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BERBICE.

No. 1.

MY LORD,

London, 2d June 1825.

I HAVE the honour of transmitting to your Lordship an extract minute of the proceedings in the Council of Government in the Colony of Berbice, of the 11th February last, by which your Lordship will perceive, that, for the purpose of affording greater facility in framing the intended Order in Council for Berbice, analagous to that now in operation in Trinidad, and for carrying the same into effect, I have recommended that the Colony should be divided into districts, and certain civil Magistrates appointed to each, and their several powers and authorities clearly defined; which recommendation has been acceded to by the Council.

I have, &c.
(Signed) HENRY BEARD,
Lieut.-Governor of Berbice.

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

Extract from the Register of the Proceedings of the Honourable Council of Government.

Friday, 11th February 1825.

HIS Excellency, with reference to certain provisions of the order intended to be made for the government of the Slave population in this Colony, stated his desire to obtain the opinion of the Council, as to the division of the Colony into districts, the eligibility of persons to fill the office of local Magistrates therein, the powers to be delegated unto them, and the rules to be prescribed for their guidance in the exercise of such authority. His Excellency observing that he considered it would be highly desirable that the members of the Council should, *ex officio*, perform the duties of Magistrates in the districts where they respectively resided.

The Council concurred in opinion with his Excellency, and, having deliberated, stated they considered that the Colony should be divided into districts, as follows:

East and Corentine Coast—three districts, viz.

No. 1.—To commence at No. 1, East Coast, and to extend to No. 1, Corentine Coast.

No. 2.—To commence at No. 1, Corentine Coast, and to extend to No. 27 of said coast.

No. 3.—To commence at No. 27, and to extend to extremity of the inhabited part of the said coast, and river Corentine, including the permanent and temporary residences of wood-cutters and settlers on said river.

West Coast—two districts, viz.

No. 1.—To commence at Plantation Edward, and to extend to lot No. 27.

No. 2.—To commence at No. 27, and to extend to Abany Creek.

River—four districts, viz.

No. 1.—To commence at Plantation Overwinning, and to extend to Plantation Highbury inclusive—East bank of the River.

No. 2.—To commence at the lot of land adjoining Plantation Edward, and extend to Plantation Hoop Van Beter—West bank.

No. 3.—To commence at Plantation Op Hoop Van Beter, and to extend to Plantation Berenstein inclusive—West Bank.

No. 4.—To commence at the lot of land next to Plantation Highbury, and to extend to the extremity of the inhabited part of the river, including all habitations and settlements of wood-cutters on the east side thereof, and on the West bank, all above Plantation Berenstein.

Canje Creek—two districts, viz.

East Bank.

West Bank.

The Council further stated that they considered Proprietors or their Representatives should be preferred in the Magistracy to be appointed under said order. That the persons to be delegated should be efficient. That the rules for the exercise of the authority of such Magistrates should be clearly defined. And that on the same being done, the civil powers with which the officers of the Burgher Militia are at present vested be abolished, and their duties confined to services purely military.

It was accordingly resolved, that such regulations should be taken into early consideration.

No. 2.

SIR,

Downing Street, 25th April 1825.

I HAVE received your despatch of the 29th of January last, and I am to signify to you His Majesty's approval of the regulation which you have made for the purpose of securing to Slaves the due acquisition of any benefit bequeathed to them.

Lieutenant-Governor Beard,
&c. &c. &c.

I have, &c.
(Signed) BATHURST.

No. 3.

SIR,

Downing Street, 17th March 1826.

I HAVE received His Majesty's commands to desire that in case Governor Beard shall not have arrived in Berbice shortly after you receive this despatch, you will forthwith issue a proclamation in that Colony which shall there carry into effect the whole of the provisions which shall at that time have been adopted by the Court of Policy in Demerara for meliorating the condition of the Slaves. You will, however, make such a modification in the Clause, by which a salary of 14,000 guilders is provided for the Protector of Slaves in Demerara, as will apportion the Protector's salary in Berbice to what you consider to be the relative means of the Colony, and you will make the best selection in your power of an individual to act as Protector until a permanent appointment shall be made by His Majesty, and the person so appointed shall be sent out to assume the office.

I have, &c.
(Signed) BATHURST.
Officer administering the Government of Berbice.

No. 4.

SIR,

Downing Street, 20th March 1826.

I ENCLOSE to you herewith an Order of the King in Council, bearing date the 30th January 1826, for dissolving the present Council of Government in Berbice, and substituting another. On your arrival in the Colony you will forthwith promulgate this order, and, having convened the new Council, you will lay before them the several documents which I enclose, being copies of the correspondence which has taken place between the Lieutenant-Governor of Demerara and myself, on the subject of the ordinance which has been passed by the Court of Policy, for meliorating the condition of the Slaves in that Colony.

The Council of Government will find in this correspondence the objections which have been urged by that Court against some of the provisions recommended for their adoption, and the explanations by which they have been obviated, and which I am induced to hope will lead to the ultimate adoption of the whole. You will perceive, however, that the Law, as it was first promulgated in Demerara, is imperfect as regards the provisions respecting Sunday labour, Slave property, and compulsory manumissions, and that I have not yet had an opportunity of learning whether the Court of Policy will acquiesce in the reasons which are contained in my despatch of the 25th ultimo, and be induced to make the necessary amendments.

You will, therefore, lose no time in obtaining from the Lieutenant-Governor of Demarara a copy of the ordinance which you shall find to be then in force in the Colony, and lay it likewise before the Council of Government. When that body shall have duly considered these documents, it will be satisfactory to me to learn that they have perceived the expediency of their concurrence with you in promulgating an ordinance embodying the same provisions that were in the first instance contained in the Demerara ordinance; and likewise those at first omitted, and which, if not at length adopted by the Court of Policy, are to be added in the Order of His Majesty in Council, which will be issued to confirm the ordinance. If the Court of Government of Berbice shall be unwilling to adopt any provisions which the Court of Policy may possibly continue to reject, I assure myself that they will at least not hesitate to concur in carrying into effect what that body shall have enacted, and you will immediately proceed to pass, with their advice and consent, an ordinance for meliorating the condition of the Slaves, similar to that which shall be then in force in Demerara, with such modification however, of the clause by which a salary of 14,000 guilders is assigned to the Protector of Slaves in Demerara, as shall apportion that of the Protector in Berbice to what you shall consider to be the relative means of the Colony, as well as the duties of the office. This ordinance will be ultimately confirmed by the King in Council, and if not complete, as promulgated by yourself and the Council, the provisions wanting in it will be then submitted to His Majesty in Council as proper to be supplied by the Royal authority.

I have, &c.

Lieutenant-Governor Beard,
&c. &c. &c.

(Signed) BATHURST.

No. 5.

SIR,

Downing Street, 20th March 1826.

IN directing you to put in force the Demerara Ordinance referred to in my other despatch, I must call to your particular attention that part which relates to the duties of Protectors of Slaves.

I am aware that these duties are in their nature very invidious, and that in the due execution of them it requires, on the one hand, great discretion, so that no inconsiderate encouragement be given to groundless or frivolous accusations by Slaves against those who are placed in authority over them, and great firmness on the other, so as not to compromise the welfare of the Slaves to the fear of giving offence to their masters. I need not, therefore, press upon you to give the Protector of Slaves all the advantage of your countenance and assistance.—But I deem it expedient to instruct you that if, in any prosecutions which he may consider it necessary to advise, you should observe any backwardness in those whose duty it would be to forward them, or any difficulties unjustifiably interposed by any of the existing authorities, you will immediately make me acquainted with such attempts to counteract the beneficial effects of this part of the Ordinance, so that I may be able to take the proper steps for removing them.—And you will from time to time communicate to me the several proceedings which may be instituted by the Protector of Slaves, particularly in the discharge of this part of his duty, and inform me of their result.

I have, &c.

Lieutenant-Governor Beard,
&c. &c. &c.

(Signed) BATHURST.

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No. 6.

SIR,

Downing Street, 20th March 1826.

WITH reference to my other despatch of this date, I have received the King's commands to desire that in the event (I hope improbable) of your not being enabled to obtain the concurrence of the Council of Government in enacting an Ordinance, similar to whatever Law you may on your arrival in Berbice find to be in force in Demerara, you will then at once carry such Law into effect by a Proclamation in His Majesty's name.

Lieutenant-Governor Beard,
&c. &c. &c.

I have, &c.

(Signed)

BATHURST.

No. 7.

MY LORD,

King's House, Demerara, 11th May 1826.

I HAVE had the honour to receive your Lordship's despatch of the 17th March.

