, which is 10 less than you authorized me to give her (which ten I took off on her solemn protestations of behaving better in future), has again absconded. This shows a determination on her part to set all subordination at defiance, and which, if allowed, anarchy and confusion must be the consequence.

I remain, &c.

(Signed)

JAMES M'GOWAN.

To Wm. Pattison, Esq., Lieut. Commissary.

SIR,

Union Estate, 18th July 1826.

I am sorry to have to inform you that Lafortune is again runaway. He went down to town on Sunday 8th instant without a permit, and has not been heard of since. I delayed giving you in his name in hopes he might have surrendered himself.

The Negroe woman, Marie Rose, has got into a practice for some time past of turning out in the morning, at from seven to half-past seven o'clock; after being repeatedly warned to turn out at an earlier hour (to which she never paid the least attention), I put her into the handcuffs for an hour and a half to day—she has not turned out with the other Negroes this afternoon, I consequently announce her to you as absent without leave.* I suspect her to be at the head of all the disorders that have happened latterly upon the estate.

The reasons she gives for her turning out so late are, that her mother is sick, which, when I ordered her mother into the hospital to be taken care of, she, her mother, refused and said she was not sick; the second is, that she has got a child which is nearly four years old. Whether these reasons authorise her to turn out when she pleases, and laugh at my orders I leave you to judge.

I am, &c.

(Signed)

JAMES M'GOWAN.

* This letter should have preceded the other; it was on the occasion here mentioned that she complained to the Protector General, and preferred the charge which she has since substantiated. 17th August 1826. J. J.

Mr. John Lloyd was then examined (but not sworn) as follows :

Mr. JOHN LLOYD—examined.

Q.—Did you come upon the estate previous to signing the letter of 8th July in consequence of any complaint of disorder ?

A.—It was at the suggestion of Mr. Lafitte, who wished to have a letter addressed to him by me, and attested by the manager and overseers.

Q.—Was the first complaint verbally made to Mr. Lafitte ?

A.—Yes.

Q.—Was that verbal complaint founded upon a letter from Mr. M'Gowan to Mr. Lloyd ?

A.—To the best of my recollection I received a verbal message, through Mr. Delomel the overseer, from Mr. M'Gowan.

Q.—You acknowledge this letter dated 17th July ?

A.—Yes.

Q.—Is there an error in the date of the meeting, stated in the latter letter to be the 7th July instead of the 8th ?

A.—Yes : it is the same meeting in both.

Q.—Do you confirm the statement in that letter that you had been on the property repeatedly since the meeting of the 8th ?

A.—Yes. I came up on the Saturday, remained the Sunday, and came up on the Tuesday and Thursday.

Q.—Have you a copy of the Slave Law ?

A.—Yes.

Q.—Did you, on either of the occasions mentioned in the last answer but one, order the punishment of 25 lashes, provided by the 38th Section of the Slave Law, or any other punishment, to be inflicted on any of the Slaves, male or female, who were pointed out to you as ringleaders.

A.—I did not ; as I conceived the evil to originate with the women, whom I could not flog without an order from the Commissary.

Q.—Did you order any of the punishments provided by the 40th and 41st sections of that Law, in lieu of flogging, to be inflicted upon any of the females who had participated in the disorder, or whom you considered as having caused it ?

A.—For that particular crime, no. As we had no means of solitary confinement on the estate, and the stocks and handcuffs, and the other means in our power, I did not consider sufficiently severe for the offence.

Q.—By the clause “ we have no means of solitary confinement on the estate, and the stocks and handcuffs, and the other means in our power,” did you allude to having used them in the case stated in your letter of 8th July, or to any other case ?

A.—I refer to cases which had taken place between the 8th and 17th July, but not to the case referred to on 8th July, in my letter of 8th July. And I shall add, as another reason for not inflicting any punishment in that instance, that, having preferred a complaint, I waited for a definitive answer from those to whom I had preferred it.

(Signed)

JOHN LLOYD.
JAMES MACFARLANE.
JOHN JEREMIE.
J. M. STEPHENS.
H. DE BERNARD.

Letter, 17th July.
J. J.

Mr. JAMES M'GOWAN examined (but not sworn).

Q.—Is that your signature to the letter of 8th July ?

A.—Yes.

Q.—Do you understand French sufficiently to have a correct knowledge of the contents of the letter, bearing your signature among others, dated 8th July ?

A.—Yes.

Q.—How many years have you been manager upon the Union Estate ?

A.—Six years, the 14th of this month.

Q.—The letter of the 8th July refers to some disorder which had taken place on that day, and to which you bear evidence. I shall request you to state the whole of the circumstances attending that case, as they came to your knowledge?

A.—I ordered the Negroes to go to work on that day, and they refused (the greatest part of them), although they had had the Thursday preceding to work for themselves.

Q.—Did any thing else take place?

A.—Nothing.

Q.—Was Mr. Lloyd on the estate at the time the disorder took place?

A.—No; though he came up in the evening.

Q.—Did you send to inform him of the circumstance?

A.—Yes; I sent a verbal message through Mr. Delomel, one of the overseers, being myself unwell, and consequently unable to write.

Q.—Did the gang behave riotously or tumultuously?

A.—No; not on that day.

Q.—Did they afterwards? state what they did, and when.

A.—They turned out as they pleased, and when they pleased, without any kind of regularity.

Q.—Did they, in your presence, make use of any threats? or has it come to your knowledge that they had made use of threats?

A.—No; not of threats; but I am informed that they made use of abusive language both to the overseers and the drivers.

Q.—Have they ever used abusive language in your hearing, to any body in authority over them, either on 8th July or since?

A.—I have heard them talk in a manner which did not become them to the overseers. I cannot tell what they said, but I have heard them speak very loud and in a very unbecoming manner.

Q.—Be pleased to name those of the gang whom you consider to have been ringleaders in the disorder of 8th July.

A.—I have no proof, but I believe that three tradesmen, Bob, Cog, Quashy, together with Jacob and Rog, amongst the men; and amongst the women, Marie Rose, Marie Soufrière, and Cicile Soufrière. I was informed by one of the drivers, named Dick, that Marie Rose, seeing one of the women, Fanny, going to the field, had led her away.

Q.—Is the Marie Rose, of whom you complain, the individual who was brought up this morning from the town jail, as having preferred a complaint?

A.—Yes; the same.

Q.—Did you notice these names, or any of them, to Mr. Lloyd?

A.—I am not positive that I did, but I think I have.

Q.—What reason did the gang give for refusing to turn out on the 8th July?

A.—They gave me no reason.

Q.—Do you know of their having given any reason to the overseers or any other persons concerned in the management?

A.—No; I have heard from some of the Negroes that it was not the Thursday that was allowed them, but the Saturday, and that they would have the Saturday.

Q.—Can you be positive whether you heard this language from any of those pointed out as ringleaders?

A.—No; nor can I point out those who held this language. I merely heard it as a rumour among them.

Q.—Have you any fixed rule on this estate as to the day of the week usually allowed to the Negroes?

A.—No; there is no fixed rule, but it is generally the Thursday.

Q.—Was your crop over at the time?

A.—Yes; it was finished that week.

Q.—On what day was it finished?

A.—On the Wednesday.

Q.—Is it not customary in this Island to give the Negroes a day to themselves at the conclusion of the crop? and has such been the custom on this estate since you have held the management?

A.—Always; but not another day in the same week. It was my intention

only to have worked them half the day on the Saturday on which they refused to turn out ?

Q.—Was it customary on this estate, formerly, to give them a day in the week, or part of a day ?

A.—It was sometimes done.

Q.—How did the gang behave from the 8th July to the 19th ? and how have they behaved since ?

A.—They behaved very ill from the 8th to the 19th July. But they have behaved much better since.

Q.—Did you take any measures on the 8th July to suppress the disorder ?

A.—I could take none, as the Negroes immediately went off to their grounds, and I was unwell myself.

Q.—Did the gang return in the evening ?

A.—Yes.

Q.—Have you since taken any measures in consequence of that disorder ?

A.—Having written to the Commissary of the Quarter, I did not think myself warranted in taking any measures upon my own authority.

(Signed)

JAMES M'GOWAN.

JAMES MACFARLANE.

JOHN JEREMIE.

H. DE BERNARD.

J. M. STEPHENS.

M. LOUIS ELIENNE DELOMEL, agé de 19, ans, economie sur l'habitation l'Union ayant été dûment assermenté a déposé comme suit.

Q.—Etiez-vous ici le 8 Juillet dernier ?

R.—Oui.

Q.—Est-ce là votre signature (la lettre du 8 Juillet lui ayant été exhibée) ?

R.—Oui.

Q.—En connoissez-vous la contenue ?

R.—Oui—c'est moi-même qui l'a écrite.

Q.—Dites-nous ce qui s'est passé ce jour-là quant aux désordres dont s'est plaint Mr. Lloyd.

R.—Lorsque nous avons fini la recolte, Mr. M^cGowan a fait distribuer aux negres les articles mentionnés dans la lettre du 8 Juillet, et leur a donné aussi la journée de Jeudi toute entière. Le Vendredi nous avons été au travail. Le Samedi je fus avec le Commandeur au jardin, et je fus très étonné de ne voir venir au travail aucun negre que ceux mentionnés dans la dite lettre, et d'apprendre qu'ils étoient dans leur propres jardins. J'en fis mon rapport a Mr. M^cGowan, qui m'a envoyé en ville en informer Mr. Lloyd. Ce dernier m'a envoyé faire ma declaration à Mons^r Lafitte Le Commissaire Commandant, sans me donner de lettre. Alors Mons^r. Lafitte m'a dit que le fait étoit très grave, et qu'il lui falloit une plaint par écrit de Mr. Lloyd. Ces paroles m'ont été dites en presence de Mons^r. Laforque.

Q.—Le 8, lorsque vous fûtes envoyé par Mr. M^cGowan vers Mr. Lloyd d'attelier, s'est-il conduit tumultueusement ? avoit-il attaqué, ou insulté, ou menacé, soit le Gereur, ou aucune autre personne ayant autorité sur eux ?

R.—Non pas de ma connoissance ; le Lundi ou Mardi ensuite, après la prière, je sais seulement que l'attelier a porté plainte contre moi à Mr. M^cGowan, disant que c'étoit moi qui leur avois dit qu'ils avoient dit au Samedi ce que je n'avois point fait.—Ainsi qu'il fut alors prouvé, par la bouche des temoins, qu'ils avoient eux-mêmes nommés.

Q.—Quelle est la conduite presente de l'attelier ?

R.—Elle pourroit être meilleure.—Ils ne travaillent pas autant qu'ils pourroient le faire.

Q.—Avez-vous jamais été éconôme sur aucune autre habitation ?

R.—Oui ; sur l'habitation l'Union de Praslin.

(Signé)

JOHN JEREMIE,

H. D. BERNARD.

J. M. STEPHENS.

LOUS. STEPHEN DELOMEL.

JAMES MACFARLANE.

Mr. Louis Leriche agé de 24 ans, éconôme sur l'habitation l'Union, ayant été dûment assermenté, a déposé comme suit.

Q.—Est-ce-là votre signature ? (la lettre du 8 Juillet lui ayant été exhibé.)

R.—Oui.

Q.—Connoissez-vous le sujet de cette lettre ?

R.—Oui, parfaitement, et je confirme tout ce que s'y trouve.

Q.—Il y est parlé du refus des negres de travailler le dit jour Samedi 8 Juillet. Rapportez-nous tout ce qui s'est passé à ce sujet qui soit venu à votre connoissance ?

R.—Le Jeudi ils ont reçu ce qui est porté dans cette lettre. Le Vendredi ils ont travaillé mais très lentement. Le Samedi Mr. M^cGowan avoit donné ordre d'aller travailler au jardin ; loin d'obéir ils furent travailler dans leur propres jardins, à l'exception de ceux qui sont nommés dans la lettre. Il faut ajouter que je suis chargé des Batimens ; l'autre éconôme pourroit mieux dire ce qui s'est passé au jardin.

Q.—Savez-vous de vous-même si les negres, qui furent travailler dans leurs jardins, avoient reçu l'ordre de se rendre au jardin ?

R.—Mr. M^cGowan donne ses ordres au Commandeur ; c'est ce dernier qui pourroit dire si l'attelier les avoit eus de lui ; l'autre éconôme doit le savoir aussi.

Q.—Avez-vous vu aucun rassemblement tumultueux, ou entendu aucun propos menaçant ou injurieux de l'attelier envers les personnes preposées en autorité sur eux ce jour-là ?

R.—Non.

(Signé) JOHN JEREMIE,
H. D. BERNARD,
J. M. STEPHENS,
LOUIS LERICHE,
JAMES MACPHARLANE.

M. Delomel premier témoin ayant été rappelé deposa comme suit.

Q.—Vous avez déclaré que vous fûtes fort surpris de voir plusieurs des negres partir pour leurs propres jardins au lieu de se rendre au travail du jardin. Plaira-t-il nous dire à qu'elle heure Mr. M^cGowan avoit donné l'ordre de se rendre le Samedi matin au jardin ?

R.—Il l'avoit donné Le Vendredi soir, suivant son usage, au Commandeur qui me l'avoit communiqué.

Q.—L'avez-vous-même communiqué à l'attelier ?

R.—Oui ; comme cela se fait toujours. Le Commandeur en ma presence leur avoit dit que demain ils devoient se rendre à tel travail.

(Signé) JOHN JEREMIE,
H. DE BERNARD,
J. M. STEPHENS,
LOUIS STEPHEN DELOMEL,
JAMES MACPHARLANE.

Monsieur Joseph Eugene, chevalier, agé de 36 ans, médecin, ayant été dûment assermenté, deposa comme suit.

Q.—Etes vous le médecin chargé des soins de l'H^{on}. l'Union ?

R.—Oui.

Q.—D'après le rapport du Géolier de Castries en date 7 courant, dûment visé par Mr. Le Prof. du Roi, il paroît qu'une negresse nommée Adelaide, appartenante à cette habitation, et qui y avoit été envoyée le 31 Juillet pour protection, est morte le 7 courant ;—Pouvez-vous nous donner quelques renseignements, soit sur la maladie ou la mort de cette negresse ?

R.—Je ne puis vous donner aucun renseignement ni sur sa dernière maladie ni sur sa mort. Mais au commencement du Juillet elle a été mise à l'hôpital sous mes soins, étant attaquée alors d'une fièvre intermittente, qui lui fut coupée vers le 27, ou 28, et elle fut mise alors hors de l'hôpital.

Q.—Est-ce par vos ordres qu'elle a été mise hors de l'hôpital ?

R.—Oui, par mes ordres.

Q.—Devons-nous entendre qu'ayant été mise par vos ordres hors de

l'hôpital vous la consideriez assez bien portante pour se rendre a ses occupations ordinaires ?

R.—Oui, et même depuis 8 jours elle n'avoit plus de fièvre.

Q.—L'avez-vous vue depuis ?

R.—Non.

Q.—Avez-vous donné aucun ordre soit à Mr. M^cGowan, ou à toute autre personne de prendre un soin particulier d'elle ?

R.—Non. Je n'en voyois point la nécessité.

(Signé) JOHN JEREMIE,
H. DE BERNARD,
J. M. STEPHENS,
CHEVALIER, M. D.
JAMES MACPHARLANE.

On the question being put to Mr. Lloyd, whether he was aware of the nature of the application afterwards made on his complaint by Mr. Lafitte to the Procureur General, he answered, that he had not the most distant idea that any application of the sort had been made.

(Signed) JOHN JEREMIE.
H. DE BERNARD.
J. M. STEPHENS.
JOHN LLOYD.
JAMES MACFARLANE.

Mr. James M^cGowan re-examined.

Q.—Have you an hospital on the Estate ?

A.—Yes.

(Signed) JOHN JEREMIE.
H. DE BERNARD.
J. M. STEPHEN.
JOHN LLOYD.
JAMES MACFARLANE.
JAMES M^cGOWAN.