I shall duly observe the instructions it contains, and as the Court of Policy of this Colony will meet on the 24th instant, for the final consideration of your Lordship's commands, conveyed to me in your despatch of the 25th of February, I shall, at the conclusion of that sitting, know "the whole of the provisions, which shall at that time have been adopted in Demerara;" and I will then, if Lieutenant-Governor Beard shall not have arrived in the mean time, issue a proclamation, carrying the same provisions into effect in Berbice; paying due attention to the provisional appointment of a Protector, and to the proportion of salary to be given him.

I conceive that this arrangement will be in accord with the spirit of His Majesty's commands, since, as I received your Lordship's despatch on the 3d instant, and the sitting of the Court of Policy will probably occupy a few days, about a month will have elapsed between the time of its having reached me, and the issue of the proclamation in Berbice; an interval which will, I think, pretty well answer to the expression of "shortly after the receipt of the despatch," by which I am to be directed in proclaiming the Slave Law, if the Lieutenant-Governor of Berbice should not have arrived.

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

I have, &c.

(Signed)

D'URBAN.

No. 8.

SIR,

Downing Street, 3d June 1826.

PREVIOUSLY to your taking possession of the very arduous and important situation to which you have been appointed as Protector of Slaves, it is necessary that I should convey to you some special instructions for the regulation of your conduct in the exercise of its various duties.

It will be your particular duty, as Protector of Slaves, to watch over the faithful execution of all such provisions or regulations, with respect to the treatment of Slaves, as are at present in force in Berbice, or as may at any future time be established there by any lawful authority.

You will, if necessary, apply to the local Government for any facilities which may give you more complete opportunities of receiving and considering any complaints which may be preferred by the Slaves against their owners, or any other persons exercising a delegated authority over them, and you will not fail to make a report to the Lieutenant-Governor, which will be transmitted to me, on the subject of any practical impediments which may be found in the execution of any part of your duty.

You will not deem it necessary, in all cases, to wait to receive complaints from the Slaves themselves; but if you shall hear of any unwarrantable treatment to which any Slave, or any gang of Slaves are exposed, you will repair to the estate, and there institute a diligent inquiry into the conduct of those persons who may be responsible upon the occasion.

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You will not, however, forget, in the execution of your office, that it is also your duty to secure all the legal rights of the proprietor as well as of the Slave, as far as they are involved in any transaction with you as Protector.

You must exercise a constant discretion in impressing upon the minds of the Slaves, in the most forcible manner, that the measures which have been provided for their protection are in no degree to interfere with the unremitting practice of industry and obedience to which, under prescribed regulations, their owners are by law entitled; but on the contrary, that those duties are the more strictly to be observed by them, in proportion as Law and regulation interpose, to prevent any improper exercise of the authority of the master.

You must explain to them, that although they may always expect to find in you a vigilant friend and protector, in all cases where such protection can be properly required, they will at the same time find you entirely determined to discountenance any frivolous and unfounded complaints which may be preferred against their masters.

You will not fail to make it your early and peculiar study to fix on the mind of the Slaves, by such arguments and explanations as are suited to their state of information and comprehension, the principles which are contained in this letter, and which pervade all that course of legislation which His Majesty's Government have established and recommended in pursuance of the Resolutions of both Houses of Parliament.

I have, &c.

(Signed)

BATHURST.

David Power, Esq., Protector of Slaves, Berbice.

No. 9.

MY LORD,

Berbice, 21st July 1826.

I HAVE the honour to inform your Lordship, that in obedience to your Lordship's instructions, I convened the new Council of Government as early as possible, after proclaiming the King's order of 30th January last, for dissolving the late Council, and laid before them your Lordship's despatch of the 20th March last, and the documents therein referred to; and also the Demerara Ordinance for the religious instruction of Slaves, and bettering their condition; together with a despatch which I had received on that subject, from the Lieutenant-Governor of that Colony, and I now have the honour of transmitting to your Lordship minutes of the proceedings of Council on this important matter on the 20th instant. It is my pleasing duty to state to your Lordship, that the new Council of Government have evinced their perfect readiness to meet the views of His Majesty's Government, as far as they possibly can, and I hope with as little delay as possible, to put the new measures for meliorating the condition of the Slave population in this Colony, into satisfactory operation.

I have, &c.

(Signed)

HENRY BEARD.

The Right Hon. Earl Bathurst, K. G.

&c. &c. &c.

Extract from the Register of the Proceedings of the Honourable the Council of Government.

Thursday, 20th July 1826.

The Lieutenant-Governor stated that he had now to bring under the consideration of the Council a subject of considerable importance, viz. the proposed Ordinance for meliorating the condition of the Slaves in this Colony; and his Excellency was assured that the Council would give the matter their most serious and unbiassed attention, which he trusted might enable him to report satisfactorily thereon to His Majesty's Government.

A despatch bearing date 20th March 1826, addressed by the Right Honourable the Earl Bathurst, to the Lieutenant-Governor on the subject of said Ordinance was then read. (*Vide Appendix.*)

The correspondence referred to in said despatch was then laid on the table, and his Excellency said he had applied to the Lieutenant-Governor of Deme-

rara for a copy of the Slave Ordinance now in force in that Colony, as also for the further information desired; to which his Excellency had received an answer from the Lieutenant-Governor, dated the 13th instant, transmitting a copy of said Ordinance, and stating that the ultimate consideration of the provisions deemed by His Majesty's Government essential to complete said Ordinance, was to be entered into by his Excellency, in conjunction with the Court of Policy, on the 31st instant, when he would not fail to transmit without delay the result. The despatch was then read as follows:

SIR,

King's House, Demerara, 13th July 1826.

I have had the honour to receive your Excellency's despatch of the 10th instant, and I herewith transmit accordingly the Slave Ordinance now in force in Demerara, with respect to which I refer your Excellency, in explanation, to No. 2, of my memorandum of the 6th instant, forwarded to your Excellency on the 9th instant.

In all probability your Excellency already has the Parliamentary Papers which I also enclose. Lord Bathurst's despatch, No. 5, page 119, of those papers, contains his Lordship's remarks upon the 9th, 27th, and 29th articles of the Ordinance, the ultimate consideration of which (as I have already had the honour to inform your Excellency) I am to enter into with the Court of Policy on the 31st instant; and I will not fail to transmit to your Excellency without delay, the result of that sitting.

I have, &c.

(Signed) B. D'URBAN.

After which his Excellency said, that immediately on receipt of the promised information from Demerara, he would convoke the Council, and submit the same for their further consideration.

The Council thanked his Excellency for the communication, said they were anxious to be informed of the ultimate view which the local Government of Demerara may take of the required provisions of the intended Ordinance, respecting Sunday labour, Slave property, and compulsory manumissions, further stated that they would immediately proceed to examine the various documents, and readily co-operate with his Excellency in carrying into effect the objects of His Majesty's Government, as far as they possibly could.

No. 10.

MY LORD,

Berbice, August 16th 1826.

6th August 1826.

I HAVE the honour to transmit to your Lordship the minutes of the proceedings in Council on the 8th instant, on the subject of the new Slave Code for this Colony, and also the copy of a letter which I have subsequently received from Sir Benjamin D'Urban, relative to the proceedings of the Court of Policy at Demerara on the proposed amendments to the Slave Code now in force in that Colony. I had summoned the Council, to take these important measures into consideration, to-day, but on account of the indisposition of some of the members, I have been obliged to postpone their meeting until Monday next.

Although I cannot pledge myself for their adoption of the amendments proposed by your Lordship to the Demerara Code, yet from the feeling which appears to me to prevail amongst the Council, and discussions which I have had with some of the members on the subject, I flatter myself with the hope that I shall be able to carry the wishes of His Majesty's Government into effect, and very shortly make a satisfactory report of my proceedings thereon to your Lordship.

I have, &c.

(Signed) H. BEARD.

The Right Hon. Earl Bathurst, K. G.

&c. &c. &c.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Tuesday, 8th August 1826.

Present.

His Excellency Henry Beard, Esq. Lieutenant-Governor; and the Honourable W. Scott; Charles Kyte; Wm. Campbell; James Culley; T. A. Jones; and John S. Usher.

(After Prayers.)

His Excellency called the attention of the Council to the Slave Ordinance intended to be passed in this Colony, and requested to be informed whether members had been able yet to examine the Demerara Ordinance, and the numerous papers and documents on that subject, which he had submitted to the Council for their consideration on the 20th and 22d July last, observing, at the same time, that he had not yet received the expected information from Demerara relative to the result of the deliberations of the Court of Policy on the proposed amendments to their Slave Code, as regarded manumissions, Sunday labour, and Slave property.

The Council said that they had maturely considered the subject, and the various papers and documents relative thereto, which had been submitted to them by his Excellency, and that they were perfectly ready and willing to co-operate with him in framing and giving effect to the proposed Ordinance without any unnecessary delay; but at the same time they observed, that as it was extremely desirable that they should know, if possible, the result of the deliberations of the Court of Policy in Demerara on the proposed amendments to their Code, previous to coming to any final conclusion on this important subject, they submitted to his Excellency the expediency of waiting a few days for the arrival of the promised information.

His Excellency replied that he was fully assured of the readiness of the Council to co-operate in giving effect to the objects of His Majesty's Government on this matter as early as possible; and as he concurred with the Council in opinion, that it was important to receive the expected information thereon before finally settling the proposed Code for this Colony, he would, at the rising of the Council to-day, adjourn it until to-morrow week, when he hoped to be able to lay the required information before them.

SIR,

King's House, Demerara, 6th August 1826.

WITH reference to my communications of the 6th and 13th of last month, I have the honour to inform your Excellency, that the Court of Policy of this Colony has been occupied upon the Slave Code during the whole of last week, and has concluded its deliberations thereon.

No alteration, however, has resulted to the Code, which, therefore, remains precisely the same as in the copy which I had the honour to transmit to your Excellency with my despatch of 13th July.

There is, however, a short supplementary clause which followed the Code, prescribing a form of Punishment Record Book, and which I think I did not send to your Excellency together with it. I now transmit it.

I have, &c.

(Signed) B. D'URBAN.

His Excellency Lieut.-Governor Beard, &c. &c. Berbice.

No. 11.

MY LORD,

Berbice, 31st August 1826.

I HAVE the honour to transmit to your Lordship extract minutes of the proceedings in Council on the 21st, 23d, and 24th of the present month, rela-

tive to the intended new Slave Code for this Colony, and I flatter myself that it will be satisfactory to your Lordship to learn that the Council have proceeded with persevering industry in adapting the Demerara Code to the circumstances of this Colony, and at the same time embodying in it (under certain modifications) the amendments proposed by your Lordship regarding Sunday labour, Slave property, and compulsory manumissions, in your Lordship's despatch of the 25th February last, to the Lieutenant-Governor of Demerara.

I hope to have the new Code completed in a few days more, and shall then lose no time in promulgating it, and transmitting it to your Lordship.

I have, &c.

(Signed)

H. BEARD.

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

Extract from the Register of the Proceedings of the Council of Government of the Colony of Berbice.

Monday, 21st August 1826.

(After Prayers.)

His Excellency stated that he had convened the Council for the purpose of again taking into consideration the new Slave Code, and laying before them a despatch which he had received since their last meeting from Sir B. D'Urban, Lieutenant-Governor of Demerara, dated the 6th instant, conveying the result of the deliberations of the Court of Policy in that Colony on the proposed amendments to their Slave Code.

The Secretary then read the despatch, which is as follows :

“ SIR,

“ *King's House, Demerara, 6th August 1826.*

“ With reference to my communication of the 6th and 13th of last month, I have the honour to inform your Excellency, that the Court of Policy of this Colony has been occupied upon the Slave Code during the whole of the last week, and has concluded its deliberations thereon.

“ No alteration, however, has resulted to the Code, which, therefore, remains precisely the same as in the copy which I had the honour to transmit to your Excellency with my despatch of the 13th July.

“ There is, however, a short supplementary clause, which followed the Code, prescribing a form of Punishment Record Book, and which I think I did not send to your Excellency together with it. I now transmit it.

“ I have, &c.

“ (Signed)

B. D'URBAN.”

To his Excellency Lieut.-Governor Beard, &c. &c. Berbice.

His Excellency then observed, that he hoped the Council had fully considered all the papers which had been laid before them on this subject, and that they would now proceed with him in preparing the Ordinance to be issued in this Colony at the earliest possible period, in order that it might be published, and put into operation a sufficient length of time before the Christmas holidays.

His Excellency observed, that he hoped the Council would at the same time give their most earnest consideration to the proposed amendments, and make the intended Slave Code in this Colony as consistent as possible with the views of his Majesty's Government.

After some discussion, the members proposed to meet at the Court House to-morrow morning at 7 o'clock, to examine and make their observations on the Demerara Code, and afterwards to attend his Excellency in Council at 10 o'clock, which was agreed to.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Wednesday, 23d August 1826.

(After Prayers.)

The Council resumed the further consideration of the proposed new Slave Code for meliorating the condition of that part of the population in this Colony, and after discussing at considerable length several clauses of the Demerara Code, and particularly the amendments which had been proposed thereto, and deemed essentially necessary by His Majesty's Government, viz.—compensation to Slaves for labour of absolute necessity performed for the benefit of their owners on Sunday; the eligibility of Slaves to hold land as well as other property; and the right of Slaves to purchase their own freedom from their owners on equitable terms; the said amendments were, under certain modifications, adopted, and agreed to be introduced into the new Code. The Council then took into consideration the clause of the Demerara Code with respect to the admissibility of Slave evidence, subject to the same rules as govern the competency of persons of free condition; when, after considerable discussion on this clause, which was protracted to a late hour, and there being a difference of opinion thereon, his Excellency proposed to adjourn the further consideration of this clause, and the remaining clauses of the Code, until to-morrow morning at 10 o'clock, which was agreed to, and the Council, after prayers, adjourned accordingly.

Extract from the Registers of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Thursday, 24th August 1826.

(After Prayers.)

The Council resumed the consideration of the proposed new Slave Code, and after comparing the clause of the Demerara Code with the clause of the Trinidad Order in Council, as to the admissibility of Slave testimony, and discussing at considerable length the principles and effects of these clauses, the Council agreed to adopt the Trinidad clause on this subject.

The Council having completed their examination of the several clauses in the Demerara new Slave Code now in force in that Colony, and fully deliberated thereon, and made such alterations and amendments therein, and additions thereto, as they considered necessary for framing the new Slave Code for this Colony, and meeting the views of His Majesty's Government relative thereto, directed the Secretary to prepare as speedily as possible a draft of the intended Code, in order that it might be revised and finally considered at the next meeting of the Council.

No. 12.

MY LORD,

Berbice, 22d September 1826.

I HAVE the honour to transmit to your Lordship extracts from the minutes of the proceedings in Council of the 30th August last, 13th, 14th, and 20th of the present month, regarding the new Slave Code for this Colony, which is now so far completed that I hope to be able to publish it next week, and forward it to your Lordship by the first opportunity. I propose to bring it into operation on the 1st November next, and I flatter myself that the harmony and good feeling which have prevailed in the Council during the discussion of these im-

portant measures, and the unanimity with which the amendments to the Demerara Code have been made, with a sincere desire to meet the views of His Majesty's Government, will prove satisfactory to your Lordship.

I have, &c.

(Signed)

H. BEARD.

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

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Wednesday, 30th August 1826.

(After Prayers.)

The Council then proceeded to revise and consider the draft of the intended Code for the melioration of the condition of the Slave population in this Colony, when a difficulty occurred as to the extent of the authority of the Deputy Fiscals in Demerara (similar officers in this Colony under the title of Civil Magistrates, being proposed as Assistant Protectors of Slaves), and as the Council deemed it essential to define the duties of such officers clearly, and not leave the proposed Code subject to any avoidable difficulty in its execution, they submitted the propriety of obtaining from Demerara information thereon previous to finally settling the Code for this Colony; to which his Excellency acceded. And as his Excellency stated that he had already written to Sir Benjamin D'Urban on this subject, and expected an answer in three or four days, it was agreed to adjourn the Council until the answer should arrive.

Extract from the Register of the Proceedings of the Council of Government of the Colony of Berbice.

Present.

His Excellency Henry Beard, Esq., Lieutenant-Governor, and the Honourables Charles Kyte, Wm. Campbell, and T. A. Jones.

Absent.

Wm. Scott, James Culley, and John S. Usher.

Wednesday, 13th September 1826.

(After Prayers.)

His Excellency stated that he had obtained from the Lieutenant-Governor of Demerara the information desired at the last meeting, relative to the extent of the authority of the Deputy Fiscals and Assistant Protectors of Slaves, as also the regulations for the tread-mill erected in the gaol of Demerara, as the means of correctional punishment, which was accordingly read.

(*Vide Appendix.*)

His Excellency further stated, that he would defer the final consideration of the draft of the intended Code for the melioration of the condition of the Slave population until to-morrow, when he hoped the members at present indisposed might be able to attend.

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Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony Berbice.

Present.

His Excellency Henry Beard, Esq., Lieutenant-Governor, and the Honourables Charles Kyte, Wm. Campbell, James Culley, and T. A. Jones.