Marie Rose having been called in, and asked what cause of complaint she had against the manager of the estate, she stated, that she had not gone out at the usual hour, in consequence of its being necessary for her to take care of a small child of hers, and of her mother, who is too old and decrepid to take care of herself; that she had in consequence been handcuffed, then placed with her hands over her head, the handcuffs resting on a nail, which was still in the same place, her feet being tied also. Being asked whether her heels touched the ground, she stated that her heels were considerably elevated, whereupon the Commission ordered the child and the mother to be brought in before them. The child appeared to be about four years of age, and in perfect health; the mother exceedingly infirm, and apparently worn out with age.

Mr. M^cGowan having been called in, and being asked, first, whether there was a nursery woman charged with the care of the children on the estate, he answered, yes; and the nursery, with the nursery woman and children, were afterwards pointed out, the whole being perfectly clean, and in good order. He was then asked, whether there was a person on the estate charged with the care of the old and decrepid? He answered, there was not, but that he did not require the complainant, Marie Rose, to join the gang before sun-rise, allowing her from day-break to sun-rise to prepare her mother's breakfast, and take care of her. He was asked, when this arrangement was made by him? He answered, that he had definitively made it on 19th July, but that he had allowed her this indulgence for a considerable time before. He was then questioned as to the punishment. He answered, that the statement of Marie Rose, as to her having been handcuffed, tied by the feet, and afterwards placed in the position by her stated, was in part correct, but that both her heels rested on the ground. He admitted also, that the nail was still in its original place. This latter fact being confirmed by both parties, the Commission thought it

their duty, with a view of ascertaining precisely the position in which she was placed, to order that she should now, in their presence, be tied up in the same way; and Mr. Delomel, overseer, who had tied her up the first time, was directed to place her precisely in the same position. This was done in the presence of Mr. Lloyd and the Commission, when it appeared that her heels were considerably elevated above the ground, and that her whole weight rested either upon the handcuffs or upon the toes. Marie Rose stated, that she had been from twelve o'clock to two in that position. Mr. M'Gowan, from an hour and a quarter to an hour and a half.—Mr. M'Gowan having been called in, and the preceding statement read to him, he requested to be allowed to make the following observation, which was acceded to: He observed, that although she was tied by his order, he had not gone down to see it done, but that Mr. Delomel, the overseer, charged with inflicting the punishment, had reported to him that her heels did touch the ground. In consequence of the above observation, it was proposed by the President, with the sanction of the Members, that Mr. M'Gowan, if he supposed there had been any trick or deception practised by Marie Rose at the trial, which had taken place in this presence, should himself order her to be tied up immediately anew, taking any precaution which he might point out to prevent his being deceived. Mr. M'Gowan declared that he left it entirely to the Commission, and that he did not desire another trial. Mr. Lloyd having been asked if this punishment had been inflicted with his privity, answered, that he was sick in Castries, and that he never knew any thing of it till Marie Rose was in jail.

Q.—Whether any complaint had been made to Mr. Lloyd with respect to this punishment by any body on the estate?

A.—Never.

Q.—Did Marie Rose, before she went to the Procureur General, apply to you for redress?

A.—No, she did not, nor had I seen her on the subject; and I must beg leave to add, that it has been a very painful circumstance to me, that for some months back the negroes never came near me to complain, and that I never knew what had taken place till they were actually in jail, having preferred their complaints to the public officers.

Marie Rose having been called in, and asked if she had given Mr. Lloyd any intimation of the punishment to which she had been exposed previously to applying to the public officers? She answered no.

(Signed)

JOHN JEREMIE.
H. DE BERNARD.
J. M. STEPHENS.
JOHN LLOYD.
JAMES M'GOWAN.
JAMES MACFARLANE.

The Complaint of Emélie.

SHE stated, that having a blister applied to her back, and having a sore foot, she was, notwithstanding, ordered into the field, when, considering herself ill-used, she went and complained to the Procureur du Roi. Being asked at what hour she left the estate, she answered at the breakfast hour (about nine), and she arrived at Castries at mid-day (noon).

Mr. M'Gowan called up and examined, stated, that the negress Emélie had had a blister about a month ago, and three others blistered at the same time had long ago been at work in the field. Mr. M'Gowan seeing her always in the same position in the hospital, had ordered her to take her hoe and clean the grass and weeds from about the door, when she went away, and he had not seen her since.

Having been questioned as to how long she had remained at work before she carried her complaint to town, she answered that she had not worked at all.

Joseph, who also had been sent to jail, has no complaint to prefer.

(Signed)

JOHN JEREMIE.
H. DE BERNARD.
J. M. STEPHENS.
JAMES MACFARLANE.

The foregoing is a true copy of the proceedings of the commission at the Union Estate on the tenth day of August, one thousand eight hundred and twenty-six.

(Signed) JAMES MACFARLANE, Clerk.

No. 3.

SIR,

Downing Street, 16th October 1826.

I HAVE received your despatch of the 15th of August, and I approve of the measure which you had adopted, of having the several estates in the Island visited by a Commission. I observe, by the enclosures of your despatch, that women are considered to be subject to corporal punishment under the existing laws of St. Lucia if that punishment be authorised by a Commissary. I find, that, by the Slave Ordinance which was drawn up by Mr. Jeremie, the punishment of the whip was forbidden to be inflicted, "by order of the master," upon females above twelve years of age, but I do not, in that ordinance, meet with any article such as that referred to in Mr. Lloyd's letter to Mr. Pattison, of the 17th of July last; and I have to request, therefore, that you will desire Mr. Jeremie to report for my information, what is the state of the law in regard to the infliction of corporal punishment upon female Slaves by any other authority than that of the master, and whether the law, whatever it be, is equally applicable to free women. You will inform me, in due time, what proceedings have been taken against the manager named M'Gowan, recommended to be prosecuted for a cruel and illegal punishment, and what has been the issue; and you will also report the issue of the investigation which was to be made into the treatment of the Negro woman Adelaide in prison.

I have, &c.

(Signed)

BATHURST.

*Major-General Mainwaring.**&c. &c. &c.*

No. 4.

MY LORD,

*Government Pavilion, St. Lucia,**20th December 1826.*

WITH reference to your Lordship's letter of 16th October ultimo, I have the honour to transmit a letter from his Honour the First President, giving the required explanation as to the state of the present Law in regard to the infliction of corporal punishment upon female Slaves, and which, I trust, will be considered satisfactory. At the same time I beg to assure your Lordship that the Commissary Commandants who have the power of summarily deciding on offences committed against the Law by Slaves, and consequently are authorized to order the infliction of legal corporal punishment, or one month's imprisonment and hard labour on the plantation, are men of the highest character, in general fathers of families, and respected by all classes in their districts; and I feel the truest gratification in stating that since the promulgation of the Law I have never had a single cause of complaint, or even a murmur against their decisions.

In regard to the negro woman Adelaide I regret to say that she died in the sick ward of the prison at Castries before any investigation into the treatment she complained of could be made; but I am warranted, from the reports of the two medical gentlemen who attended her, in saying, that her decease was occasioned solely by her own act of imprudence.

McGowan, the manager, was tried by the Court of Senechaussee, found guilty, and sentenced to pay a fine of fifty pounds, but the Procureur General, not considering the punishment at all adequate to the offence, has very properly appealed, and the affair will be taken cognizance of at the ensuing Session in January, the result of which I shall not fail in communicating to your Lordship.

I have, &c.

(Signed)

J. MAINWARING,

Major-General Governor.

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

SIR,

20th December 1826.

I HAVE the honour to forward the following Report upon the present state of the Law in regard to the infliction of the punishment by flogging upon female Slaves.

The sections of the Slave Law bearing upon this subject are the 40th and 96th. By the first the punishment is never to be inflicted except in execution of a sentence of a Court, or of an order from the Procureur du Roi, or Commissary Commandant; and by the latter, Commissaries Commandant are allowed "to *decide* summarily, and without an appeal, upon all misdemeanors committed by Slaves, where the punishment by Law awarded does not exceed forty lashes, or one month's imprisonment and hard labour on the plantation." This necessarily implies inquiry and investigation, therefore Mr. Lloyd was not warranted in applying for permission to punish five or six females without examination, without any specific charge, without even naming the offenders, and accordingly his application to this effect remained unnoticed.

The Commissary Commandant is the Governor's representative in the district. He is chosen annually by the Governor in Council, by virtue of an Ordinance passed in July 1825, which I recommended, that Government might be enabled to nominate the fittest persons, and occasionally to re-consider their choice, and remove those who were not found fully competent to the discharge of the duties of this office. His powers are regulated as regards free persons by the Order of March last, and as concerns Slaves by the sections above mentioned. It follows that a Commissary Commandant can inflict the punishment of the whip upon a Slave, but not on a free person, male or female; so that, though the punishment of flogging is recognized by Law with reference to all classes, and both sexes, to inflict it on a free person requires the sanction of a higher tribunal, of the Court of First Instance, or Royal Court. The punishment is the same, the mode of trial different.

In short, the Law upon this head now stands, with reference to *female Slaves*, as it did in England anteriorly to 32d Geo. 3, cap. 45, when a Justice of the Peace could, under the 17th Geo. 2d, cap. 5, sec. 7, order females to be flogged as rogues, &c. (Comyn's Digest,—Justices, B. 78); and with reference to *free females* as it did anteriorly to 57 Geo. 3d, cap. 75); except that the number of lashes is limited, and that they are in no case to be publicly flogged.

The death of the woman named Adelaide appeared, on further investigation, to have been caused by her having bathed in the sea in her way to town at a time when she had not been twenty-four hours out of hospital. As soon as she complained of illness she was visited by the Gaol Surgeon, and when the Procureur du Roi was informed of her being worse, he sent expressly for another medical attendant, the former not being then in town.

I have, &c.

(Signed) J. JEREMIE,

First President.

To his Excellency Major-General Mainwaring, Governor.

SIR,

Downing-Street, February 21, 1827.

I HAVE received, and have laid before The King, the Act passed by yourself, with the advice of your Council, for improving the condition of Slaves in the island of St. Lucia, and I have received His Majesty's commands to make the following communication to you in reference to that Act :

The provisions respecting the office of Protector and Guardian of Slaves, are avowedly defective, as compared with the corresponding provisions of the law of Trinidad. These omissions appear to be all referable to the same general cause, that is—the permanent union of the office of Protector with that of Procureur-General; this combination of offices may for the present be convenient, and even necessary, but as it may at some future time be proper to effect a separation of them, it is fit that this power should specially be reserved to His Majesty, and that the law should contain the rules, which, in the event of such a separation, would be necessary for the regulation of the office of Protector.

The prohibition of holding property in Slaves, does not appear to extend to the case of mortgages on the said property, nor is the Protector, as the law is at present framed, disqualified from acting as the Manager of a plantation, or as the Trustee of Slaves for others. It will be necessary to supply this omission and to render the acquisition of Slave property by the Protector a forfeiture of office. The payment of his salary must also be more dependant upon proof being previously given of the due delivery of his returns, and a specific penalty must be denounced against the offence of falsifying his records by fraudulent entries or erasures.

Respecting the observance of Sunday, the Act contains no clause for the abolition of markets on that day, and if I do not misapprehend the effect of the Act, no penalty would follow the employment of Slaves to labour on Sunday, unless proof could be given that they had been urged to work by actual compulsion. In Trinidad the Slaves may be employed to labour on Sunday without wages, when the object is to prevent irreparable injury to the estate upon accidental emergencies: but they must receive wages if their labour be required to meet those emergencies which may be termed habitual. The Act of St. Lucia, reverses these rules. In Trinidad the actual payment of the wages to the Slave is necessary to justify his employment on Sunday, unless in the cases above excepted, a condition which the Act under consideration does not impose.

In all these respects this Act, so far as it relates to the observance of Sunday, and particularly with respect to labour on that day, must be revised and corrected.

With regard to the punishment of Slaves, it would appear that no interval is required to elapse between the offence and the punishment, when the offender is a female. The restrictions respecting punishments are not to apply to those which are inflicted by the Commandants of Quarters; yet, as they will probably be always planters, there is no sufficient cause for this exemption in their case. Although the use of the whip in the field is forbidden, the prohibition is not extended to other similar instruments of coercion or intimidation, and the law would not be broken if the whip were carried into any place except the field, or if a direct authority from the Master for carrying it cannot be proved. The correction of females by whipping under the domestic authority of the Master is permitted till the age of twelve. It is, however, fit to adhere to the rule prescribed in Trinidad, which has fixed the age of ten years for this purpose. Some provisions will be necessary for preventing the substituted punishments of the stocks and hand-cuffs from being converted into instruments of cruelty, and some person should be present to witness the infliction of other punishments besides that of whipping, at least long enough to ascertain that the punishment is not inflicted in an illegal manner. The periodical returns of punishments should specify the name of the person by whose authority the punishment was inflicted, and provision should be made for the manner in which the Assistant Protectors of Slaves are to make their own returns.

It will be necessary that the law, so far as it relates to the subject of punishment, should be amended in the several particulars which I have thus noticed.

Upon the subject of marriage, I observe, that the Procureur General is to decide on the sufficiency of all objections which may be made to the marriage of Slaves, whereas, in Trinidad the marriage is always to be permitted, unless it should be shewn that it would be injurious to the Slaves themselves. It is not expressly required by this Act that marriages are to be performed gratuitously. In these respects the Act will require amendment.

In connection with the subject of the separation of families, I perceive a Clause by which tenants and others, who have the temporary occupation of an estate, are exempted from responsibility for the value of Slaves who may die during their temporary enjoyment of it. This Clause is objectionable in itself, and is still further open to objection, because it has no proper or necessary connection with the general subjects of this Act. It will, therefore, be necessary that it should be omitted.

The property of Slaves dying intestate and without heirs is given by this Act not to the King, as in Trinidad, but to the Owner. It will be necessary, in this respect, to revert to the provisions of the Trinidad Law.

Respecting evidence, there would seem to be some want of precision in the language of the enactment. They would seem to render slavery a positive qualification for a witness, instead of declaring that it shall not operate as a disqualification. This Act would enable a Slave to give evidence in his Master's favour, although he is prevented from becoming a witness against him. Upon this point it will be necessary to adopt the Law of Trinidad, which appears better adapted to ensure substantial justice.

The regulations contained in this Act, for the prevention of excessive labour, require some further explanation: although I am fully persuaded that the intention with which these Clauses were framed was humane and considerate, yet the amount of labour which the law permits the Owner to exact would appear to be much more than could be consistent with a due attention to the health of the labourer. This is more especially the case with reference to night-work, since, in addition to the labours of the day, it would seem that the Slave might lawfully be employed on extraordinary occasions of forced crops, and on all unforeseen occasions, for four entire nights, or for half of six nights, during the week. His Majesty's Government are unwilling to issue any positive instructions upon a subject of this nature, without the advantage of receiving the most ample explanations; but the propriety of these enactments must be fully explained before it will be in His Majesty's power to sanction them.

It would be desirable to have more information than has hitherto been transmitted on the subjects of clothing and food. The catalogue of articles of clothing with which the Slaves are to be supplied would seem to be very defective. The regulations respecting food are expressed in language which do not seem to carry into execution the intentions of the framers of this Law, as explained in the accompanying remarks of the First President of the Royal Court. Some revision of the words of the Law on this head will be desirable.

The limitation of twelve months for the prosecution of all offences, seems to include the case of murder and all other crimes of the most aggravated nature. In those cases such a limitation would obviously be improper.

Such are the principal remarks which have occurred with reference to the various provisions of this Act. The omissions to which I have adverted might of course have been supplied by an Order of His Majesty in Council; but His Majesty's Government are unwilling to advise a course which might seem to throw any suspicion upon the disposition of the Council of St. Lucia to carry His gracious intentions in favour of the Slave population into full effect. I am, therefore, to instruct you to lay this despatch before the Council, and to invite them to resume the consideration of the subject, in order that further enactments may be prepared for the amendment of this Act in the various particulars to which I have adverted.

It is His Majesty's pleasure that, for the present, the Act which you have transmitted shall have its operation in the island of St. Lucia, and you are

authorized to promulgate and carry into immediate operation provisionally, until His Majesty's pleasure is known, any further Act which may be passed in amendment of it.

I have great satisfaction in signifying to you, in general, His Majesty's gracious approbation of the manner in which this Act has been framed. It reflects much credit, not only upon the Members of the Council, by whom its various provisions were adopted, but upon the learned President of the Royal Court, by whom those provisions appear to have been prepared. They are obviously the result of much industry, directed by great ability and learning.

I have, &c.

Major-General Mainwaring.
&c. &c. &c.

(Signed) BATHURST.

No. 6.

MY LORD,

Pavilion, St. Lucia, April 30, 1827:

I HAVE the honour to enclose the draft of an Order in Council, by which the Slave-law of the 8th February 1826, is amended in every particular, save one, pointed out to me in your Lordship's despatch, of 21st February last: to the remarks subjoined at the request of the Council by Mr. Jeremie, I shall, in confirmation of his last observation, beg to add the fact, that though I, together with that gentleman, naturally took an active part in these discussions, every resolution, save one, passed entirely by a majority among the Members of Council, who are Slave-holders; and I do venture to express the hope that this feeling on the part of the Colonists may be met by a corresponding feeling on the part of the anti-colonists at home, when I trust the West India Question will be set at rest in a manner which I hope will be satisfactory to your Lordship.

I have, &c.

(Signed) J. M. MAINWARING,

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

Major-General, Governor.

ORDER IN COUNCIL.

WHEREBY several of the provisions contained in the Order of the 8th February last, by which a new Slave-Law was established for the Island of St. Lucia, are revised and amended.

(Signed) J. M. MAINWARING,
Major-General, Governor.

By His Excellency John Montagu Mainwaring, Major-General, commanding His Majesty's Forces, Governor and Commander-in-Chief in and over the Island of St. Lucia, and Vice-Admiral of the said Island, &c. &c. &c.

HIS Majesty having been pleased, in expressing generally His gracious approbation of the Orders in Council of the 8th February last, relative to Slaves, to direct that certain parts of the enactments contained in the second Order of the above date, whereby a new Slave-law was established for this island should be revised and amended, and His Majesty having been also pleased to authorize the Governor to promulgate and carry into immediate operation provisionally, and until His Majesty's further pleasure be known, any further Act which might be passed in amendment of it.

And having submitted such His Majesty's pleasure, as contained in a despatch from the Right Honourable the Earl Bathurst, of 21st February last, to the consideration of His Majesty's Privy Council in this island, I, John

Montagu Mainwaring, Major-General commanding His Majesty's Forces, Governor and Commander-in-Chief of the island of St. Lucia, do now, by and with the advice of the said Privy Council, and in virtue of the powers in me vested, enact and ordain, and it is hereby enacted and ordained,

1.—In addition to the provisions respecting the Protector, that nothing in the said Order in Council contained shall extend to prevent His Majesty from disuniting the office of Protector of Slaves from the office of Procureur-General, and from appointing a distinct and separate officer to act as and be Protector of Slaves, in case His Majesty shall see fit to do so.

2.—And it is hereby further ordained, that the said Protector of Slaves shall establish and keep an office in the town of Castries, and shall regularly attend at such office on such days and during such hours of the day as the Governor, or Officer administering the Government of the said colony, by any general or special orders to be by him from time to time issued may appoint; and shall at such office, and not elsewhere, keep, deposit and preserve the several records, books, papers and writings hereinafter directed to be kept by him.

3.—And it is further ordered, that the said Protector of Slaves shall not be the owner or proprietor of any plantation situate within the said colony, or of any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such plantation, Slave or Slaves; and shall, and he is hereby declared to be, incompetent to act as, or be the Manager, Overseer, Agent, or Attorney of, for, or upon any plantation or estate within the said colony, or to act as the Guardian, Trustee, or Executor of any person or persons having or being entitled to any such plantation, or any Slave or Slaves; and in case any such Protector of Slaves within the said colony shall have, acquire, hold, or possess, either in his own right, or in right of his wife, or in trust for any other person or persons, any plantation situate within the said colony, or any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture, or any share or interest in, or any mortgage or security upon, any such plantation or Slave or Slaves, or shall act as Manager, Overseer, Agent, Attorney, Guardian, Trustee, or Executor as aforesaid, he shall henceforth, *de facto*, cease to be such Protector of Slaves, and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office.

Provided, nevertheless, that all acts which may be done by or by order of any such Protector of Slaves, after any such avoidance as aforesaid of such office, and before the same shall, by public notice in the Gazette of the said colony be declared void, shall be as valid and effectual in the law as if no such avoidance of office had occurred.

4.—And it is further ordered, that the said Protector of Slaves shall be resident within the said colony, and shall not quit the same without a special licence to be granted for that purpose by His Majesty, through one of His Principal Secretaries of State, or by the Governor, or Officer administering the Government for the time being of the said colony; and no such licence shall be granted in any case by the Governor, or Officer administering the Government for any time, exceeding three months, nor shall any such licence be granted by any such Governor, or Officer administering the Government as aforesaid, unless it shall be made to appear to him, on the oath of some medical practitioner, that such absence is necessary for the recovery of the health of the said Protector of Slaves.

5.—And it is further ordered, that upon the death or resignation of the said Protector of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the said colony, it shall be lawful for the Governor, or Officer administering the Government, to nominate and appoint some other fit and proper person to act as Protector, or as the Deputy for the said Protector of Slaves, as the case may be, until His Majesty's pleasure shall be known; and the said Deputy shall receive such allowance, to be deducted from and out of the salary of the said Protector of Slaves, as the Governor, or Officer administering the Government for the time being of the said colony, shall be pleased to appoint.

Provided always, that the person to be appointed as Deputy Protector shall, if in all other respects qualified for the office, be selected from those who are neither Proprietors of Slaves, nor have any interest in Slave property, unless it be impossible to find a proper person not possessed of such property, and willing to undertake the trust, and competent to the efficient and faithful execution of it, whereby it may become absolutely necessary to appoint one interested in Slave property, in which case it shall be the duty of the Governor, or Officer administering the Government for the time being, to transmit to His Majesty's Secretary of State a statement of the peculiar circumstances justifying the departure from the general law.

Provided that the Protector of Slaves in the said colony shall at all times perform his duty in person, and not by deputy, except in cases in which the Governor, or Officer administering the Government of the said colony, is hereinbefore authorised to appoint a deputy for that purpose.

6.—And it is hereby ordered, that the said Protector or Deputy-Protector of Slaves, shall have power to administer an oath in all matters relating to the duties of his office; and all such authority, of what nature or kind soever, as is now by law vested in the Commissaries Commandants of the several districts of the colony, for the maintenance of the public peace and good order, shall be, and the same is hereby vested in the said Protector of Slaves, to be by him exercised throughout each and every district of the said colony.

7.—And it is hereby further ordered, that all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any Tribunal or Court of Justice within the said island, wherein any Slave may be charged with any offence punishable by death or transportation, or wherein any question may arise as to the right of any alleged Slave to freedom, or wherein any person may be charged with the murder of any Slave, or with any offence against the person of a Slave, or wherein any question may arise respecting the right of any Slave to property; then, in every such case, due notice shall be given to the Protector and Guardian of Slaves of every such action, suit, or prosecution; and the Protector and Guardian of Slaves shall, and is hereby required to attend the trial or hearing, and all other the proceedings in every such action, suit, or prosecution, as the Protector of such Slave, and on his or her behalf; or to retain Counsel to act therein in such manner as may be most conducive to the benefit and advantage of any such Slave, as fully, but in such manner only, as Counsel could be allowed to act if the said Slave were of free condition.

The 34th Clause of Demerara Order,* relative to the Protector's salary, and falsifying his records, is omitted by an oversight; it forms part of the draft, and will be inserted in the copy that is to be promulgated.

8.—It is further ordered, that an Assistant Protector, or Procureur du Roi's Substitute, shall be appointed to reside at Vieux Fort or Soufrière; that he shall receive out of the colonial chest a salary of £100 sterling per annum; that he shall be subject to all the disqualifications and conditions set forth in the 3d, 4th, and 5th Sections hereof; that he shall make oath faithfully to execute and perform the duties of the office of Assistant Protector and Procureur du Roi's Substitute to the best of his abilities, without fear, favour, or partiality; that he shall possess the powers of the Protector in his absence, and be aiding and assisting the said Protector in the execution of the power committed to him; and for that purpose he shall obey and carry into execution such lawful instructions as he may from time to time receive from the said Protector, or from the Procureur-General, in relation to his office.

9.—And it is hereby ordered, that the 20th Section of the said Order in Council, relating to usufructuaries, tenants, and others, having the temporary enjoyments of estates, be, and it is hereby cancelled.

10.—And it is hereby ordered, until Sunday markets be utterly abolished, that, from and after the 30th day of June next, Sunday markets throughout the island shall be limited to the hour of eleven o'clock in the forenoon, and that due warning shall be given, by the ringing of a bell at half-past ten, to

* Vide Papers of 1825, page 277.

all persons to prepare to depart; and that, after the said hour of eleven, on person or persons whatsoever shall shew forth, or expose for sale, any meat, poultry, fruits, provisions, wares, merchandize, goods or effects, on pain of the forfeiture of the goods or effects so exposed.

And it is also ordered, that the Owners of all stores or shops kept open on Sundays after the said hour of eleven, for the purpose of trade, shall forfeit and pay £5 sterling.

Provided always that nothing herein contained shall extend to the prohibition of dressing or selling meat in inns or victualling houses, or to the sale of fish, provided the same shall not take place during the hours set apart for Divine Service.

11.—And in explanation of No. 22, to settle all doubts as to the proper meaning and intention of the said Section, it is hereby declared that it is and was originally intended that Plantation Slaves not being domestics, or employed in bringing grass or fodder, should not be worked on Sundays without being paid their wages, or the time being made up to them, as mentioned therein, nor shall they be employed on payment of wages, except on emergencies.

And it is declared that it shall not be, nor is it necessary to give proof, that the Slaves have been urged to work by actual compulsion, but on the contrary, the penalties shall be incurred whenever the Slave shall have been employed on Sunday, except in the cases herein and by the said Section excepted.

12.—In lieu of the Fête Dieu, the festival to be observed will be in future the fête patronale of the quarter.

13.—In addition and explanation of 24th Section, it is further ordered, that when the Slaves are employed at night, they shall, under any and every circumstance, be entitled to eight hour's rest consecutively out of the twenty-four hours, in the penalty provided in the 43d Section.

14.—And it is further ordered, with reference to the 30th Section, that when the Master shall allow his Slaves to work in their provision grounds during one whole day in every week throughout the year, in addition to the whole day out of crop, and half a day in crop, besides Sundays, already mentioned in said Section, he shall be required to furnish them with no provisions whatever.

15.—And for the full and effectual enforcement of the provisions contained in Section 37, it is further ordered, that on the day fixed by the Commission for the inspection of the several plantations, whereof public notice shall be given by the public Officer attached to each Commission for at least eight days previous to the day appointed, the Proprietor, Attorney, Manager, or other chief persons in authority on each estate, shall meet and accompany the Commission throughout their inspection of the said estate, unless prevented by sickness, or some other unavoidable cause, which shall be deemed satisfactory by the said Commission, on a penalty of £25 sterling, besides being called on to defray the expences attending a second visit, or a new Commission.

16.—The 39th Section is cancelled, and in lieu thereof it is ordered, that it shall henceforth be illegal for any person or persons within the said colony to carry a whip, or any other instrument of punishment, into the field or elsewhere, either as a badge of authority, or as a stimulus to labour, and all and every person acting against the true meaning hereof, or directing or authorising such illegal act, shall, if a free person, incur the penalty prescribed in Section 43; and if a Slave, he shall be subject to corporal punishment.

17.—The 40th Section, from and after the 1st of November next, is to be taken and considered as cancelled, and in lieu thereof the following is substituted:

The punishment of flogging shall not be inflicted by or on the part of the Master upon females above ten years of age, except in the execution of a sentence of a Court, or of an order from the Protector of Slaves, the Procureur du Roi, or the Assistant Protector. And the mode of inflicting such punishment shall, in all and every case, be subject to the rule laid down for males in Section 38 of the Slave-law.

Such punishment is replaced, with respect to females, by the stocks, by handcuffs, and solitary confinement.

18.—In addition to Section 41, it is ordered, that, on the infliction of the stocks or handcuffs, a free person, or six Slaves, shall be present to witness the infliction of the punishments long enough to ascertain that they are not inflicted in an illegal manner, or converted into instruments of cruelty.

19.—In addition to Section 42, it is hereby further ordered, that the plantation return shall further specify the name of the person by whose authority every punishment required to be recorded was inflicted.

And that the Commandants themselves shall make oath to the correctness of their returns and deliver in the same to the Protector, or Assistant Protector, within the time specified in said Section.

20.—The 50th Section is cancelled, and, in lieu thereof, it is hereby ordered, that the limitation of twelve months for the prosecution of offences shall only extend to the offences for which penalties are provided in the 43d, 44th, 45th, 46th, and 47th Sections, and which offences are set forth in the 21st and subsequent, down to the 42d Sections, according to the original intent of the said 50th Section.

21.—The 58th Section is amended in as much as the Procureur-General was thereby authorised to decide on the sufficiency of all objections which might be made to the marriage of Slaves. And it is therefore ordered, that the Procureur-General shall in all cases grant his permission to solemnize marriages among Slaves, unless it be shewn that such permission would be injurious to the Slaves themselves.

And it is further ordered, that all Slave marriages shall be performed gratuitously.

22.—The first Clause of the 74th Section is cancelled, and in lieu of the said Clause the following is substituted. It is hereby ordained, that slavery shall not operate as a disqualification for a witness, except in cases where his Master has an interest, and that in such cases the evidence of a Slave shall not be received either for or against the Master.

23.—The 75th Clause is cancelled, and in lieu thereof it is ordained, that the six Slaves called, in lieu of a free person, to witness punishments where such substitution is allowed by law, are permitted to give evidence as to such punishment for or against the Master.

SIR,

April 30, 1827.

IN transmitting the Order in Council amending the Slave-law, we beg your Excellency will be pleased to submit the following observations on that subject to the consideration of Earl Bathurst:

The clauses relative to the separation of the offices of Procureur-General and Protector are adopted partly from the Demerara, and partly from the Trinidad Orders, but should it be actually in contemplation to separate these offices, we must beg to call his Lordship's serious attention to the pecuniary circumstances of the colony. The Privy Council of St. Lucia have already submitted to your Excellency their unanimous opinion on this subject, and they are well aware that their address on that occasion was graciously received by his Lordship; the difficulties then contemplated they have struggled against, and in a great measure succeeded in overcoming; but they must venture to add, that they have it not in their power to provide at present for the necessary expence attending the appointment of another officer of the rank of Protector; though, should His Majesty be pleased to allow him a home salary, they would see no objection to the appointment.

They have also, with a view of aiding the Procureur-General in the discharge of his multifarious duties, and to remedy the inconvenience which has been severely felt, of referring on every occasion to Castries, appointed an Assistant Protector, with a moderate salary, who is to establish himself in one of the windward quarters of the island, and to possess the powers, but to be subject to the controul, of the Protector; of course the very first instructions which he will receive will require him to make a detailed report of his proceedings once in each week, and oftener if required.

This officer is subject to all the disqualifications as to holding Slaves, &c. of the Protector, and they learn with much pleasure that your Excellency has been pleased to adopt their suggestion of appointing a legal person, a notary public, resident in that neighbourhood, an European, educated in Europe, who has not a single relative in the colony; this they trust will prove that the planters of St. Lucia, taken generally, feel not the least disinclination to the minutest inspection of their estates, whilst it will relieve the Commissaries Commandants, who are planters, from the discharge of an invidious duty.

The regulations respecting Sunday markets have been extracted from the Demerara Order: the objections to limiting the hour to ten o'clock, urged by the Court of Policy, are, and must continue to be for some time, of equal weight here. It seemed that there could be no alternative between doing away with the Sunday market, and limiting it to eleven o'clock, and although they are perfectly aware that it is the intention to adopt the former measure, still they have thought it due to all parties to proceed gradually, as has been done with His Majesty's full approbation in the other colonies.