Absent.

Wm. Scott, and J. S. Usher.

Thursday, 14th September 1826.

(After Prayers.)

The draft for the intended Code for the melioration of the Slave population was then read, and after the several clauses and amendments and additions had been discussed and maturely considered, the draft was finally approved of, and the Secretary was directed to prepare a fair copy of it, and deliver it as early as possible to his Excellency, who stated that he would at the earliest convenient day after the receipt thereof, convene the Council for the purpose of finally passing and signing the said Code, at which time he hoped there would be a full attendance of the Council.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Present.

His Excellency Henry Beard, Esq., Lieutenant-Governor, and the Honourables Wm. Scott, Charles Kyte, Wm. Campbell, James Culley, and T. A. Jones.

Absent.

John S. Usher.

Wednesday, 20th September 1826.

(After Prayers.)

His Excellency stated that the Secretary, pursuant to direction given on the 14th instant, had prepared a fair copy of the draft of the intended Code for the melioration of the Slave population in this Colony, and that his Excellency had convened the Council for the purpose of finally passing and signing said Code.

The Secretary then proceeded to read the same, article by article, to several of which certain verbal and other amendments and additions were made, when, having proceeded as far as the clause directing the * keeping of a Marriage and Birth Record Book, his Excellency proposed, as it was four o'clock of the day, to adjourn the further reading of the said Code until to-morrow morning at ten o'clock, which was agreed to.

* An amendment is made to the 26th clause of the Demerara Code, by which it is made compulsory, under a penalty, on proprietors to keep an accurate record of all marriages and births of Slaves upon estates, to be transmitted to the Protector whenever he may require it.

MY LORD,

Berbice, 23d October 1826.

25th September 1826.

I HAVE the honour to transmit to your Lordship the new Code, which, with the unanimous concurrence of the Council, has been passed for promoting the religious instruction and bettering the state and condition of the Slave population in His Majesty's Colony of Berbice; and also a minute made by the Council on passing and signing this document.

25th September 1826.

This Ordinance has been framed upon the model of the Code now in operation in Demerara, with such amendments and additions, however, as local circumstances rendered necessary, and more particularly with due attention to such amendments as your Lordship's letter of the 25th February last, to the Lieutenant-Governor of Demerara, pointed out, as regards Sunday labour, the right of Slaves to hold property in land, and the right to be given to a Slave to purchase his manumission without the consent of his owner.

To these three principal points I will now proceed to draw your Lordship's more immediate attention, respectfully referring your Lordship to the manuscript Code itself for those amendments and additions which are of a minor description, but which I trust your Lordship will nevertheless consider of some importance.

With respect to Sunday labour, your Lordship will perceive, on reference to the 9th clause of the Berbice Code (B), that "it is strictly provided that the several descriptions of exigible labour" (previously enumerated) "are to be only performed for wages to be paid to the Slave himself or herself in the currency of the Colony, and not by any parts or portions of the produce of the crops which may accrue to the proprietor from such labour."

By the 27th clause, the right of Slaves to possess landed as well as other property in the Colony, is established by law under the following provisions, namely, "That nothing hereinbefore contained shall extend or be construed "to extend to affect or prejudice the right of property which the proprietor or "owner legally has in or to his Slave or Slaves; and his or her services shall "in no manner be alienated, diminished, or deteriorated by the possession of "any land or other property as aforesaid, which any such Slave or Slaves may "by virtue hereof legally acquire; but such land or other property so acquired "by such Slave or Slaves as aforesaid, shall alone be considered and remain "liable to and for any debt or debts, of whatsoever nature or kind, which such "Slave or Slaves may at any time incur for or in respect of any such land or "other property as aforesaid; and the person or persons of the said Slave or "Slaves shall be for ever freed and discharged from all liability for or on account of any such debt or debts."

These provisions have been considered necessary to secure to the proprietor his right of property in his Slaves, and to their undiminished services.

With reference to the third and most important point, and which is considered "a vital part of the whole measure," namely, the right to be given to the Slave to purchase his manumission, without the consent of his owner, I have great satisfaction in referring your Lordship to the 31st, 32d, 33d, and 34th clauses of the Code, by which your Lordship will find that this right is clearly established by law, subject, however, to certain restrictions, which will be found in the concluding part of the 34th clause, namely, "Provided always "that nothing hereinbefore contained shall extend, or be construed to extend, "to entitle any Slave or Slaves within this Colony to purchase the freedom of "himself, herself, or themselves, or of his or her wife, or husband, or child, or "brother, or sister, or reputed wife, or husband, or child, or brother, or sister, "without the consent of his, her, or their owner or owners, unless it shall be "made to appear, to the satisfaction of the Protector or Deputy Protector of "Slaves (as the case may be), that the money wherewith such Slave or Slaves "may propose to purchase his, her, or their freedom as aforesaid, arises from "the earnings of his, her, or their own honest industry, or has been bequeathed "unto him, her, or them, by last will and testament, or acquired by legal or "testamentary succession; and also that sufficient proof has been exhibited "unto him, the said Protector or Deputy Protector of Slaves (as the case may "be), that such Slave or Slaves has or have conducted himself, herself, or themselves, honestly and faithfully for the period of five years then next preceding

“such application for manumission. And provided also, that nothing herein-
“before contained shall extend, or be considered to extend, to entitle any such
“Slave or Slaves to purchase his, her, or their freedom as aforesaid, where the
“Slave or Slaves proposed to be manumitted shall have been convicted of lar-
“ceny, or shall have suffered corporal punishment under the sentence of any
“court of competent jurisdiction, within the period of seven years next pre-
“ceding his, her, or their application for manumission as aforesaid.”

With respect to prosecutions to be directed by the President of the Courts of Justice on the applications of Slaves, and power to be granted to the Protector to bring or defend any action in respect of the property of the Slave, I take the liberty of observing to your Lordship, that before the passing of this Ordinance, prosecutions could be, and have been, directed by the President, or commenced by the Fiscal, on the application of Slaves having just ground of complaint against their owners, or other persons; however, as your Lordship has suggested the propriety of special authority being granted by the Ordinance to the President of the Court of Justice, and to the Protector of Slaves, for these purposes, due provision has been made therein accordingly, as will appear by the following extract from the 8th clause of the Ordinance: “And in case
“in the complaint of any Slave or Slaves, it shall appear to the President of
“the Court of Criminal Justice of this Colony, that the offence charged therein
“should be prosecuted, it shall and may be lawful for, and the said President
“is hereby fully empowered to direct the prosecution thereof, in manner as is
“by law established.

“And in case the Protector or Deputy Protector of Slaves (as the case may
“be) in this Colony, on the application of any Slave or Slaves desirous to bring,
“maintain, and prosecute any suit or action in any Court of Justice in this
“Colony, for or in respect of any such claim of freedom, or right to property
“which he, she, or they, is or are hereafter declared competent to acquire,
“should consider that the said Slave or Slaves has or have good, just, and
“legal grounds of suit or action in respect thereof, then and in every such case
“it shall and may be lawful for, and he the said Protector, or Deputy Protec-
“tor of Slaves (as the case may be), is hereby fully empowered to commence
“and prosecute such suit or action in behalf of such Slave or Slaves, in manner
“and form as prescribed by law, with respect to persons of free condition.”

I believe I have now drawn your Lordship's attention to the most important features in the Berbice Ordinance, and I venture to flatter myself with the hope that the principles which have been adopted, and the enactments made therein, with an anxious desire to meet and accomplish the views of His Majesty's Government on this important, and difficult, and delicate subject, will be considered worthy of your Lordship's approbation.

To the members of the new Council of Government my warmest acknowledgments are due, for the readiness and unceasing zeal with which they have at all times entered upon the discussion of the most difficult topics connected with these new measures, the unanimity which has throughout prevailed between the Council and myself, and the facilities which they have thus afforded me in carrying (as I hope, satisfactorily) His Majesty's commands into effect.

I must respectfully claim your Lordship's indulgence for the many errors which no doubt will be apparent on the face of this Ordinance, and the want of technicality in the expression of its several provisions. The haste with which it has been framed, with a view to putting it in force a sufficient length of time, to deprive it of its novelty, and make it well understood by the Slave population before the commencement of the Christmas holidays, will, I hope, be some excuse for its errors, and the necessity there was to use popular language rather than legal phrases in framing it, so as to make it more easily intelligible to the particular persons to be affected by it, as well as to afford greater facilities to that class of persons who are required to co-operate in carrying it into effect, I trust will be a sufficient excuse for the absence of those strict legal forms and technicalities which would, under other circumstances, be desirable and necessary in a public document of so much importance.