The penalties have been extended to persons keeping shops or stores open beyond that hour; the reason is obvious: why should a Slave be prevented from selling his provisions, whilst a free trader is permitted to carry on his usual business?

It appears to the Council that the 22d Section of the Slave-law, relative to Sunday-work on plantations, has not been exactly understood. This Clause is principally extracted from the old laws of the colony, and is more rigorous in its enactments than the Trinidad law. It does not distinguish between emergencies habitual, or extraordinary, a distinction, in the opinion of the Council, open to much cavil, but enacts that Slaves shall never be worked on Sundays without receiving wages, nor shall they be worked even on payment of wages except on emergencies. A planter employing his Slaves on Sunday, whether by compulsion or voluntarily, must therefore prove, first, the emergency: secondly, the actual payment of wages, and so it has been explained.

Section 23.—It seems the Fête Dieu in the colonies is never observed as a festival, whilst the Fête of the Patron Saint of the parish invariably is.

Section 24.—Regulation respecting night-watch. Field labour may be, and usually is, confined to certain stated hours, but the work of the sugar-house depends upon the mill, and that, whether a wind or water-mill, necessarily depends upon the weather and season. It is with owners of plantations as with millers and some manufacturers in England. But to prove the anxiety of the Council to render their Slaves as happy and comfortable as was ever contemplated by Government, they propose that in all and every case the Slave when worked at night shall have eight hours consecutive rest in twenty-four; this is more, they believe, than is generally allowed in many manufactories, though there the work is constant, whilst the business of grinding and boiling seldom requires more than one or two days in the week, and that on emergencies only during crop.

They have not considered it possible to make any addition to their inventory of clothing to be furnished under the 27th Section. There they have not only their own interests to consult, but those of a different class of persons, the absent creditors, who already complain of the expence of the supplies; and although the independent planter may and will, no doubt, add to this list, these additions should come as a gratuity from the Owner. Nor do they think it advisable to introduce provisions into a law so strictly enforced as this has been and will be, which they know it impossible for the smaller and poorer planters to comply with. The Demerara and Trinidad regulations,* both state that the Negroes shall be clothed according to the custom of the country; but in neither is it stated what this custom is, and an allowance of clothing can only be considered ample or scanty with reference to climate.

These observations will go far to explain the Clause added to the 30th Section. As it now stands they consider half a day in this colony as equal

* See Regulations 1st October 1784 for Demerara, and Sir T. Picton's Ordinances for Trinidad, 30th of June 1800.

to double the time in the neighbouring exhausted colonies. But such is the extreme distress existing on some plantations, that many Owners have actually given up a whole additional day in every week throughout the year, rather than furnish their Slaves with the moderate allowance of a pound and a quarter of cod-fish. The Slaves naturally prefer an arrangement by which they obtain two days and a half, and three days in seven; and with this they can not only supply themselves with any kind of food, but they may purchase additional clothing; and may, if at all industrious, raise, in the course of a few years, a sum sufficient to redeem themselves. It will easily occur that the planters who grant this additional day, are the same class of persons whom the Council do not consider themselves warranted in compelling to furnish additional clothing.

The island is thus also rendered perfectly independent of a foreign market for its supplies, an object of no small consideration at this moment.

Section 37.—It was to be expected that the Slave law would excite dissatisfaction among many; the Commissioners, however, have only reported two instances in which this spirit has manifested itself, in a manner requiring repression by means of additional regulations. The additional Clause in this Section is introduced to meet the inconvenience pointed out.

The 39th Section is extracted from the Demerara Order, in conformity with the intentions of His Majesty's Government.

Section 40.—The correction of females by whipping is permitted till the age of ten, under the Master's authority; and after the 1st of November next, this punishment is not to be inflicted on adult females, either by authority of the Master or of any public Officer being a planter.

In a few years the Council fully agree that it should be abolished altogether; at present they feel this cannot be done with safety; at the same time this power surely cannot be lodged in hands more likely to exercise it with discretion than the Protector and his Assistant, viz: the Procureur du Roi and Substitute.

A rather distant period, the 1st of November, has been fixed to give Slave Owners ample time to erect cells, and to prepare their Slaves for the change.

Section 41.—With respect to the infliction of the stocks and handcuffs; Section 41 of the law of the 8th February, as well as the 42d Section, relating to the forms of plantation returns; the 50th Section, relating to the limitation of twelve months for the prosecution of offences; the 58th, relating to the marriages of Slaves; and the 74th, relating to Slaves' evidence; the amendments pointed out by his Lordship have been adopted as nearly as could be in his Lordship's own words. The obscurity in the 58th Section merely arose from a misprint.

On the whole, one suggestion alone have they considered themselves bound to reject—that, by which it is required that the property of a Slave dying intestate and without lawful heirs should revert to the Crown, to the prejudice of the Owner. A few months since, the whole of the property which now belongs to a Slave belonged by law to the Owner. This they have voluntarily and in the most ample manner given up, having declared, in unequivocal terms, that, "in all that relates to the acquirement, administration, or disposal of his private property, the Slave was, with the single exception under consideration, to be declared free." They have also allowed the Slave to redeem himself on payment of a fair consideration, having readily and voluntarily adopted the compulsory Manumission Clauses. But all these sacrifices they have made *for the Slave's benefit*; further they don't think themselves warranted in going. Having amended every thing else, it would have been most agreeable for them to yield a point which, however important in principle, can be productive of very little inconvenience in practice; but they cannot conscientiously consent to a modification and consequent sacrifice of property, with reference to which *the principle that has influenced them throughout their labours no longer applies*.

Having, at the request of the Council, submitted to your Excellency the above explanation of our views and motives, I shall, from the active part which I have taken in this matter in my own name, beg leave to add, that I

fully concur in every one of these resolutions, except that relative to Sunday markets.

It is gratifying to have to observe, that, as I am the only Member of the Privy Council who is not a Slave holder, the Slaves are indebted to their Owners, to Planters, for the manifold advantages they enjoy under the law of the 8th of February 1826, and the present Order in Council.

I have, &c.

(Signed) JOHN JEREMIE, First President,
Senior Member of Council.

His Excellency Major-General Mainwaring,
&c. &c. &c.

D E M E R A R A.

No. 1.

MY LORD, *King's House, Demerara, 14th December 1825.*

I HAVE had the honour to receive your Lordship's despatch, of the 24th August, upon the subject of which I must request to offer your Lordship some explanation, because it appears to me, that there are circumstances relating to it, of which your Lordship is not at present aware.

In your Lordship's despatch of the 20th November 1824, is the following passage:—

“ Under this head therefore, the variations between the law proposed by the Court of Policy, and that passed by His Majesty in the Council, are very considerable.

“ The most important of them however, is the necessity imposed on every Slave seeking to obtain his manumission, although with the approbation of his master, to procure also the consent of the Governor and Court of Policy. This law indeed appears to have been established by an Ordinance of Lieutenant Governor Murray and the Court of Policy, passed on the 6th April 1815, and the present plan proposes only to affirm and continue this law.”

“ This law, however, has never received his Majesty's sanction, and, in truth, appears to be open to very grave objections: I am not aware of any other instance in which it has been distinctly propounded as a maxim and rule of law, that the owner of a Slave has not the right of effecting his emancipation.

“ The Act, indeed, goes as far as to provide, that any person who, without the consent of the Court of Policy, shall effect beyond the jurisdiction of the Colony, (in England for example) the manumission of a Slave in Demerara shall become liable to a fine of 1000 guilders. I have it in command from His Majesty to inform you, that so far from adopting and re-enacting this law, it is intended to take the earliest opportunity of passing an Order in Council to abrogate and disallow it; and in the interval, before the arrival of that Order, you will observe, that the provisions of this ordinance of the Court of Policy are not to be put in execution by you, or under your authority.”

After having read this carefully, and considered it maturely, I could give it no other acceptance than,

1st. That the existing mode of manumission, as prescribed by the Colonial enactment of 1815 was so objectionable, *on account of its requiring the previous consent of the Council of Policy to all manumissions*, that I was peremptorily forbidden to suffer it to be acted upon any longer.

2d. That in consequence of the above objection to the provisions of that enactment, an Order in Council would be immediately sent out for the regulation of this single point (manumission), independent of the other points of melioration then under discussion, and without waiting for their ultimate arrangement.

In this acceptance the President of the Courts of Justice, and the Crown Members of the Court of Policy, as well as the Colonial Members, entirely concurred.

In the despatch before me, your Lordship informs me, that I have misunderstood the intention of His Majesty's Government, this having been, that the law of 1815 should be suspended, and the preceding law, which that had abrogated restored in its stead.

Hereupon, with all possible deference, I will ask permission to apprise your Lordship, that the Ordinance more immediately repealed by that of 1815, as well as the previous and more remote ones, contained equally the objectionable provision, for there is no period of the history of this Colony, so far as I can discover, in which the consent of the Court of Policy, solicited by formal permission, was not made an indisputable preliminary condition to all manumissions.

The Act of 1815 had made no alteration in this provision, which it had adopted from all preceding regulations upon the same subject, and hence, the restoring and acting upon any of the latter would not have affected the evil which your Lordship had desired to remedy.

No Act could be found which did not contain the condition in question, and therefore there was no Act upon which, in the spirit of your Lordship's injunction, manumissions could for the moment proceed.

It was in this view of the case that I understood the second part of the passage of your Lordship's despatch already cited, as announcing the coming of an Order in Council, because, presuming your Lordship to have been aware of the state of the manumission laws of the Colony, as above described, it appeared natural to me, that your Lordship should resort to the only measure, which, under the actual circumstances, could immediately effect the proposed object.

In this conviction it also was, that when several successive mails from England arrived, without bringing the expected Order in Council, I addressed to your Lordship my private despatch of the 15th May, (to which I request to refer) soliciting your Lordship's attention to the inconvenience resulting from its delay.

In justice to myself, I have felt it necessary to offer to your Lordship this explanation, from which I trust it will be evident, that, in the course pursued, there was no alternative before me.

Meanwhile, no real wrong or prejudice, beyond that of a short delay, will have been done to those Negroes whose owners have, in the interim, petitioned for manumission (these have been but few), because they were respectively acquainted at the time that notice would be duly given them to apply again, when they would receive their manumissions with the advantage of getting them free of expence.

Notice has accordingly been given, and upon the 1st day of the next month, these manumissions will, under the provisions of the new Slave Code, be issued, without expence to parties.

I have, &c.

(Signed)

B. D'URBAN.

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

No. 2.

MY LORD,

King's House, Demerara, 24th January 1826.

IT having appeared that the 15th clause of the Slave Melioration Code of the 7th September last, would be defective without a *form* being prescribed for the keeping Punishment Record Books (an omission which had unavoidably happened), a supplementary clause to remedy this defect was passed at the last sitting of the Court of Policy, of which I have the honour to enclose a copy, hoping that your Lordship may approve it, and that His Majesty may be graciously pleased to sanction it.

I have, &c.

(Signed)

B. D'URBAN.

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

Form of Punishment Record Book.

Publication.—By His Excellency Major General Sir Benjamin D'Urban, Knight, Commander of the most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, Lieutenant Governor in and over the Colony and Dependant Districts of Demerara and Essequibo, Commander-in-Chief, &c. &c. and the Honourable the Court of Policy of the said Colony.

To all to whom these Presents shall come, greeting, be it known.

WHEREAS by a certain ordinance made and passed on the 7th day of September now last past, and published on the 20th day of October following,

DEMERARA.

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it is ordered and declared that there shall be kept by every person having charge of a task or working gang of Slaves, exceeding six in number, and upon every estate throughout the Colony a Book, to be called a Punishment Record Book, as in and by the 15th section will, on reference being thereto had, more fully and at large appear;

And whereas it is expedient that the said Punishment Record Book should be made and kept in a certain general and established form;

Be it, and it is hereby ordered, that every owner, proprietor, manager, or other person, who, according to the 15th section of the said recited, is ordered and enjoined to keep a book, to be called a Punishment Record Book, shall and is hereby directed to keep the same according to the form more particularly set forth in the schedule hereunto annexed.

Punishment Record Book of _____ belonging to _____ situate
in _____ and having a number of _____ Slaves.

Date of Entry.	Name of Slave.	Nature of offence.	Time and Place of Punishment.	By whose Authority.	By whom inflicted.	Witnesses.	Nature and Extent of Punishment, if a Female.	Extent of Punishment, if a Male.

And that no ignorance may be pretended of what is hereinbefore directed and required, these presents shall be published for general information as customary.

Thus done in our Ordinary Assembly, held at the Court House, George Town, Demerara, the third day of November 1825, and published on the 19th following.

(Signed) B. D'URBAN.

By command of the Court,
(Signed) CHARLES WILDAY, Deputy Secretary.

No. 3.

MY LORD,

King's House, Demerara, 25th April 1826.

A SHORT time ago several of the most respectable landed proprietors of this Colony waited upon me for the purpose of requesting permission to hold a meeting of the Colonists, with the object of drawing up a humble Petition to His Majesty, a copy of which they then submitted for my perusal.

Aware, as I am, of His Majesty's most gracious will that the Petitions of his faithful Colonial subjects should receive every due facility from his Governors, to reach the foot of the throne, and perceiving nothing improper in the manner of the Petition, while the matter of it was unquestionably of the deepest interest to those desiring to petition, I told these gentlemen, that upon its being returned to me, signed by such a number of the most considerable proprietors as might give it the weight of emanating from the best sources of the Colony, I would not fail to transmit it to your Lordship.

At the same time I suggested, for reasons which I was sure would be obvious to them, the prudence of not holding at this moment a public meeting for the purpose of proposing and discussing this measure, but that they should send the Petition in succession to the persons most proper to sign it.

They readily and immediately agreed with me in the expediency of taking this course, and have now returned the Petition to me signed accordingly.

I have the honour to transmit it to your Lordship ; and your Lordship will perceive, by the extent of population of the respective estates, of which many of these gentlemen are proprietors or representatives, the immense interests which are entrusted to their care and keeping.

I have, &c.
(Signed) B. DURBAN.

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

To the King's Most Excellent Majesty.

The humble Petition of the Colonists of the United Colony of Demerara and Essequibo.

MOST GRACIOUS SOVEREIGN,

WE, your Majesty's dutiful and loyal subjects, the Colonists of Demerara and Essequibo, entreat permission to approach your Majesty with this our humble Petition.

As British subjects, devotedly attached to your Royal Person and Government, we implore your Majesty's gracious protection from the dangers which threaten our lives and properties, and we have the firmest reliance on your Majesty's wisdom and paternal goodness, extending towards us at this crisis, that much required protection, without which we feel, that ere long, the inhabitants of this valuable Colony and your Majesty's West India possessions generally, will be plunged into an abyss of irretrievable ruin and misery.

From the nature of certain notices, recently given, of motions to be made in the Commons House of Parliament, deeply affecting our interests, we feel the greatest apprehension and alarm ; and it is now apparent, notwithstanding the measures recently adopted, and the improvements which have taken place in the condition of our labouring population during a series of years, and which are still in progress, that no prudent system of amelioration will satisfy those who seem bent on schemes, which, if enforced, must inevitably lead to the destruction of our properties, endanger our lives, and eventually cause the loss to your Majesty of these valuable Colonies.

We, your Majesty's dutiful and loyal subjects, are kept in a constant state of agitation and alarm, by reason of the calumnies and insidious means to which our enemies have resorted, for the purpose of raising a popular clamour, and prejudicing the minds of our fellow subjects in the Mother Country against us.

In such a state of things, we have no alternative but an appeal to your Majesty's sovereign authority, which, we confidently trust, will not be made in vain.

We, therefore, Most Gracious Sovereign, humbly pray, that it may please your Majesty to afford us an opportunity of being heard by counsel, and of producing evidence to your Majesty's Government, to shew the real state of a case hitherto very imperfectly understood, and much misrepresented in the Mother Country, and the effects which such measures, as are now avowedly intended to be urged in Parliament, will have on the rights of the Colonial proprietors, and on the well-being of the labouring classes themselves. And we further humbly entreat, that no further measures, in any manner relating to this momentous question may receive your Majesty's sanction, until we have had such opportunity, as your Majesty may be graciously pleased to afford us, of being heard before your Majesty and the Right Honourable Privy Council, on the merits of a case, involving, as your Majesty's petitioners humbly conceive, not only their vital interests, but also those of the Empire at large.

And your Majesty's humble petitioners, your Majesty's dutiful and loyal subjects, the Colonists of Demerara and Essequibo, as in duty bound, will ever pray.

No. 4.

Extract from a Letter from Earl Bathurst to Sir Benjamin D'Urban, dated 12th of May 1826.

“As the necessary reform must therefore be unavoidably postponed to a future period, it will be expedient to adopt some immediate, but temporary, measure to amend the rules of proceeding, in criminal cases, against persons prosecuted under the recent Act of the Court of Policy for improving the condition of Slaves. On referring to that Act, you will perceive that no express provision is made, as to the form in which persons accused of cruelty to Slaves are to be prosecuted. All fines and forfeitures are to be recovered before the Court of justice, ‘in the usual and ordinary manner, as in the case of other fiscal actions.’

The disposition already manifested by the Court of Policy, with so much credit to themselves, to improve the condition of the Slave population of the Colony, authorises me to rely with confidence on their cordial co-operation, in every measure necessary for giving full effect to the ordinance which you have recently passed, with their advice and assent. You will therefore take the earliest opportunity of bringing under their consideration, such measures, as may in your judgment be best adapted to abridge and simplify the forms of criminal procedure under the Slave Melioration Act. The Court of course would not enter upon the question of reform of the administration of the criminal law in general. The amendments which will hereafter be introduced, with the assistance of the Commissioners of Legal Inquiry, may incorporate such useful alterations, as the Court of Policy may make in reference to the subject of criminal proceedings in this particular case.”

No. 5.

MY LORD,

King's House, Demerara, 10th August 1826.

IN a postscript to my despatch of the 2d July (dated 4th July), I shortly informed your Lordship of what had taken place in the Court of Policy of the 3d July, upon the consideration of your Lordship's despatch, No. 43, of the 25th of February, respecting the Slave Melioration Act, and submitted my reasons for having adjourned the farther consideration of it to the Court's ordinary Session in the end of the month.

No. 1. Enclosed is an extract minute detailing the proceedings of that day.

Upon the 31st of July the Court met, pursuant to adjournment, and proceeded to the final consideration of your Lordship's despatch. The enclosures Nos. 2 and 3, are the minutes of its proceedings on the 31st July and 2d instant respectively, together with the result of them.

By these minutes your Lordship will perceive, that the colonial members were willing to adopt your Lordship's suggested amendment of the clause for “instituting suits in behalf of Slaves;” but that with respect to those relating to “Sunday labour,” “Slave property in land,” and “manumissions invito domino,” they have adhered to their former conclusions, as communicated to your Lordship in my despatch of the 15th of September last.

As the proposed amendment has only been adopted in one clause (and that, perhaps, the least important of them), and especially as the desired principle of manumissions has not been received, I have not judged it expedient to promulgate here any supplementary enactment for the sole purpose of altering the 27th clause of the existing Act, considering it better that, whatever alterations in these clauses may ultimately be resolved on by His Majesty's Government, should all take place at once.

With reference to your Lordship's despatch, of the 17th of March, and to my despatch in reply, of the 11th of May, I have written to Lieutenant-Governor Beard, informing him that no alteration has been made by the Court of Policy in the Demerara Slave Act of September 1825, and trans-

mitting him a copy of it, in order that his Excellency may thereupon take such measures, in regard to Berbice, as he may judge expedient.

I have, &c.

(Signed) D'URBAN.

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

No. 1.

Extract from the Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and dependent Districts of Demerara and Essequibo, at its Extraordinary Assembly, held at the Colony House.

George Town, Demerara, Monday, 3d July 1826.

(After Prayers.)

HIS Excellency then called the attention of the Court to the business for which the Court had this day been especially convened, and thereupon directed the Secretary to read the despatch from Earl Bathurst, dated Downing Street, 25th February 1826, for the further information of the Court in the first instance.

The thanks of the Court having been returned to his Excellency for the foregoing communication, the secretary proceeded to read the despatch.

(*Fiat insertio.*)

Which having been read accordingly, the member Van Berckel rose, and stated that as Earl Bathurst strongly urged the Court to alter some parts of the Slave Code as it now stands, and even condescended to suggest some modifications under which the provisions, insisted on by his Lordship, might in his opinion be adopted, it is the duty of this Court to give the subject the most serious consideration, with a view, if it can conscientiously be done, to alter the opinion hitherto expressed by the Court in its former resolutions, by the adoption of some modifications in such a manner as to meet the views of His Majesty's Government, expressed in Earl Bathurst's despatch of the 25th February 1826.

That it appears to him that the importance of the subject does not allow a hasty decision, but, on the contrary, that the respect due to His Majesty's Government renders it imperative on every member of this Court sedately to consider the suggestions made by Earl Bathurst, and to apply their best abilities to the end of forming a cool and deliberate judgment, consistently with an honest discharge of their duty.

For this purpose he begged leave to propose, that the time for the next ordinary meeting of the Court not being far distant, the members might be allowed to employ the interval in reconsidering the whole subject still before them, so as to enable the Court at the next meeting to come to a final conclusion.

His Honour Mr. President Wray expressed his regret that the present opportunity of discussing this important measure should be postponed, especially as it was not improbable but that he should have left the Colony before the proposed time of entering further into the question should arrive, and as he had given this subject much consideration, he wished to express his sentiments on the present occasion, whereupon his Excellency and the Court having stated their readiness and wish to be in possession of his Honour's views,

His Honour the President stated that he had given much attention to the last despatch of Lord Bathurst, and had also reconsidered the proceedings of the Court of Policy, from the commencement of the discussion on this important question up to the present period. He had found, throughout, the greatest readiness on the part of the Court to comply with the wishes of His Majesty's Government, and on the part of Government a manifest disposition to prefer the adoption of the suggestions by the Court of Policy, to the mode of issuing an Order in Council as had been done in Trinidad.

The Court of Policy had also conceived, and justly so, that any law would have a better effect on the Slave population if it were enacted by the local Government, than if it were sent from England.

It was clear that if the clause of manumission, now proposed, was not passed here, it certainly would be, and that immediately, at home.

If the Court still continued to consider the manumission clause as one which

would be injurious to the interest of the Colonists, he, nevertheless, thought it most prudent to admit it, with such checks and modifications as the Court's experience would suggest, and that the Colonial members would be best discharging their duty to their constituents, even when acting against their own opinions, by adopting its principles, but qualifying as far as possible those points which they conceived to be dangerous to their property.

This Court had, it was true, twice rejected it, but the present question was, whether the proposal now made was so much the same as the former one, that the Court could not adopt it without gross inconsistency. His honour thought the proposition very materially changed. Two principles were now fully admitted, the extent of which might hitherto have been thought doubtful, and which had a tendency to obviate many of the former objections of the Court.

The most material difficulty had always been, that the removal of an intelligent active Negro from an estate injures it to a greater degree than can be compensated by the value of the individual Slave. The Trinidad Code provided no remedy for this, and it was the clause of that Code which the Court had not thought it right to adopt.

If the evil anticipated could be avoided, or its danger mitigated, it would be consistent with the former conduct of the Court: safe, but at any rate, in his Honour's opinion, certainly prudent to adopt the measure.

The principle of valuation now proposed, was not merely to put a value on the Slave to be manumitted, but, taking the fullest and comprehensive view of the effect caused by the manumission, to make compensation to the owner, for any deterioration of his property caused thereby, or, in Lord Bathurst's words, to make "a fair estimate of the loss which the owner may sustain by the act of manumission." This was in effect not to value the Slave but the owner's loss, and this to be ascertained by such tribunal as the Court might think desirable.

The second admitted principle was equally important, and openly expressed in Lord Bathurst's former despatch of 9th July 1825, that manumission should be the "result and reward of habitual industry;" and in the present despatch, that it should confer on the Slave "a right to purchase his freedom by the fruits of his honest earnings."

To keep this principle in operation, his Honour would propose, that an investigation as to the manner in which the property of the Slave was acquired should be gone into before the same tribunal which he had before mentioned.

The Slave's fairest claim to manumission would rest on reasonable proof, or presumption from general habits and conduct, that the money produced by him was the savings of his honest labour; but the possession of sufficient property obtained by inheritance, accompanied by proof of habitual industry and good conduct, should also entitle him to the same indulgence.

His Honour thought that the existence of this habit and good conduct should be shewn before the same tribunal that inquired into the manner the property was obtained, and which estimated the master's loss.

In a population of more than 70,000 Slaves the Protector could not be supposed to be acquainted with individual character; and indeed it was highly probable that the quiet, well-disposed, most deserving Slave, would be the least likely ever to have been brought to his notice.

His Honour proposed to exclude from this compulsory clause all money lent, given, or raised by public subscription, and he thought that would not be adverse to the two leading principles of Lord Bathurst's despatches; indeed, with regard to subscription, his Lordship says "measures could easily be taken to defeat such a plan, if indeed provisions might not be introduced in the law itself to prevent it." One very obvious and important result must be obtained, that of bringing any future alterations, which the Government might consider advisable, to the consideration of the Court of Policy before they were adopted, giving the local Government an opportunity of modifying and in some instances (as had already occurred) of shewing His Majesty's Government that the propositions made were inexpedient. On the contrary if the additional clause were passed by Order in Council at home, there could be but little doubt that such would be the course hereafter pursued.

Should however, the Court come to the determination, which his Honour hoped it would, to admit under the precautions he had mentioned, the prin-

principle of manumission contrary to the will of the owner, he nevertheless thought that the Trinidad Code, which allowed a member of a family to purchase himself apart from the rest, had a direct tendency to subvert those moral and religious feelings which it was the object of the law to promote as the ground-work of civilization and freedom.

It had been stated to him, not to be impossible, that young females would be purchased from the several plantations, and particularly from those near George Town; and he could not perceive any thing in the Trinidad regulations which could prevent this, if the purchaser and the girl agreed on the subject, and the children (in addition to the immorality of the connection) produced thereby, would be left to the probability of poverty by the sickness, absence, or death of the father, in which event, they must look for support from the casual charity of the public.

But the most material objection he had to the separate purchase, was, that it must in numerous instances discontinue the ties arising from matrimonial engagements, and consequently have the general effect of making the Slave population regardless of the sacred obligation of matrimony.

Under the Trinidad Law, the father of a family of young children could buy himself.

As a free man there was no law to compel his living with his wife, and no law called upon him to support his wife or children, the Slaves of another person. Could any law compel the master to give his late Slave, purchased against his consent, and now free, the right to live upon his property, or to come to it at all? So long as the freed man continued to work (if at all) as a hired servant, no evil might arise; but the law clearly left it in the power of either the master or of the Slave who purchased himself, in such a case, substantially to dissolve the marriage contract.

The consequence of this he need not observe, would be to a certainty, adultery by both parties.

If a wife were to purchase her freedom, leaving her husband in Slavery, the same consequences would arise, commencing, however, with a total destruction of the control of the husband over the wife.

It therefore appeared to his Honour, that to prevent these evils, and to support these clauses relative to the marriage of Slaves, it was necessary that the Slave, who wished to purchase himself, should be compelled, under certain restrictions, to purchase also his family.

And it was obvious, that if the purchase by families were required from those only who were married, it might operate as a discouragement to matrimony. His Honour thought that it should be extended to reputed husbands, wives, and children in the same manner as execution sales by the Marshal. He therefore wished to express his opinion of the expediency of adopting the manumission clause subject to the restrictions he had mentioned, and the provisions he should propose were,

First, That Slaves should be allowed to purchase themselves, (if members of a family) only with the families, limiting this to husbands and wives and their children up to an age to be hereafter determined, and not separated from them by having formed other connexions.

Secondly, That the labour of the father, mother, or children should have produced the purchase-money.

Thirdly, That the money price, whether of a single Slave or of a family, should be ascertained, not by the value of the Slave or family, but by the loss the owner would sustain by the sale.

Fourthly, An express negative on the application to the purpose of manumission against the consent of the owner, of any funds which might be obtained by gift, loan, or subscription, either private or public; one exception only to be made in favour of property acquired by inheritance or legacy, and even then to be so applied in these cases, only when it was accompanied with proof of habitual industry and good conduct.

Fifthly, That all the facts, which might be important, contained in the former suggestions should be ascertained by a tribunal constituted, as nearly as it could be, to prevent any supposition of prejudice or partiality, and likely at the same time from its practical knowledge to come to a just conclusion.

His Honour having concluded the foregoing observations, and the propositions

which he made, and the changes which he suggested in the Trinidad Code being considered very material, the Court requested his Honour would allow his remarks to be placed upon the minutes, and that the secretary should be directed to send an extract from this day's proceedings to each member.

His Honour having assented to the proposal of the Court, and in order that full time might be allowed them to consider this important subject in a point of view not before taken of it, the Colonial Members requested his Excellency the Lieutenant Governor to adjourn the Court until the next ordinary session in the present month. His Excellency having agreed to this,

The Court was then adjourned till the ordinary session accordingly.

No. 2.

Extract from the Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and dependent Districts of Demerara and Essequibo, at its Ordinary Assembly, held at the Colony House.

George Town, Demerara, Monday, the 31st of July 1826.

(After Prayers.)

THE Court proceeded with the consideration of Earl Bathurst's despatch, dated Downing-street, 25th of February 1826, commencing *seriatim* with the three subjects pointed out by his Lordship; viz.—1st, Sunday labour; 2d, The right of Slaves to hold land, including the subject of actions by the Protector of Slaves; and 3d, Manumission.

1st. The Court, after giving every due consideration to the observations contained in the despatch of Earl Bathurst, on the subject of labour performed on Sunday in potting sugar and drying coffee and cotton, regrets that in a point of such apparently minor import, it is reluctantly compelled to reiterate its objections to accede to the wishes of His Majesty's Government. But the members of the Court taking a practical view of the question, consider the labour thus performed so completely analogous in its principle to that performed by domestics, watchmen, persons employed in tending cattle, &c., that they are unable to see on what just grounds payment should be made to the one class and withheld from the other; indeed the strongest claim for remuneration would appear to lay in favour of domestics, watchmen, &c., because, though in every case the labour is very light, yet the whole time of these classes is in some degree occupied on every Sunday throughout the year, whereas only a small portion of the others is taken up, and this, too, for the half, or a fourth, or even a less number of Sundays in the year; that the Slaves themselves would take a similar view of the subject, the Court feels fully convinced, and therefore entertains well founded apprehensions that a feeling of great dissatisfaction and discontent would naturally be raised in the minds of a valuable portion of the Slave population, if they saw that the minor necessary Sunday occupations were remunerated, and they themselves who gave up the whole day, must go unrewarded. For it is in vain to hope that they will enter into the nice distinctions which may be very clear and apparent to minds of a higher order.

It is on this ground, and not with the object of saving a trifling expense to the planter, that the Court continues to hold its unshaken opinion of the inexpediency of altering the Law as it now stands on this point.

It can scarcely be necessary to point out the propriety of these species of Sunday occupations being equally with that of domestics, watchmen, &c. compulsory, for if it depended on the will of the Slaves, it is possible that the produce of the whole labour of the preceding day, or even of half the preceding week, might be irretrievably injured by their refusal to perform the slight but necessary operation which its preservation required; nor can it be questioned that the Slave has an interest along with his master in preserving the crop that has been so far prepared; for on the crop depends the entire means of the planter to furnish his Slaves with food, clothing, medical attendance, lodging, and all the various comforts that he supplies them with. And out of it he must support not only the labourers who assist in the production, but also the infant, the invalid, and the infirm, who form the most numerous class of the population of an estate. Let it be borne in mind, too, that these are works, not

of choice, but of necessity, and if it is left optional with the Slaves to perform works of that description in one case, they may conceive it to be optional in all, and thus they might refuse their assistance in stopping a breach in the dam, or a conflagration, or in preventing the damages likely to arise from such like casualties.