I have, &c.

(Signed) H. BEARD.

The Right Hon. Earl Bathurst, K. G.

&c. &c. &c.

An Ordinance for promoting the Religious Instruction and bettering the State and Condition of the Slave Population in His Majesty's Colony of Berbice.

Note.—The part printed in italics point out the several deviations from and amendments to the Deinerara Slave Code of the 7th September 1825. And also the additional clauses.

BERBICE.

Publication.

By his Excellency Henry Beard, Esquire, Lieutenant-Governor and Commander-in-Chief in and over the Colony of Berbice and its Dependencies, &c. &c. President of all Courts and Colleges within the same, sole Judge of the Vice Admiralty Court, &c. &c. and the Honourable the Council of Government of said Colony.

To all to whom these Presents shall or may come greeting, be it known,

WHEREAS it is necessary and expedient that further provision should be made for the religious instruction of the Slaves in this Colony, and the improvement of their state and condition. And whereas His Majesty has been pleased to appoint a Protector of Slaves in this Colony, and it is expedient that the said office should be fully established, and due provision made for such Protector, and that the authority and several duties of said Protector be clearly and distinctly defined.

1.—Be it therefore, and it is hereby ordered, that such Protector of Slaves shall receive and be paid, at the times and in the manner hereinafter mentioned, a salary, at and after the rate of fourteen thousand two hundred and fifty guilders per annum out of the ordinary revenues of the Colony, subject, however, to the confirmation thereof by or such alteration therein as His Majesty may be pleased to direct. And that such Protector of Slaves entering on such office shall appear before the Lieutenant-Governor, or Acting Lieutenant-Governor, for the time being of this Colony, and in his presence shall take and subscribe an oath, in the following words :

“ I, A. B. do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of Protector of Slaves in the Colony of Berbice, without fear, favour, or partiality, So help me God.”

2.—And it is hereby further ordered, that the said Protector of Slaves shall establish and keep an office in New Amsterdam, and shall regularly attend at such office on such days and during such hours of the day as the Lieutenant-Governor, or Acting Lieutenant-Governor, of this Colony, by any general or special order 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 this Colony, or of any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture ; and shall not have any share or interest in, or any mortgage or security upon, any such plantation, Slave or Slaves, and shall and is hereby declared to be incompetent to act as, or be the manager, overseer, agent, or attorney, of, for, or upon any plantation or estate within this 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 this Colony shall have, acquire, hold, or possess, either in his own right, or in the right of his wife, or in trust for any other person or persons, any plantation situate within this 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 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 thenceforth, *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 such avoidance as aforesaid of such his office, and

before the same shall, by public notice in the Gazette of this 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 this Colony, and shall not quit the same without a special licence, to be granted for that purpose by His Majesty, through one of His Principal Secretaries of State, or by the Lieutenant-Governor, or acting Lieutenant-Governor, for the time being of this Colony; and no such licence shall in any case be granted by the Lieutenant-Governor, or acting Lieutenant-Governor, for any time exceeding three months, nor shall any such licence be granted by any such Lieutenant-Governor, or acting Lieutenant-Governor, as aforesaid, unless it shall be made to appear to him, on the oath of some Medical Practitioner, that such absence is necessary for the recovery of the health of the said Protector of Slaves.

5.—And it is further ordered, that upon the death or resignation 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 this Colony, it shall be lawful for the Lieutenant-Governor, or acting Lieutenant-Governor, to nominate and appoint some other fit and proper person to act as the 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 Lieutenant-Governor, or acting Lieutenant-Governor, for the time being of this 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 Lieutenant-Governor, or acting Lieutenant-Governor 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 this Colony shall at all times perform his duty in person and not by deputy, except only in cases in which the Lieutenant-Governor, or acting Lieutenant-Governor of this Colony, is hereinbefore authorised to appoint a deputy for that purpose.

6.—And it is hereby further ordered, that the said Protector, or deputy Protector of Slaves (as the case may be), 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 or hereafter may be by Law vested, as regards the Slave population, in the civil Magistrates of the several districts of this Colony, for the maintenance of the public peace and good order, shall be, and the same is hereby vested in the said Protector, or deputy Protector of Slaves (as the case may be), to be by him exercised throughout each and every district of this Colony.

7.—And it is hereby further ordered, that the said *civil Magistrates* of the several districts within this Colony shall be, and they are hereby declared to be, assistant Protectors of Slaves, in their several and respective districts; and the said respective *civil Magistrates* shall, and are hereby required, in their several and respective districts, to be aiding and assisting the Protector of Slaves, or the deputy Protector (as the case may be), in the execution of the power hereby committed to him; and for that purpose to obey and carry into execution, such lawful instructions as they may from time to time receive from him, about or in relation to the matters herein mentioned, or any of them.

8.—And it is hereby further ordered, for the purpose of securing the impartial execution of justice in all cases in which Slaves may be parties concerned, that whenever it may become the duty of the Fiscal to institute a criminal prosecution against a Slave (which prosecution is always to be carried on as heretofore, in the same manner as against every person of free condition), it shall be his duty, when applying to the Court of *Criminal Justice*, or in non-session, to the President of said Court, for authorization to institute such

criminal action, suit, or prosecution, to demand, at the same time, the appointment of one or more advocates (according to the nature of the charge), to defend such Slave in the suit to be commenced against him, when it shall be the duty of the said Court of *criminal Justice*, or the President thereof, to whom the application is made, to appoint such advocate or advocates without any delay. Provided always that such advocate shall not be allowed to interfere in such proceedings in any other manner than what would be legal according to the Criminal Law, and the practice thereof, as it is established in the Colony, if the party accused and under trial were a person of free condition.

And in order to secure the zealous and active exertion on the part of such advocates, in the defence of such Slave or Slaves, they shall be entitled to such fees as shall have been taxed and certified by the Court of *criminal Justice* as due to them, the amount whereof shall be ordered by *the Lieutenant-Governor, or acting Lieutenant-Governor, in Council of Government*, to be paid to them out of the Colonial chest, on proper application being made for the same. *And in case, on the complaint of any Slave or Slaves, it shall appear to the President of the Court of criminal Justice of this Colony that the offence charged therein should be prosecuted, it shall and may be lawful, and the said President is hereby fully empowered to direct the prosecution thereof, in manner as is by Law established.* And, in all civil suits concerning the right of any alleged Slave to freedom, or where any question shall arise respecting the right of any Slave to any such property as he or she is herein-after declared competent to acquire, then, and in every such case, such notice shall be given to the Protector, or *deputy Protector of Slaves (as the case may be)*, of every such action, suit, or prosecution, as according to the law of this Colony would be given to the said Slave if he or she were of free condition. *And in case the Protector, or deputy Protector of Slaves (as the case may be), in this Colony, on the application of any Slave or Slaves desirous to bring, maintain, and prosecute any action or suit, in any Court of Justice in this Colony, for, or in respect of any such claim to freedom or right of property, which he, she, or they is or are hereafter declared competent to acquire, should consider that the said Slave or Slaves have good, just, and legal grounds of suit or action in respect thereof, then, and in every such case, it shall and may be lawful for, and he the said Protector, or deputy Protector of Slaves (as the case may be), is hereby fully empowered to commence and prosecute such suit or action, in behalf of such Slave or Slaves, in manner and form as prescribed by Law with respect to persons of free condition.* And the Protector, or *deputy Protector (as the case may be)*, may if he see fit, attend the trial or hearing, and all other proceedings, in every such suit or action as the Protector, or *deputy Protector (as the case may be)* of such Slave or Slaves, and on his, her, or *their* behalf, to act therein in such manner as may be most conducive to the benefit and advantage of any such Slave or Slaves.

9.—And it is hereby further ordered, that if any person or persons within this Colony shall work, or employ any Slave at any time between sunset on Saturday, and sunrise on Monday next following, or shall, during that period, procure, induce, or compel any Slave to perform or engage in any labour for the profit or advantage of his or her owner, manager, or employer, or of any other person or persons, the person or persons so offending shall incur and become liable to a fine of six hundred guilders for every such offence: Provided, nevertheless, that the exemption from labour, which is thus secured to the Slaves during the period before mentioned, shall not authorise them to leave the estates to which they belong without having *previously* obtained permission from their owner, manager, employer, or *other person having charge of them*; but they shall, during that period, continue to remain subject to such regulations as are established by Law, as well for their own protection, as for the preservation of good order, and the general tranquillity of the Colony. Provided also, that nothing herein contained shall extend, or be construed to extend, to prevent the weekly allowance and rations being delivered to the Slaves on Sunday morning; which *shall* not, however, be protracted beyond the hour of eight A. M. Provided also, that nothing herein contained shall extend, or be construed to extend, to any work or labour which, from local circumstances, or other *unavoidable* causes, render certain exceptions necessary, which are confined to the following:

First.—All labour performed by a Slave in the domestic service of his or her master or *mistress*, or in the preservation or tending of cattle, or any live stock, on any plantation.