With regard to the labour of picking coffee and cotton on Sundays, which is performed for wages, the Court sees no objection to having it clearly expressed, that this is only allowable when voluntary on the part of the Slaves. This has been the unvarying practice of the Colony, and the principle is unobjectionable as applied to labour of this description.

2d, The next subject adverted to in Earl Bathurst's letter relates to the property of Slaves, and first to the right of holding property in land.

The Court of Policy allows that a consideration of the disadvantages the Slaves themselves might labour under as proprietors of land, had considerable influence on its decision on this point. But there were other very weighty causes of objection to their being permitted to hold landed property.

The liability to imprisonment for taxes and other charges, which a proprietorship in land may render them subject to, is far from a slight or inconsiderable objection, nor is it easily to be obviated.

It is true that the property on the land, and the land itself, are, by the existing Laws of the Colony, liable in the first place, and must be exhausted before the person can be seized, and yet it is matter of every day's experience, among the lower classes of the free coloured people who have acquired lands and tenements (nor is it to be wondered at where land is of so little value), that the whole property being consumed in the expenses attending a suit and levy for debts and taxes, the debt, or part of it, remains unsatisfied, and their persons consequently liable to imprisonment.

That apprehension seldom follows with this class of people is equally true—and why? The expense of maintaining them whilst under confinement would devolve on the creditor, who would thus only incur further loss, without even the hope of future compensation.

That the like forbearance would not be observed to a Slave under similar circumstances may be fairly presumed, because there would be a well grounded expectation that the master of the Slave would pay the debt in order to recover his services, and thus the master would in point of fact become liable for the debts of his Slave. Again, the rights which a proprietor of land holds in and over his property, appear to the Court incompatible with the state of Slavery, and inconsistent with that due subordination and discipline which the well-being of both Master and Slave, and the safety of the Colony require. Suppose a Slave has become legal proprietor of a piece of land, he has built a house upon it, he goes into his house and shuts himself up, refusing to return to his employment on his master's estate—by what means is the master to get him back to his duty? Can he invade his property, in contravention of the rights which have been thus given him? And will he not be compelled to have recourse to a tedious and expensive process of Law in order to reach him? Or, is it to be considered that the Slave, in becoming the purchaser of landed property, takes it subject to all the rights which the master holds over his person.

It may be argued that the same difficulty exists where a runaway Slave is sheltered in the house of a freeman, but we answer that the Laws of the Colony make the harbouring of runaway Slaves punishable by fine or imprisonment. But how is this to apply to a Slave who shelters himself on his own property—or how is he to be dealt with for harbouring other runaway Slaves upon it? The questions and difficulties that would arise out of this measure are innumerable and perplexing, and, in the opinion of the Court, in many cases insurmountable.

The multiplying of small proprietorships in and about town, has been adverted to by the Court on a former occasion as a growing evil, from which much irregularity and crime had taken their rise, and it is to be apprehended that the rapid increase of the lower class of free population from manumission and otherwise, will render that description of tenement an object of great anxiety to the police, if not to the Government of the Colony, and to permit Slaves to hold such property would be to increase the growing evil and danger to an alarming degree.

The Court, therefore, on the ground of its being no advantage to the well-disposed Slave, and likely to lead to much inconvenience, disorder, insubordination, and crime on the part of the designing and ill-disposed, is still of opinion that the right to hold property in land ought not to be granted to the Slave.

With respect to the institution of actions in behalf of the Slave by the Protector, the Court having referred to the existing Ordinance, and after full consideration and discussion of the alteration proposed by Earl Bathurst, agreed to adopt the same.

And it was resolved, that the clauses of the 27th section of the existing Ordinance "for the religious instruction of Slaves in His Majesty's Colony of Demerara and Essequebo, and for the improvement of their condition," enacted the 7th September 1825, and published the 20th October following, shall now be altered and stand thus :

" 27. And whereas, by the usage of this Colony, persons in a state of Slavery have hitherto been permitted to acquire, hold, and enjoy property free from controul; and it is expedient that the said custom should be recognized, and, as far as need be, established by Law; and that provision should be made for enabling Slaves to invest such their property on good security: be it therefore and it is hereby ordered and declared, that no person in this Colony, being in a state of Slavery, shall be deemed, or be taken to be, by or on account of such his condition, incompetent to purchase, acquire, possess, hold, enjoy, alienate, or dispose of property; but every such Slave shall be, and is hereby declared competent to purchase, acquire, possess, hold, enjoy, alienate or dispose of money, cattle, implements or utensils of husbandry or household furniture, or other effects of such like nature, by him, her, or them honestly and lawfully acquired or held, *save and except fire-arms and ammunition, as is forbidden by the 22d clause of the existing Law, and such Colonial produce as is prohibited to be sold or bartered by the 11th article of the same Law.*

" And it shall be in the power of the owner, or legal possessor of any Slave, or of the Protector of Slaves, and he is hereby authorized to bring, maintain, prosecute, and defend, on behalf of every such Slave, any suit or action in any Court of Justice in the said Colony, 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; and the Protector of Slaves may, if he see fit, apply to his Honour the President of the Court of Justice for an Order on all public officers to act without charge in like manner as in suits instituted *pro Deo*. Provided always, that it shall not be lawful for any Slave to hold or keep upon the land of his owner, or that of any proprietor, any stock or animals, unless with the consent of such owner or proprietor; and in case any Slave or Slaves having such stock, and being warned to remove such stock or animals, should refuse or neglect to remove the same, it shall be lawful for the owner or other person having charge of such plantation or estate, to destroy the same, or cause it to be done by others."

The Court declaring to abrogate and repeal the remaining part of the said section or article 27, commencing with the words "and if any white," and ending with the words "at the discretion of the Court," agreeably with draft now inserted in this day's minutes.

3°. The foregoing points having been disposed of, the Court then entered upon the consideration of the remaining clause relative to manumission. Whereupon the honourable Member, F. P. Van Berckel, rose and read the following statement :

Compulsory Manumission.

Before I enter on the momentous subject which now occupies the attention of the Court, I deem it necessary distinctly to state that I have not had the least communication of any kind with any one member of this Court on the subject of this most important clause. I feel myself called upon to say so on account of the new turn which Mr. President Wray's proposition, entered on the Minutes 3d July last, is intended to give to the subject, and which is so widely different from that unanimity which has hitherto marked all the deliberations of this Court on the subject of the Slave Code, under which circumstance I think that every member is called upon to give distinctly his own

vote in a conscientious manner without any bias from the suggestions of any one tending to prejudge the question. I have been the more induced to abstain from all communication with my colleagues, because, should any demerit be attached to any part of my observations, I wish the responsibility to rest solely with myself, without involving others in any share of it, for having, perhaps too confidently, listened to what in the exercise of my judgment I consider as the fair way to come to an honest opinion. I deem it most conducive to a calm inquiry at the outset to set at rest an observation made by his Honour in the introductory part of his proposition, prescribing the line of conduct which, as he thinks, the Court generally, and the Colonial Members more particularly, ought to follow. *If, says he, the Court still continues to consider the manumission clause as one which would be injurious to the interest of the Colonists, he nevertheless thought it most prudent to adopt it, with such checks and modifications as the Court's experience would suggest.* It is not for me to anticipate in what manner the Court will be able to exercise its prudence in giving its sanction to a principle or measure which it considers injurious to the interests of the Colonists. I am better able to judge of the propriety of following the admonition given by his Honour to the Colonial Members when he tells them *that they will be best discharging their duty to their constituents, even when acting against their own opinions, by adopting the principles of the compulsory manumission clause, but qualifying, as far as possible, those points which they conceive to be dangerous to their property.* The selection thus made of Colonial Members, in contra-distinction to Official Members, has an invidious appearance, as those who cannot be minutely acquainted with the facts might thence conclude that the rejection of the Compulsory Manumission clause has been chiefly, if not solely, owing to the opposition made by the Colonial Members against the opinions of the Official Members, whilst the truth is, that this clause has been twice rejected by the unanimous vote of all the Members, and what is more, that the Resolution of the 6th September 1825 was entirely framed by Mr. President Wray, in whose hand-writing the draft of it was, handed to Mr. Secretary Wilday, and by him copied in the minutes.

I will not dwell on the singular attempt of one member of the court dictating to the others in what manner they should give their votes, even before the matter is well understood, and before it has undergone any discussion; but I am free to say that I cannot reconcile to any fair principle, the advice given to the Colonial Members to adopt any principle, *even if by so doing they acted against their own opinions.* I, for one, declare, that acting under the obligation of an oath, *faithfully to perform to the best of my knowledge the duty of a member of this court for the interest of the colony,* I know no other way of discharging that duty here than by giving my honest opinion according to the dictates of my conscience.

With this principle before me, I have given to the suggestions contained in Lord Bathurst's last despatch all the consideration which the subject demands, as far as my abilities allowed it, and I have fully re-considered every thing that has hitherto been done by this court in this matter, and after closely examining the principle on which the former resolutions of the court have been framed, I must own that I have not been able to arrive at the conclusion on which his honor now grounds the total change of his former opinion, viz; *that the proposition relating to compulsory manumission, was now very materially changed by the full admission of two principles, the full extent of which might hitherto have been thought doubtful.* Let us see upon what principle the court has hitherto rejected this manumission clause, and afterwards examine the two principles, which in his honor's opinion have so materially changed the case as to set at rest the scruples formerly held by the court.

I beg the court to turn to the note added to the 30th section of the Slave code, and it will there be seen that the court has explicitly given as to its reasons for not adopting this compulsory manumission clause, *that it felt it to be beyond its power, without the breach of a sacred trust, which binds its members to protect the rights and interests of their fellow colonists to give their sanction to any measure, which could, even by construction, imply an acknowledged right on the part of the Slave to demand his freedom invito domino.* *That they felt themselves called upon openly to avow this principle, that they have not the right to invade the property of their fellow colonists, by*

admitting that they can in any manner be deprived of it contrary to the law by which it is secured to them, and which His Majesty has graciously been pleased to guarantee by the articles of capitulation, on which this colony surrendered to His Majesty's Arms.

This is the language held by the court on the 2nd March, 1825, and on the same day the colonial members in a separate address, *expressed their humble hopes that the reasons given for narrowing the provisions on the subject of manumission being of a truly conscientious nature, would receive His Majesty's gracious consideration.* Nothing, I am sure can be more intelligible than this plain language. It clearly lays down the principle that the court cannot, without a violation of duty, adopt measures destructive of the rights of property as secured by law, and it is on this principle that the manumission clause has been rejected by the court.

When Lord Bathurst's despatch of the 9th of July, 1825, was laid before the court, it was found that his Lordship again pressed the Court for the adoption of the manumission clause, and he suggested certain conditions and provisions, with which he considered that the principle might safely be adopted. What did the Court then do? On the 6th September, 1825, the Court came to the following resolution. *That the Court does not consider it respectful to His Majesty's Government to enter into a discussion of the observations adduced in Earl Bathurst's despatch 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 these observations, and, therefore, anxious as it really is to meet, in 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.*

This resolution, which is entirely from the pen of Mr. President Wray, expresses, in strong terms, the Court's entire conviction, that it could not conscientiously proceed further than it had already done. It confirms, of course, the principle on which the Court had before rejected the compulsory manumission clause, viz: *its sacred regard for the rights of property.*

This being the high ground on which the Court has hitherto stood, the question now is, whether the limitations and modifications proposed by Earl Bathurst, in his despatch of 25th February 1826, are of such a nature, that by tacking them to the principle of the compulsory manumission clause, that principle can safely be adopted by this Court, without a dereliction of duty, and without violating those rights, for the protection of which it has hitherto stood up? If so, the apprehension of inconsistency with former resolutions need be no bar against adopting the clause, for if the danger which was apprehended is effectually removed, further resistance would become mere obstinacy. But on another hand, if the guarantees proposed are not sufficient for the security of the rights of property, I am sure that the same conscientious motive, from which the Court has hitherto rejected it, must continue to have the same effect now.

The two grand principles which Mr. President Wray states to have now fully been admitted, and which in his opinion seem to remove all difficulties, are,

1st. That the principle of valuation now proposed was not merely to put a value on the Slave to be manumitted, but, taking the fullest and most comprehensive view of the effect caused by the manumission, to make compensation to the owner for any deterioration caused thereby, or in Lord Bathurst's words, "to make a fair estimate of the loss which the owner may sustain by the act of manumission," and this to be ascertained by such tribunal as the Court might think desirable.

2nd. That manumission should be the result and reward of habitual industry, and that it should confer a right to purchase his freedom by the fruits of his honest earnings.

First, of compensation. If a fair estimate *could* be made of the loss which an owner may in the fullest extent sustain, as often as he is deprived of one or more of his effective Slaves, there might be little difficulty in the case, but I

hold it to be utterly impossible, in individual cases, to fix with certainty, a fair compensation.

The nature of West India properties is so widely different from that of all others, that reasoning by analogy must lead to the greatest errors; it is necessary, therefore, to enter in some details.

The Court, in its observations of the 2d March 1825, has calculated, and I believe fairly, that the average number of able effective people upon an estate, is about one third of the whole gang, the remaining two-thirds being composed of infants, who are a burthen to the owner, and of the aged, whom he must support. Let us now suppose an estate with 150 Slaves, out of which 50 are those by whose labour the estate is cultivated. The quantity of land in cultivation, is necessarily calculated upon the number of labourers, and the quantity of produce made, is of course, in the same ratio. Suppose, that in the first year he is forced to lose three or four of these effective Slaves, which cannot be replaced by others, this loss is immediately felt in a reduction of the quantity of produce made; and suppose, that in the next year he is again deprived of three or four Slaves, which from the nature of things more than doubles the loss of the first year, and there being no limit to the number of Slaves who may claim their freedom, the number of working Slaves may gradually be so reduced, that a great part of the cultivation being from necessity abandoned, the produce which can be raised be not sufficient for defraying the expences of the estate, when the only resource left would be to break up the estate by selling the Slaves, the lands and buildings being then no more of any use to the owner, and of course a total loss to him; now, I would ask how is it possible at the time of the first Slaves obtaining their freedom, and at every subsequent manumission, to make a fair estimate of the subsequent and final losses, to be brought on the owner in consequence of these periodical manumissions, and by what scale can what Mr. President Wray calls the fullest and most comprehensive view of the effects to be caused by these manumissions be calculated? And how is it possible beforehand to fix a sure compensation for all future deterioration, the ultimate result of which is finally to be the necessary abandonment of the estate, and the total ruin of the owner?

I think it unnecessary at this time to say any thing about free labour to be expected from manumitted Slaves. Major Moody's second Report has put that question at rest, and experience in Trinidad at this day, proves it to be altogether a delusion, although the expectation of that free labour continues to be one of the items which is to be brought in the scale of compensation. I call upon every one who hears me, whether they have ever known in this Colony, a manumitted Slave or a free-born black man, being employed for wages in agricultural labour.

In the foregoing case I have supposed that the estate was unincumbered with any mortgage; but how must this compulsory manumission operate upon a mortgaged property? What must become of the claims of the mortgagee, who has lent his money upon the full reliance that the law did secure both himself and the mortgager in the full effects of the stipulations of the mortgage contract. The mortgagee holds a lien on the Slaves, as well as every other part of the property. Indeed, in the case of a mortgagee, the Slaves are in law real property. If Slaves are at liberty, at their will, to separate themselves from the property, and to leave their master, on the production of a certain sum of money, how can he expect ever to redeem his debt, when deprived of the means to exert his industry? If the money raised by the Slave for his freedom, goes in the hands of the mortgagee, it is an injustice to the debtor, because it is no part of his contract with the mortgagee; if it is given to the owner of the Slave, it is still a greater injustice to the mortgagee; or if it should be deposited in some public chest, it is an injustice to both parties; and the end of the whole must be, that the owner of the estate, who by the decrease of his produce, sees his debt constantly increasing, and must become a ruined man at the same time that the mortgagee is the loser of his money.

I must ask it.—Has this Court the power to annul or alter contracts lawfully entered into between other parties? The answer must be, No! Yet, if the Court gives its sanction to the adoption of the compulsory manumission clause without securing to the parties affected by it a full compensation for their losses, it would become accessory to an act of injustice which certainly never can be the intention of any one who hears me.

If I am right in the view which I take of the matter, and such is my conviction, that it is impossible to fix a just principle of full compensation for all the losses that may accrue from this compulsory manumission, I am also warranted in feeling that the adoption of it would be an invasion of the rights of property, and this being against the interest of the Colony, I must come to the conclusion that the faithful performance of my duty as a member of this Court forbids me to accede to the proposition.

I am aware that I may incur the imputation of being over fastidious by those who formerly entertained the same opinion with me, but who now seeing cause to change it, recommend the adoption of the clause, not a measure positively good, nor even as free from danger; but as one of prudence *to avoid anticipated evil and mitigate its danger*. I know that a notion has gone abroad that we had to choose between two evils, either to enact the manumission clause here, or to have it imposed on us by an Order in Council, and that the voluntary adoption of it *with such checks and modifications as the Court's experience would suggest, would prove the least of the two evils*. But these calculators forget that Lord Bathurst has precisely pointed out the terms on which he would allow modifications, and that it is not left to the Court to substitute such others *as its experience should suggest*.

For instance, his Lordship says, that nothing can be fairer than the proposed selection of arbitrators in the Trinidad Order, viz. That in the event of the owner and the Slaves not agreeing in the price of the Slave's manumission, the owner shall appoint one, the Protector of Slaves another, and that an umpire shall be appointed by the Chief Judge. It is clear, says his Lordship, 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. How the influence of two official characters in the appointment of the two arbitrators against only one, named by the owner, can create a bias in the latter's favour I cannot understand, and it would seem that Mr. President Wray himself is not satisfied with this mode of valuation, for he substitutes in its place *such tribunal as the Court might think desirable*. Whether his Honour has in view the court of justice, or what might perhaps be as fair, a jury of twelve good men, is of little importance, because both are deviations from his Lordship's rule, and of course neither will be admitted.

Under such circumstances I cannot feel the force of the argument, urged as a matter of prudence, to induce me to abandon my first principle, because there is no room left for the exercise of discretion even in proposing *such modifications as the Court's experience might suggest*, if so much that any could be found.

With all due respect and submission to Earl Bathurst, those suggested by his Lordship, do not appear to me to be sufficient, and as it is most probably the last time that I shall take a share in any deliberations on this subject, I feel myself called upon by duty to give my opinion with becoming freedom.

The condition that it must be by the fruits of the Slave's honest earnings that he shall have the right to purchase his freedom, labours under two difficulties, which are, 1st, The means of the Slave to acquire money by honest labour: 2d, The mode to establish the fact that he has acquired it in that manner.

The law says that the Slave must work six days in the week, from sun-rise to sun-set, for his master, consequently during these six days he cannot have any honest earnings, because he has no time at his disposal; and as to Sunday, the moral improvement of the Slave being the grand object of the new Regulations, I take it that Sunday's work of any kind must be discouraged; but even if wages were offered for agricultural labour, few if any Slaves would accept it; and, indeed, the Planter would derive little benefit from it, as he could only expect very little work, and that little ill done. There is but one class of Slaves who can honestly earn some money on Sunday; these are tradesmen, and then they must belong to estates near George Town, where alone they can find employment. But allowing that some few Slaves, under peculiar circumstances, may have it in their power honestly to acquire some money, until there is a total change in their present habits and moral character, very few indeed will think of saving it.

And as to the manner of establishing the fact, that they have acquired the

money honestly, this appears to be almost impossible. Mr. President Wray proposes the establishment of a tribunal, before which the investigation is to be entered into; but we are not told by what rule of evidence this tribunal is to go to work. If a Slave produces two or three thousand guilders, which it would take a long time to bring together in a fair way, how is he to prove that he had accumulated them by honest labour! The ordinary way of tradesmen shewing from their books the profits of their trade, cannot be expected from untutored Slaves; therefore that which in all other cases constitutes proof is out of the question, unless recourse should be had to an oath to be taken by the Slave, which I think should be going too far.

The difficulty is felt by Mr. President Wray; he therefore qualifies it, by calling it *reasonable proof, a presumption from general habits and conduct, that the money produced by the Slave is the saving of his honest labour.* I would ask, if a Slave produces the fullest proof of good conduct and industrious habit in service of his master, what reasonable proof or even presumption can that be, that the money is the saving of his honest labour, when it is clear that the more assiduously and diligently he devotes his time to his master's service, the less he is able to acquire and save money from other honest labour. Earl Bathurst proposes, as an additional guard, that the Slave should produce a certificate of good conduct for five years from the Protector: with this his honour, Mr. President Wray, is not satisfied, because, says he, *in a population of more than 70,000 Slaves, the Protector cannot be acquainted with individual character,* and therefore he proposes as an amendment, *that the existence of this habit and good conduct should be shewn before the same tribunal that inquired into the manner the property was obtained.* But his Honour omits to state what better means of information his tribunal would have more than the Protector. I apprehend that both of them are pretty well upon a par in this respect, for it is impossible for both. But I see in this part of the plan a great danger for the Slaves themselves, if masters not very scrupulously disposed should have recourse to unfair treatment of their Slaves, and by repeatedly bringing their names for alleged offences on the punishment record book, with a view to depreciate their characters, and thereby to put it out of their power to establish a five years *good character.*

As a last resource, by way of check, Earl Bathurst proposes a proviso to be adopted, *that a Slave duly convicted of larceny should be incapacitated from purchasing his freedom, at least for a certain number of years.* I am far from wishing to press with undue severity on the character of the Slaves, but such as they now are, I know them so well, that if this proviso be adopted and fairly executed, it must totally paralyse the whole system of compulsory manumission: certainly this cannot be the intention; but until the moral character of the Slave undergoes a change, it would be the certain effect. Through the whole of the argument on this subject, the character of the Slave is entirely mistaken. It is assumed that thefts are not generally practised by Slaves, and that they are only individual instances, which cannot be urged against general measures. The very reverse is the case. I undertake to assert, that there is not a plantation in the Colony where a certain quantity of materials and of produce is not fraudulently substracted by the Slaves, more or less, according to the facility they have to dispose of it. An enlightened member of the Barbadoes Legislature has lately publicly stated, that no less than 10 per cent. of the produce is annually stolen by the Slaves. I do not pretend to fix the quantum here; it depends entirely on the greater or lesser facility to take, and to dispose of what is taken. That this immoral principle has not been better checked, is certainly in a great measure attributable to the great lenity with which Slaves are punished when detected. The same crime for which a white man in England possibly suffers death, but certainly undergoes transportation, is only visited here with a few lashes on the Slave, and even these are not always inflicted, because it would be an almost endless thing if the whip was used for every larceny.

Thus the Slave is become inured to his fraudulent propensities; and the enactment now proposed could only tend to stimulate his ingenuity in the commission of theft, and thus to increase the crime itself. Let those who are practically acquainted with the present character of the Slaves, lay their hands on their hearts, and say whether there is any exaggeration in what I say.

The objection, formerly stated, of the danger that individuals, or even societies, might raise money for a Slave with which to purchase his freedom, is met with this answer, *that the same favour which would procure the money for the manumission, would probably secure the Slave's well-being afterwards.* But how does this meet the case of females made free for illicit purposes? I will not expatiate on this part. As to the danger of money being raised by subscription, the possibility of it is not denied; but it is said that *measures might easily be taken to defeat such a plan, if, indeed, provisions might not be introduced in the law itself to prevent it.* It is greatly to be regretted that Mr. President Wray, who, it is clear, well sees the danger, by proposing to exclude money thus obtained, and therefore adopts the foregoing sentence from Earl Bathurst's despatch, has not been kind enough to take the trouble of pointing out what are those easy measures and legislative provisions, by which the plan can either be defeated or prevented. He has nothing of a specific nature to offer as a guard against the danger which he admits to exist. This shows the insurmountable difficulties with which the subject is surrounded; and shall that be called an act of prudence, by which we abandon a sound and just principle, with our eyes open to the dangers arising from it, and leaving all checks or remedies to every future chance?

Indeed, this system of the Slave's raising money to purchase his freedom is fraught with every tendency to debase his moral character instead of elevating it. The best disposed among them, that is, those of orderly and peaceable conduct might in their present unenlightened state be induced to resort to vile stratagems in order to obtain the boon held out to them of purchasing freedom, the great blessing of which they consider to consist in idleness. It is not an unfrequent occurrence even now, that Slaves and these not of a profligate character, do cause small wounds on their feet or legs which they neglect, purposely to turn them into sores for the sake of being admitted in the sick house, and there to spend their time in idleness; and if they were aware of the existence of the enactment now contemplated, it is not unlikely that many would use means to reduce themselves from a healthy to an unhealthy state, in order, that from their apparent condition, their value be lessened, and the price put upon them be brought down to a level with their means of purchasing. Their moral character, such as it now is, would in like, be further endangered by it, as it would afford a temptation to lessen his value by depreciating his character; one hitherto industrious and comparatively sober, might thus turn an idler and a drunkard, merely to have a better chance to obtain freedom. Those of a profligate character, although probably able working people, would leave no vice impractised to accomplish their end. If such are the consequences to which it may lead, would it not directly defeat the professed object of improving the habits and characters of the Slaves? If it be supposed that such a motive could not operate very generally at present, I answer, that the new regulations are intended to effect a change in the character of the Slaves, and as no dependence can be placed on their moral feelings, it is impossible to calculate favourably on the future effects from the visible relaxation of discipline which the new regulations have already brought in action, particularly on the females.

Having adverted to the material parts of the proposition before the Court, I have only one word to say on the amplification on the Trinidad Order now proposed by Mr. President Wray, by which a Slave wishing to purchase his freedom must also be prepared to purchase that of his family, limiting it to husbands, wives, and children, as well as *to reputed* husbands, wives, and children. At first view, this appears rather a bar than a facility to obtaining freedom; but this aside, if, as I conceive it to be, an irremediable injury may be done to the owner by the loss of only one Slave, what must it be, if at the will of one Slave he must be deprived of a whole family? And if there is any weight in the danger which I apprehend from the fraudulent means by which money may be obtained for the purchase of a single Slave, the present proposition is certainly calculated to increase these frauds in proportion to the numbers making a family.

The motive assigned for this supposed improvement on the Trinidad Order is certainly of a praiseworthy moral character, viz: *To strengthen in the Slave population the ties arising from the sacred obligations of matrimony.* This would sound very well, if his Honour had not extended it *to reputed husbands,*

wives, and children, for this has more the appearance of encouraging the continuance of an illicit connexion than to suppress it, and seems even to force it on the parties rather than supporting the marriage clause. I cannot omit here, stating a fact which has happened within a few days. A coffee plantation (L'Oratorie) is about being publicly sold, and on a division of the families of Slaves, one man claimed as his own, four *reputed* wives and their children. The four women too, all claimed this man for their *reputed* husband, and they all together insisted on being sold with him. This would make a puzzling subject for legislation.

What I have hitherto said belongs to the essential parts of what is laid before the Court for its consideration. If my arguments are weakly expressed, it is much owing to the difficulty of the task of contending with the opinions coming from the highest authority. I prefer the name of a weak arguer to the slightest appearance of arrogance or intemperance, but being called upon by duty to give my opinion, and to assign my reasons for it, I should act unworthily if I did not state them such as they may be to the best of my humble abilities. In the same spirit of candour, I now approach somewhat nearer Mr. President Wray's proposition, that, under all circumstances, there is less danger to be apprehended from the Court's adopting, from its own motive, the principle of compulsory manumission, than if it was to be enacted by a direct Order in Council. In this I can by no means agree. I understand from Earl Bathurst's despatch, that His Majesty's Government expects that the clause shall be adopted by this Court, *in the terms* expressed by his Lordship, and to which I conceive the Court to be confined. If then, this Court cannot conscientiously do what his Lordship expects; and if its representations are not allowed to have any weight, we certainly must expect the enactment by Royal authority, with the modifications and provisoes contained in Earl Bathurst's last despatch. The danger is always the same. It is true, I see, that his Honour has ventured to substitute some provisions of his own making to those suggested by Earl Bathurst, and that he still expects important results from future communications with Government. I cannot know upon what authority his Honour's speculations are grounded, but I read distinctly in his Lordship's despatch, that *it is for the last time, that he brings the regulations under the consideration of the Court*. I therefore think that if Mr. President Wray supposes that his amendments of Lord Bathurst's provisions would meet with any attention on the part of his Lordship, (if so, that they deserve it), I fear his Honour is too sanguine in his expectations. Upon the whole, I do not see what additional danger can be expected from trusting at once to His Majesty's paternal goodness, yet to avert from the Colony an evil which the Court does not feel itself justified in imposing on it. His Honour's great object seems to be, to have only the declaration of the Court, that it admits the abstract principle of compulsory manumission; the qualifying parts might remain an object of future uncertain discussion; with me the difficulty lies in admitting the principle which I cannot conscientiously recognize, and I can have no hesitation distinctly to state why, if the evil must come, I prefer it to originate with His Majesty's Government.

If I accede to the principle (independent of my acting against a sense of duty, which I cannot do,) I make myself responsible to my fellow Colonists for all the dangers and losses which I foresee from the measure, and should their ruin hereafter be the consequence, they might by an act of mine then be barred from claiming and obtaining that full compensation to which they are and will remain entitled, at least their right of compensation might be called in question if the enactment had originated with the Court in any shape whatever. If it is done by the supreme authority of His Majesty's Government without any intervention of this Court, the right of hereafter claiming full compensation remains uninjured. This is one of my great aims; I wish to protect, as far as in me lies, the property of the Colonists. I wish also to protect the rights of mortgagees and creditors in Europe. I wish to maintain inviolate that good faith on which the property of the Colony depends, and to give stability to public and private credit by showing to mortgagees and creditors that they have never to fear any violation of their rights by this Court.

These are my reasons, for which I continue to hold it to be the duty of this Court to persist in their former resolutions, and to state them to His Majesty's Government in the most respectful manner, with the expression of its humble

hopes that having, notwithstanding all the difficulties with which it has had to contend, in every other respect adopted the several clauses recommended by Earl Bathurst, it has thereby evinced a most submissive readiness to discharge the duty imposed on it by His Majesty's Government, when it could be done without a violation of what the members consider a sacred duty; but as it continues to view the adoption of the principle of compulsory manumission, a measure beyond the pale of its power, it humbly trusts that the non-compliance with the wishes of His Majesty's Government on this tender subject shall in no manner be attributed to any other motive than what is the true one, a sense of paramount duty imposed by the sacred obligation of an oath.

(Signed) F. P. VAN BERCKEL.

The honourable Member having sat down,

His Honour. Mr. President Wray, rose, and answered the observations of the honourable Member, as follows:

I should have given the honourable member credit for his assertion, that he wished to avoid any appearance of intemperance, had the language in which he has clothed his address arisen in the course of discussion, and not been the result of a studied and deliberate opinion. Being so, I can apply to it no other terms than that it is inconsistent, illiberal, and unjust. He has thought fit to indulge largely in personal reflections on my conduct, and has also given some reasons why he objects to the measure proposed. It is with the first of these I have at present to deal. My proposal is pronounced to be widely different from that unanimity which has hitherto marked the conduct of the Court. In what manner the expression of an individual opinion, recommending the consideration of any measure, is to disturb unanimity, I am at a loss to comprehend, but if the fault is in having placed that opinion on the minutes, the record will shew it was so placed at the desire of the Court; and who was the individual who, after he had heard my sentiments, was the person to request I would reduce them to writing, for the purpose not only of being put on the minutes, but of a copy being sent to each member previously to this session? The honourable Member who now disapproves of what he himself recommended. He has not pretended that my verbal opinion is not as faithfully recorded as memory could allow, for every member must know that the written substance is the same, and the language in most instances nearly so.

The Honourable Member is well aware that there is nothing invidious in my use of the expression Colonial Members: he knows that a most fair and liberal principle has been acted on throughout the numerous discussions on this weighty matter, namely, not to put any measure to the vote, where the four Colonial Members were unanimously of opinion that it ought not to be adopted. And to give full weight to their local experience, the Court has been, as the minutes shew, repeatedly adjourned, to secure the attendance of the full number of four Colonial Members, when sickness or any other reason has prevented their appearance.