Secondly.—Labour performed by nurses in hospitals, by watchmen, and by persons engaged in the interment of the dead.

Thirdly.—Such labour as may be necessary to prevent or remedy the damage arising from breaches in the dams, conflagrations, hurricanes, and other casualties of the like nature.

Fourthly.—Every other description of labour which, though not specified in terms in the three preceding exceptions, is of the same general nature, and referable to the same general principle.

Fifthly.—All labour undertaken for the preservation of the crops upon any estate, under the following provisions :

A.—That, in order to avoid all ambiguity in explaining the term “ preservation of the crops,” it is to be well understood that, on sugar estates, it shall mean nothing more than boiling off the cane juice that may have been expressed at the time of sunset on any Saturday, (the boiling, however, in no case to extend beyond the hour of ten o'clock of the night of *said Saturday*,) and the potting the sugar so made. That, on coffee and cotton estates, it shall mean, 1st, the turning and drying of coffee or cotton already housed, and in a state of preparation, but not cured; 2d, the picking of coffee or cotton during the crop, when, from its ripening suddenly, and from the unfavourable season, it would be totally lost, if not immediately picked.

B.—*And it is hereby strictly provided that the several descriptions of exigible labour above enumerated, (save and except the boiling of cane juice on the Saturday night,) are to be only performed for wages to be paid to the Slave him or herself in the currency of the Colony, and not by any parts or portions of the produce of the crops which may accrue to the proprietor from such labour.*

C.—That the rate of these wages is to be fixed by the Protector or Deputy Protector of Slaves (as the case may be), subject to the approbation of the Lieutenant-Governor, or Acting Lieutenant-Governor in Council. And the said Protector or Deputy Protector of Slaves (as the case may be), shall from time, by notices publicly given, signify the approved tariff, or rate of wages, payable to the Slaves for such labour.

D.—That any person or persons being the owner or manager of such Slave or Slaves, as may thus lawfully be employed or hired, and refusing or neglecting to pay to them, for his or her own use and benefit, wages at not less than the rate so to be fixed by any public notice of the Protector, or Deputy Protector of Slaves (as the case may be), in manner and under the authority aforesaid, shall for every such offence and refusal to pay every such Slave or Slaves their respective wages for such labour, incur and become liable to a fine of fifty guilders for every Slave so omitted or neglected to be paid wages as aforesaid.

10.—And, in order to prevent any irregularities tending to the prejudice of the Slaves, by persons employing the Slaves of others without their owners' consent, which it is highly necessary to guard against, it is hereby further ordered, that no Slaves shall or may be lawfully hired or employed in the service of any person or persons, except his, her, or their owner, manager, or other person having the charge of them, unless with the special consent in writing of such owner or manager, or other person having the charge of them; and every person thus unlawfully hiring or employing one or any greater number of Slaves, shall, for every such offence, incur and be liable to a fine of six hundred guilders, or in case of non-payment thereof, to imprisonment not exceeding one calendar month.

11.—And whereas His Majesty has been graciously pleased to intimate his intention to make effectual provision for the religious instruction of the Slaves in this Colony; and whereas it is in contemplation to abolish totally the usage now existing of holding markets on Sundays, as soon as the necessary measures shall have taken effect, which are designed to remove the causes of its temporary expediency; and it being in the mean time necessary to make some provision on the subject, it is hereby further ordered, that from and after the *first day of November next ensuing the date hereof*, the markets holden in *New Amsterdam* for the sale of meat, vegetables, and other provisions, on Sundays, and all other

markets to be holden on the Sabbath-day throughout this Colony, shall be limited to the hour of eleven o'clock in the forenoon, and that due warning shall be given, by the ringing of a bell at half past ten o'clock, to all persons to prepare to depart; and no person or persons whatsoever shall remain therein, or publicly shew forth, or expose for sale any meat, poultry, vegetables, provisions, fruit, wares, merchandize, goods, or effects, after the hour of eleven o'clock aforesaid, upon pain that every person guilty of a disobedience *of this order, or non-conformity therewith*, shall forfeit the goods or effects so exposed to sale, the proceeds whereof shall be paid into the poor's fund.

12.—And it is hereby further ordered, that from and after the first day of November *next ensuing the date of these presents*, it shall be illegal for any person or persons within this Colony to carry a whip, or any other instrument of punishment, in the field or elsewhere, either as a badge of authority, or a stimulus to labour, and every person acting against the true meaning hereof, or directing, or authorizing such illegal act, shall, *for every such offence*, incur a penalty of six hundred guilders, or in default of payment *thereof*, be subjected to imprisonment for any time not exceeding six months, nor less than one month.

13.—And it is hereby further ordered, that if a male Slave *shall commit* an offence of such a nature as to render it absolutely necessary that he be punished, such punishment must be inflicted with reason, and without cruelty or passion; the punishment to be enforced by and on behalf of the proprietor, *shall not exceed at the utmost twenty-five lashes*; nor shall it be lawful to inflict on any male Slave any corporal punishment until after sunrise of the day next following that on which the offence has been committed, for or on account of which any such punishment or correction may be so inflicted, or without the presence of one person of free condition, or of six Slaves to witness the infliction of such punishment, other than and besides the person by and by the authority of whom the said punishment shall be inflicted, under the penalty of nine hundred guilders, or, in case of non-payment, to imprisonment not exceeding three calendar months; but in case six Slaves are substituted as witnesses for one person of free condition, it shall be incumbent on the person or persons ordering the punishment to prove, if required so to do, that it was not on his *or her* power to procure the attendance within twenty-four hours of a person of free condition *to witness the said punishment*. No punishment *by flogging* shall be inflicted but at or near the buildings of the estate, nor shall it be repeated on the same day, nor until the delinquent shall have fully recovered *from* the effects of any former punishment. Provided, nevertheless, that nothing herein contained shall extend or be construed to extend to any punishment which may be inflicted on any Slave under or by virtue of any sentence or judgment of any Court of competent jurisdiction within this Colony, or in pursuance of any order of the Fiscal.

14.—And it is hereby further ordered, *that from and after the first day of November next*, it shall not be lawful to correct or punish by flogging or whipping any female Slave within this Colony, for any offence committed, or alleged to be committed, by any such Slave; and any person convicted of having inflicted such punishment, or having ordered or authorised the same to be done shall for *every such offence* be subject to a fine of fourteen hundred guilders; or, in case of non-payment thereof, to imprisonment, not exceeding six calendar months, nor less than one month. And whereas it is necessary that effectual measures should be adopted for punishing such offences as may hereafter be committed by female Slaves within this Colony, it is therefore further ordered, that from and after the said *first day of November next*, the following punishments for the suppression of such offences as may thereafter be committed by female Slaves within this Colony, which by the laws in force were heretofore punishable by flogging, shall be, and are hereby declared to be lawful:

Solitary confinement, with or without work, in any fit and proper place, on any estate, or in any place in this Colony, provided that such place be approved by some duly licensed medical practitioner in this Colony, by certificate in writing under his hand; such certificate to be duly entered in the Record Book on any plantation, if in the country, and if in town, by some duly licensed medical practitioner and the Fiscal, and to be duly recorded in the office of the said Fiscal. And provided that for each offence the period of

detention in such solitary confinement shall not at any time exceed three days.

Public Stocks, for the confinement of hands or feet, or both, during the day, not longer than three hours for each offence; such stocks to be under cover in some conspicuous place near the buildings; and that such punishment shall only be inflicted between the hours of sun-rise and sun-set.

House stocks for the hands and feet, or either of them, with seats, during any period of the day; provided that for each offence the period of confinement shall not exceed six hours.

Bed stocks, for confinement of the feet during the night.

Handcuffs.

Distinguishing dresses to be used either with or without the stocks.

Distinguishing marks, to be suspended from the neck by collars, and secured by padlocks; the collars and marks to be made of tin, *very light, so as not to injure the skin*, and to be of a form approved by *the Fiscal, and confirmed by the Lieutenant-Governor, or Acting Lieutenant-Governor.*

Confinement, either solitary or otherwise, during one of the hours of noon, with or without task work during such confinement; provided always, and it is hereby ordered, that in all cases of punishment, either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the Slave in confinement shall be supplied with a sufficient quantity of food, *that is to say, three quarters of a pound of plantains, or other prepared farinaceous food, at least twice a day, between sun-rise and sun-set, as also a proper supply of good water.*

And it is hereby ordered and declared, that in all cases where it shall seem proper to any owner, manager, *or other person having charge of Slaves*, to impose any or either of the foregoing punishments upon any male Slave or Slaves, for any offences to be hereafter committed by such male Slave or Slaves, in lieu of the punishment by flogging, it shall be lawful for such owner, manager, *or other person as aforesaid*, so to do, complying in all respects with the provisions aforesaid. Provided, however, that nothing herein contained *shall extend*, or be construed to extend, to prevent any master or *mistress*, owner, manager, *or other person having charge of any female Slave under the age of twelve years, from causing her to be punished and corrected for any fault or misconduct by her committed, in such and the same manner, and to such and the same extent, as any child of free condition may be and usually is punished and corrected in any school for the education of youth in this Colony; being mindful that in all cases such punishment shall be inflicted by a female, and any indecent exposure of the person avoided.*

And it is hereby further ordered, that if any offence *shall be* hereafter committed by any male or female Slave in this Colony, of such nature and to such extent as (in the opinion of his or her owner, or of any person under whose charge such Slave may be placed) *may require or deserve* greater punishment and correction than such owner or person is empowered to inflict, such owner or person shall, in writing, give information in such case *to one of the civil Magistrates of the district in which such person or persons may reside*, whose duty it shall be, after a *minute and full* investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, by an extension of some one or other of the modes of punishment hereinbefore provided, or otherwise to proceed according to the existing laws of the Colony.

15. And it is hereby further ordered, that there shall be kept by every person, having charge of a task or working gang of Slaves, exceeding six in number, and upon every estate throughout the Colony, a book, to be called the "Punishment Record Book;" and it shall be the duty of the owner, proprietor, manager, or other person having the direction thereof, to enter and record in the said book, at or within forty-eight hours after time of the infliction of any punishment whatsoever on any female Slave, or on any male Slave, a statement of the nature of the offence, and the time and place at which each punishment *shall have been* inflicted, together with the names of the persons by whom and by whose authority each punishment *has been* inflicted, *and in case of the corporal punishment of any male Slave*, the names of the free person or persons, or the six Slaves present and attending at the infliction of every such punishment, and of the number of stripes actually inflicted on the offender; *and if*

any owner, proprietor, manager, or other person having the direction of any estate, or task or working gang of Slaves, exceeding six in number, within this Colony, shall neglect or omit to make, in the said Punishment Record Book, any entry which, according to the provisions of this present order, ought to be made therein, or shall not make such entry within *forty-eight hours* next after the infliction of every and each punishment to which the same may refer, the person or persons so offending shall incur and become liable to a penalty of three hundred guilders. And if any person or persons shall wilfully or fraudulently make or cause to be made any false entry or fraudulent erasure in any such Punishment Record Book, or shall wilfully or fraudulently burn, destroy, cancel, *deface*, obliterate, or *falsify* the same, or any part or parts thereof, the person or persons so offending shall for *every such offence* incur and become liable to a penalty of three hundred guilders, or, in case of non-payment thereof, to imprisonment not exceeding three months. *Such Punishment Record Book to be kept in manner and form following :*

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.

16.—And it is hereby further ordered, that every person having charge of a task or working gang of Slaves exceeding six in number, and every owner, proprietor, manager, or other person having the direction of each and every plantation or estate within this colony, shall, on some day between the first and fifteenth day of the month of January, and the first and fifteenth day of the month of July in each year, repair to the *civil Magistrate acting in his capacity of Assistant Protector of Slaves* for the time being of the district in which such plantation or estate may be situate, or in which such owner, proprietor, manager, or other person as aforesaid may be resident, and then and there produce before *such civil Magistrate as aforesaid*, a precise and exact transcript of every entry which during *the period next preceding the first day of the month of January, and the first day of the month of July respectively*, may have been made in *such Punishment Record Book* of his or her task or working gang, plantation, or estate, and shall also take and subscribe an oath, to be annexed to the said transcript in the following words :

“ I, A. B., the owner or manager of the task or working gang (as the case may be), called _____ in the district of _____ in the colony of Berbice, do make oath and say that the paper-writing hereunto annexed, contains a true and exact copy of every entry which since the _____ day of _____ last hath been made in the Punishment Record Book, of the before mentioned plantation, task, or working gang; and I do further swear that the said Punishment Record Book hath been punctually and accurately kept, since the _____ day of _____ in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent.—So help me God.”

And in case any such owner or manager, or other person as aforesaid, shall not since the time of making his last preceding return to the said *civil Magistrate* of the district, have inflicted, or cause to be inflicted, any punishment upon any female Slave, or any punishment on any male Slave, then, and in every such case, in lieu of the oath aforesaid, such owner, manager, or other person as aforesaid, shall, at the several times aforesaid, take and subscribe before the *civil Magistrate* of the district in which such plantation may be situate, or task or working gang be then employed, an oath in the following words; that is to say :

“ I, A. B. do swear, that since the day of now
 “ last past, no punishment hath been inflicted by me, or by my order, or with
 “ my knowledge, upon any female Slave belonging or attached to the task
 “ or working gang, or to the plantation called situate in the
 “ district of whereof I am manager (as the case may be); and
 “ that no punishment hath, since the said day of
 “ been inflicted on any male Slave, belonging or attached to the said task or
 “ working gang or plantation. And I do further swear that no entry of any
 “ punishment hath, since the said day of been made
 “ in the Punishment Record Book of the said gang or plantation, *by me, or*
 “ *with my knowledge or consent.*—So help me God.”

And any person or persons as aforesaid refusing or neglecting to make any such return, or to take and subscribe the oath required by this present Act, shall for *every offence* incur and become liable to a fine of three hundred guilders. And the *civil Magistrates* as such Assistant Protectors of Slaves *as aforesaid*, are hereby authorised and empowered to administer the said oaths accordingly.

17.—And it is hereby further ordered, that the Assistant Protector of Slaves of each district in this colony, shall transmit to the Protector, *or Deputy Protector of Slaves (as the case may be)*, at his office in *New Amsterdam*, within the months of February and August in each year, the whole of the returns so made to him, together with the original affidavits thereunto annexed. And in case any such Assistant Protector of Slaves shall himself be the owner or manager of any estate, or gang of negroes, exceeding *six in number*, he shall, together with the said returns, transmit to the said Protector, *or Deputy Protector of Slaves (as the case may be)*, a transcript of the entries in his own Punishment Record Book for the last six months, together with an affidavit to be by him sworn before the Protector, *or Deputy Protector (as the case may be)*, or some other Assistant Protector of Slaves, in the manner and form, and under the penalty prescribed by the foregoing article.

18.—And it is hereby further ordered, that the said Protector *or Deputy Protector of Slaves (as the case may be)*, shall enter and record in one book, or set of books duly paged and indexed, to be by him kept for that purpose, the whole of the returns so made to him, and shall keep and preserve in his office the originals of the said returns and affidavits.

19.—And be it further ordered, that any persons being in a state of slavery, and being the property of the same owner, who may be desirous to intermarry, shall at their election apply either to the Protector *or Deputy Protector (as the case may be)*, or the Assistant Protector of Slaves of the district in which they may reside, for a marriage licence; and as an authority to him to grant the same, shall produce the consent in writing of the owner *of such Slaves*, or his *or her* representative to the celebration thereof. But in case such owner, or his *or her* representative shall refuse to consent to any such marriage, or to give such written permission for the celebration thereof, as aforesaid, then, and in every such case, the said Protector, *or Deputy Protector of Slaves*, or Assistant Protector of Slaves (as the case may be), shall thereupon issue a summons under his hand, requiring such owner, or his *or her* representative to appear before him by himself *or herself*, or his *or her* agent, at some convenient time and place to be for that purpose appointed, such time being not more than fourteen days distant from the time when such applications as aforesaid shall be received by such Protector, *or Deputy Protector of Slaves (as the case may be)*, or Assistant Protector of Slaves, as aforesaid; and if such owner or representative as aforesaid, being duly cited, shall fail to appear, by himself *or herself*, or his *or her* agent, before the said Protector *or Deputy Protector of Slaves (as the case may be)*, or Assistant Protector of Slaves, or appearing, shall fail to lay before him good and sufficient proof that such proposed marriage would be injurious to the well-being of the said Slaves, then, and in every such case, the said Protector, *or Deputy Protector of Slaves (as the case may be)*, or Assistant Protector of Slaves, shall, without fee or reward, issue a licence under his hand, thereby authorising any clergyman of the Established Church of England and Ireland, or any minister of the Dutch reformed church, *or Lutheran church*, or of the kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any licensed teacher of religion within

this Colony, carrying on no other profession, business, or occupation of profit *save and except the occupation of a schoolmaster*, to solemnize the marriage of the said Slaves; and such marriage when so solemnized, shall be held and considered binding, valid, and effectual in law. Provided, nevertheless, that such marriages shall not confer on the parties or their issue any rights inconsistent with the duties which Slaves owe to their owners or to the Government, or at variance with those rights which the owners 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.