What consistency is there in the Honourable Member's fastidious objection to the term Colonial Members, when in his studied production, he refers to a separate address of the Colonial Members on this very subject, manumission.

The Honourable Member asserts that the resolution of the 6th September 1825, was entirely framed by me, and is in my handwriting. Can he pretend to be ignorant, that when the Colonial Members agreed on any point, their opinion was allowed by the Court to be conclusive, and that I was frequently requested to embody their opinion in strong, but respectful language; and if it be true, that this resolution was worded by me, that it required no change, is that a subject matter I should wish to know, that any Colonial Member can think requires censure?

The Honourable Member knows, that my opinion throughout on the manumission clause, has been, and has been frequently expressed, that it, whether it may prove beneficial or injurious to the Colony, must inevitably be brought into a law by some power, and that prudence dictated that this should be the place. The Colonial Members in this, as in every thing else, judged for themselves, and stated their objections, which I, in this instance, reduced

into writing ; and it is notorious, that there has not been one word inserted in our present Slave code, which has not received the assent of the Colonial Members. Their opinion regulated the whole ; what they desired was carried into law, what they disliked was rejected. I have frequently, on the Slave question, pressed what was not adopted ; did I ever carry it to the vote ? And is it now to be termed ‘ prescribing a line of conduct to the Court generally, and to the Colonial Members more particularly, and dictating in what manner they shall give their votes,’ that I suggest what I deem the safest and wisest course for the Court to pursue ; and which the honourable Member thought worthy to be placed on the minutes, and handed to himself for deliberate reflection ? How grossly inconsistent is his next objection ; that I have ventured to express my opinion, or that I have placed it on the minutes (I don’t know which) the honourable Member thinks improper. He now blames me for not pointing out the tribunal I have in view ; for not stating by what rule of evidence it is to go to work ; neither have I been kind enough to point out those easy measures and legislative provisions, by which the plan of subscription can be defeated or prevented. I have abstained, it appears, improperly from dictating this. What term would the honourable Member have used, had I, which I was very near doing, ventured to have brought forward in addition to my observations, clauses founded on them ready prepared.

I shall not enter into his several objections to the measure ; the obvious intention of the whole is to prevent any discussion of the subject. I shall merely observe, that he has misunderstood or misinterpreted the reason I gave for extending the purchase to reputed husbands, wives, and children. If his difficulty, when there is more than one wife, be worth any thing, and he thinks it puzzling, why did he not see the same difficulty in the clause for Marshal’s sales, which he has approved ? Should the Colonial Members decide not to enter into the discussion of this measure, I think they will act very unwisely ; but as heretofore, their unanimous opinion will, I make no doubt, be allowed to prevail.

I have nothing further with which to trouble the Court, than to repeat, that I consider Mr. Van Berckel’s reflections most illiberal and unjust.

The honourable Member, Mr. Van Berckel, having briefly supported the general tenor of his observations,

His Excellency, the Lieutenant Governor, expressed his regret at the turn the discussion had taken, and he felt called upon to state his opinion, that his Honour, the President, had not been fairly treated, as would be seen in the paper read by the honourable Member, Mr. Van Berckel ; his Honour having delivered his opinion at the last meeting of the Court, had placed it on the minutes at the request of the Members of the Court ; he had done so with considerable trouble ; and in the arguments adduced, his Excellency saw nothing which could call for personal animadversion ; and his Excellency finally observed, that had he been aware of the tenor of certain parts of the paper which had been read, he certainly should have recommended the honourable Member, Mr. Van Berckel, to revise and alter some of the passages.

His Honour the First Fiscal also expressed himself in terms to a similar effect with his Excellency the Lieutenant Governor.

His Honour the Second Fiscal regretted that any thing should arise in the discussion to disturb the unanimity and good feeling which had hitherto been evinced throughout the whole of the deliberations on this important subject ; and, in his view of the case, nothing in the opinions placed on the Minutes by his Honour the President, called for the animadversion of the Honourable Member.

The Honourable James Allan stated, that, in his opinion on the question now under consideration, he concurred generally in the principle of the arguments urged by the honourable Member, Mr. Van Berckel, as to the manumission clause, and declared that he could not conscientiously vote for that measure, considering that in so doing he should invade the rights of his constituents and fellow colonists ; he doubted, in fact, whether he had the power vested in him so to invade their property.

Baron Van Grovestins then expressed a similar view and opinion with the Honourable James Allan.

The honourable Member, Mr. M'Kenzie, also stated, that he fully agreed in the opinion of his colleagues, the honourable Members James Allan and Baron Van Grovestins.

The Court then adjourned until Wednesday the 2d of August next, at 12 o'clock.

No. 3.

Extract from the Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and dependent Districts of Demerara and Essequibo, at its Ordinary Assembly, held at the Colony House.

George Town, Demerara, Wednesday, the 2d of August 1826.

(After Prayers.)

HIS Honour the President observed, that the tendency of the remarks of some of the Court on Monday, was to consider the admissibility of the manumission clause, as a subject not necessary to be discussed; if they had been led to that conclusion by the arguments of Mr. Van Berckel, he could not agree with theirs, as in a due course of reasoning the positions advanced by him ought to produce a contrary effect.

If Mr. Van Berckel considered some parts of the measure impracticable, others as not likely to be admitted by Lord Bathurst, others, again, as defectively explained by his Honour; all which his Honour contended at some length were the strongest possible reasons for entering fully and deliberately into the discussion, to attempt to remove these difficulties; so little could he anticipate that the measure was not to be attempted to be so modified as to make it possible to adopt it, that he had prepared a draft during the leisure afforded him by his recent illness, putting into form the principles he had on the 3d July last suggested. This he did not intend to place on the minutes, not that he was deterred by the remarks he might expect from Mr. Van Berckel, but that he doubted his own experience and abilities, and the correctness of a draft prepared when he was in some measure weakened by sickness. If the Court would entertain the question, he should be glad to offer this sketch as the outline of any measure which might be adopted.

His Excellency the Lieutenant-Governor having observed that he conceived the draft alluded to by his Honour should be now read by the Secretary, as without it the members would not have the advantage of being in possession of the whole of his Honour's views, and of the practical details of the measure brought forward by him, and as it contained the outline of the means by which his Honour had proposed to bring into operation the manumission clause, he thought the members should have had an opportunity of forming a judgment upon it before they should be called upon to give an opinion on the clause itself.

The draft of his Honour, Mr. President Wray, then read by the Secretary—whereupon

His Honour, the Second Fiscal Bagot, then moved, with the permission of his Excellency the Lieutenant-Governor, that his Honour, Mr. President Wray, be requested to allow the foregoing draft of an Act, intended as an outline thereof, relative to his proposition on the manumission clause, to be placed in this day's minute.

His Honour, Mr. President Wray, stated that he had no objection to the draft being placed on the minutes, although he had not intended it, and considered it very imperfect. His Honour adding, that he should not vote on the question himself.

The Honourable Members, James Allan and C. A. Baron Van Grovestins, in giving their vote in favour of the motion, took occasion to express their sense of the obligation the Colony was under to his Honour for the great trouble he had been at in framing the proposition he had been so good as to lay before the Court, stating that however they might differ from the view he had taken of this question, they could not but consider his exertions deserving of great praise.

The motion of his Honour, the Second Fiscal, was then declared carried, the Honourable Member F. P. Van Berckel stating that he should not vote on

it, having already expressed a contrary opinion on the principle of the clause in question.

His Excellency the Lieutenant-Governor then directed the Secretary to take the opinions of the respective Colonial members on the question, whether they should now proceed to discuss the manumission clause, on the principle detailed in the proposition of his Honour Mr. President Wray, before the Court, or on that laid down in Earl Bathurst's despatch of the 25th of February last, and the Secretary having formally collected their opinions, the Honourable Members James Allan, C. A. the Baron Van Grovenstins, and George M'Kenzie stated, that having already expressed their opinion, that the principle of manumission against the will of the owner, is a direct violation of the sacred right of property, and the paper now brought on the minutes having that principle for its basis, although under certain limitations, they cannot enter into the consideration of it.

The Honourable F. P. Van Berckel declaring to adhere to his opinion already given on this question,

The Court finally resolved that his Excellency the Lieutenant-Governor be requested to transmit to Earl Bathurst a copy of the minutes of their late deliberations upon this subject, with the reiterated 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.

Mr. President Wray's Draft.

AND it is further ordered, that if any unmarried Slave, or any Slave not having a reputed husband, or wife, and being of the age of 21 years, shall be desirous to purchase his or her freedom; or if any married Slave, or any Slave having a reputed husband or wife, shall be desirous to purchase his or her freedom, together with the freedom of such husband or wife, or reputed husband or wife; and if the owner or representative of the owner of any such Slave or Slaves shall be unwilling to effect his, her, or their manumission, or shall, by reason of any mortgage, settlement, lease, or other charge upon, or interest in, such Slave or Slaves being vested in any other person or persons, be unable to execute the valid and effectual manumission of any such Slave or Slaves, or if the owner, or his representative, or any other person having an interest in any such Slave or Slaves shall be a minor, or a married woman, or idiot, or lunatic, or if the real and true owner of any such Slave or Slaves shall be absent from the Colony, or shall not be known, or if any suit or action shall be depending in the Court of Justice wherein the title to the said Slave or Slaves, or the right to his or their services shall or may be in controversy; or if the owner, or the representative of the owner of any such Slave or Slaves shall demand, as the price of his, her, or their freedom, a greater sum of money than may be the fair and just estimate of the loss which the owner may sustain by the act of manumission—then, and in each and every of the cases aforesaid, the President or acting President of the Court of Justice, on application to him for that purpose, made by the Protector of Slaves (who shall, previously to making the same, ascertain that there are reasonable grounds for such application,) shall issue a summons, requiring the owner or representative of the owner, of such Slave or Slaves, or in case the owner or his representative is not known, then the person or persons under whose direction such Slave or Slaves may be, to appear before him by themselves, or their agents, at some convenient time and place to be for that purpose appointed, and notice shall also be published by the said Protector of Slaves, in the Royal Gazette of the Colony, on three several days, of the time and place appointed for the purpose aforesaid; and in such notice, all persons having, or claiming to have, any title or interest in or to the Slave or Slaves proposed to be manumitted, either in their own right, or as the Guardian, Attorney, or Executor of any other person, shall be required to attend and prefer such claim—Provided always, that no female Slave, having a child or children under the age of years, shall be allowed to purchase her own freedom without at the same time purchasing the freedom of such child or children.

And it is hereby further ordered, That at the time and place to be appointed as aforesaid, the President, or acting President, in the presence of the Protector of Slaves, and also in the presence of such person or persons who shall have been duly summoned, as hereinbefore provided, or (upon proof being made to him upon oath of the due service of such summons, and publication of such notice, as aforesaid then, if necessary) in the absence of such person or persons shall proceed to hear in a summary way, what may be alleged by the said Protector of Slaves by such person or persons so summoned, if appearing, or other persons claiming any interest in the Slave proposed to be manumitted, and in case the parties or any of them shall refuse to effect any such manumission, or if it shall appear to the said President or acting President that a valid and effectual manumission of any such Slave or Slaves cannot legally be effected by private contract, or if the said President or acting President shall find that the owner of any such Slave or Slaves, or that any person having any charge upon, or interest in him, her, or them, is a minor, or married woman, or idiot, or lunatic, or that the real and true owner of any such Slave or Slaves, or that any person having any charge upon, or interest in him, her, or them, is absent from the Colony, or cannot be found, or that any suit or action is depending in the Court of Justice, wherein the title to the said Slave or Slaves, or the right to his, her, or their service is in controversy, or if it shall appear to the said President or acting President that any difference of opinion exists between the Protector of Slaves and the owner, or the representative of the owner of any such Slave or Slaves, respecting the fair and just estimate of the loss which the owner may sustain by the act of manumission, then, and in every such case, the President or acting President shall require the Protector of Slaves, and the person or persons who have been summoned, and appeared as before mentioned, or other person or persons who shall have proved any interest in, or title to the said Slaves, to nominate each an appraiser; such person or persons one, and the Protector of Slaves one, and the President or acting President shall himself nominate two persons, one of whom shall be chosen by such person or persons who have been summoned, and appeared as aforesaid, or by such person or persons as shall have proved any interest or title as aforesaid, to be an umpire between such appraisers. And the said appraisers, being first duly sworn to make a fair, impartial, and just estimate of the loss which the owner may sustain by the act of manumission, shall, within one calendar month next after such their appointment, make a joint estimate of such loss, and shall certify such estimate to the President or acting President, under their hands and seals. And in case such joint certificate shall not be delivered to the said President or acting President, within the said term of one calendar month, then the said umpire so chosen as aforesaid, being first duly sworn in the same manner as the appraisers, shall, within one calendar month after he is so sworn, certify his estimate of such loss to the President or acting President, and the estimate to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of the Secretary of the Colony.

And whereas it is uncertain that freed persons will not continue to labour unless they have previously acquired habits of industry, and it is therefore necessary that manumission should be *the result and reward of habitual industry*, and the right to purchase his freedom should be confined on the Slave only *where the money is raised by the fruits of his honest earnings*, it is hereby further ordered, that it shall be the duty of the appraisers of the owner's loss, or of the umpire, as the case may be, to interrogate the Slave or Slaves who seek to be manumitted, and also by any other means to ascertain, if a single Slave, that the money is the fruit of his or her industry, or if a family, that it is the fruit of the industry of the whole or of some part of such family, or if the purchase-money has been left by the will of a relation or acquired by descent, then to ascertain, if a single Slave, that he or she is a person of industrious habits, and if a family, that the head of the family is so.

And where the appraisers, or the umpire, as the case may be, find that the purchase-money is the fruit of the honest industry of the Slave or Slaves seeking to be manumitted, it shall be their or his duty so to certify; and where the money has been left by the will of a relation, or acquired by descent, and they or he find that the single Slave, or the head of the family seeking to be manu-

Former despatch.

Last despatch.

mitted, is a person of industrious habits, then to give a certificate to that effect; and unless such certificate as the respective cases may require be produced, the President, or acting President, shall not be authorized to certify that the proceedings required by Law for the manumission of the Slave or Slaves have been duly had before him.

And it is further ordered, that it shall not be lawful for any Slave or Slaves to purchase his, her, or their freedom against the consent of the owner, with any money which has been either lent, given, or which has been raised by either private or public subscription.

And it is hereby further ordered, that upon payment into the office of the Secretary of the Colony, of the amount of the loss so estimated as aforesaid, after deducting therefrom the expenses of the appraisement to be allowed by the President or acting President, the said Secretary shall grant to the Protector of Slaves a receipt for the money so received by him; and such receipt shall be duly enrolled in the Secretary's office, together with a certificate under the hand of the President or acting President, that the proceedings required by Law for the manumission of the Slave or Slaves by whom such money was paid, have been duly had before him; and thereupon such Slave or Slaves shall *be*, and be deemed, taken, and *reputed to be* free to all intents and purposes whatsoever.

Trinidad Code.—Why reputed?

And it is further ordered, that the money to arise from the manumission of any Slave or Slaves, by virtue of the proceedings before mentioned, shall and may be laid out and invested under the authority of the President or acting President, on the application of any person or persons interested therein in the purchase of any other Slave or Slaves; or if the right to such money be in dispute, or the owner or owners of it not duly or legally represented, then it may be lawful for the President or acting President so to invest it without any application made to him for that purpose. And if such money shall not be so invested, then such money shall remain in the hands of the Secretary, without interest; and the said money shall be the property of the persons who were the owners of such manumitted Slave or Slaves, and shall be held upon, under, and subject to, all such trusts, conditions, mortgages, claims, and demands, of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject to, at such the time of his, her, or their manumission; and the said Secretary shall hold the said money, subject to such order as the President or acting President may, upon a summary application of any person interested therein, see fit to make; and such money shall by the said Secretary be paid, applied, and disposed of in pursuance of and obedience to such order.