20.—And it shall and may be lawful for any clergyman of the Established Church of England and Ireland, or any minister of the Dutch reformed church, or *Lutheran church*, or of the kirk of Scotland, or for any priest or curate of the Roman Catholic religion, or any licensed teacher of religion, upon receiving the permission in writing of the owner or owners (or their attorneys), of any such Slaves wishing to intermarry, or the licence of such Protector, or *Deputy Protector (as the case may be)*, or Assistant Protector of Slaves, to solemnize such marriage; and every person by whom such marriage may be solemnized shall register in a book to be by him kept for that purpose, every such marriage, with the date thereof, and the names, ages, and places of abode of the parties contracting, *and the proprietors or estates to whom or which they respectively belong.*

21.—And it is further ordered, that every female Slave who *shall* have a child while she preserves her fidelity in marriage, or reputed marriage, or is reputed to do so, shall, six weeks after the birth of such child, if the said child be then living, be entitled to receive from her owner, or his or *her* attorney, twelve guilders, and fifteen guilders for every other child she shall thereafter bear and have under the same circumstances; and if any owner or attorney shall omit in any respect to comply with and fulfil the directions of this Clause, he or *she* shall incur a penalty of three hundred guilders for every such offence. And it is further ordered, that as soon as any female Slave shall have six children living, and who have been born during marriage or such cohabitation as aforesaid, with reputed fidelity, the youngest of which children shall be seven years of age, the owner or manager of such female Slave shall not thereafter oblige such female Slave to do any labour in the field, or any other than light work, under a penalty of three hundred guilders *for every offence.*

22.—Every planter or proprietor of Slaves shall take the necessary precaution that his or *her* Slaves be properly supplied with provisions, and shall therefore be obliged to have provision grounds prepared on the estates and properly planted, calculating one acre *for every* five negroes, under a penalty of ninety guilders *for every acre less in provisions than hereby required*; allowing, moreover, a reasonable weekly allowance, according to the custom of the Colony, and as may be best obtained, *under a penalty of one hundred and fifty guilders for every Slave who may not have been duly provided with his or her allowance*; and also *shall* provide such Slave or Slaves with proper clothing, *according to the custom of the Colony, under a penalty of one hundred and fifty guilders for every Slave not duly provided with his or her clothing*: Provided always, that whenever the provision grounds to be upon the estate shall be found inadequate to furnish the requisite provisions for the due subsistence of the Negroes *thereon, then and in such case it shall not be compulsory on such proprietor, or his or her representative, to cultivate or keep up such provision grounds as aforesaid, but such proprietor, or his or her representative, shall, in lieu thereof, purchase, or otherwise procure such an equivalent supply of provisions, as may be proper for their support.*

23.—And be it further ordered, that the hours for field-work of Slaves shall be from six o'clock in the morning until six in the evening, and not longer, and that two hours shall be allowed them during that period for rest and meals, under a penalty of three hundred guilders.

24.—And it is further ordered, that every proprietor of Slaves, or his or her attorney, shall employ a legally qualified medical practitioner, *duly authorized to practice, by a certificate from the Lieutenant-Governor, or acting Lieutenant-Governor*, to attend their sick Slaves, and shall provide such medicines,

food, and other necessaries as such medical practitioner shall from time to time reasonably order and direct; and that there shall be on every estate a place where the Slaves, *other than domestic Slaves* usually reside, a commodious hospital or sick-house, furnished with proper conveniences, and attendants for the sick, under a penalty of six hundred guilders; and that a book or register shall be kept in every such hospital, in which the names and treatment of all such Slaves shall be respectively entered by the medical attendant; *and in case any such medical attendant shall omit or refuse to make such entries as aforesaid from time to time, he shall incur a fine of twenty-two guilders for each and every such offence.*

25.—And it is further ordered, that no person shall, under a penalty of five hundred guilders, bury, or allow to be buried, any Slave who has died suddenly or under suspicious circumstances, or shortly after punishment, or who has committed suicide, until previous information be given, if in *New Amsterdam*, at the office of the Fiscal, or if in the country, until such information be sent to the *civil Magistrate* of the district *in which such death took place*, or if this be impracticable, to some other respectable inhabitant; who shall, with some legally qualified medical practitioner, attend for the purpose of inspecting and examining the corpse, and send a certificate of the result of such examination to the *civil Magistrate* of the said district, *or if it should happen, as it possibly may, in particular cases of death under peculiar local or other circumstances, that it is impracticable to obtain either of the certificates above mentioned, then and in every such case some other proof equally strong and satisfactory, or the best which the nature and incidents of the case can afford, must be produced to the said civil Magistrate in support thereof; the person offering such proof to verify by oath the circumstances which put it out of his or her power to procure one or other of the certificates as above directed, and in every such case the said civil Magistrates shall forthwith transmit unto the Fiscal the said certificates, and other the proof hereinbefore required.*

26.—And be it further ordered, that it shall not be lawful in the execution of any judgment, sentence, decree, or order of the Court of Justice within this Colony, to seize and sell in satisfaction thereof any Slave known or asserting to have a husband or wife, or 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 or wife, or reputed husband or wife, or child as aforesaid, shall be sold together, and in one and the same lot, to the same person or persons; and in order to prevent any such separation taking place, it is hereby further ordered, that the Marshal, and sworn clerk attending the Marshal, when levying execution, shall, in their return, certify that before levying execution on any single Slave, they have carefully inquired from the Slave, if a male, whether he has a wife or reputed wife, or child under the age of sixteen years; and if a female, whether she has a husband or reputed husband, or child as aforesaid, belonging to the same person or persons; and in case either he or she should declare to have a wife or husband, or reputed wife or husband, or child as aforesaid, the Marshal shall be then bound to levy on them together; provided, however, that a Slave thus asserting to have a husband or wife, or reputed husband or wife, or child as aforesaid, belonging to the same owner, shall be bound to prove the truth of his or her assertion, either by the evidence of the owner, manager, or overseer on the plantation where the execution *shall be* levied, or by the evidence of the other Slaves belonging to the same estate or plantation, or person or persons; and in case the assertion *be* supported by the evidence of Slaves only, but contradicted by that of the owner, manager, or overseer, or all of them, so as to render the case doubtful, or if the Marshal under any circumstance entertain a doubt, it shall then be lawful for him to levy on the single Slave given up in execution, and provisionally on the alleged family of the said Slave, and it shall then be his duty to make a full report of his proceedings in his return, a copy of which he is to deliver, or cause to be delivered, to the Protector or Deputy Protector of Slaves, *as the case may be*, who shall with all diligence inquire into the circumstances of the case, and decide thereon with strict impartiality and justice, and whatever decision shall be given by the Protector or Deputy Protector of Slaves thereon, shall be the rule for the Marshal completing the levy and sale. And in case the single Slave thus taken in

execution shall, when such levy and execution take place, declare not to have a husband or wife, or reputed husband or wife, or child as aforesaid, or shall remain silent on the subject, then and in every such case it shall be lawful for the Marshal to proceed with the sale of the single Slave thus taken in execution, and the sale is hereby declared absolutely valid in the Law to all intents and purposes whatever. And in order to facilitate such investigation, the proprietor, manager, or *other person having charge* of such estate as aforesaid, is hereby directed to keep *an accurate and complete* record of all married or reputed married persons *on such estate*, and also of the children respectively proceeding therefrom, *which shall be forthwith transmitted to the Protector or Deputy Protector of Slaves, as the case may be, at his office in New Amsterdam, whenever required so to be transmitted by such Protector or Deputy Protector of Slaves as aforesaid, for the purpose of facilitating such investigation as aforesaid, under penalty for not duly keeping such record as aforesaid of the sum of five hundred guilders for every such offence, and also under a penalty of five hundred guilders for refusing or omitting to transmit such record as aforesaid, for such purpose as aforesaid, to such Protector or Deputy Protector of Slaves as aforesaid, whenever required by him so to do.*

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 control, and it is expedient that the said custom should be recognised, 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, and be deemed or be taken to be, by or on account of such his condition, incompetent to purchase, acquire, or 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 *Lands situate in this Colony*, 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 firearms, ammunition, and such Colonial produce as is prohibited to be sold or bartered by the existing law: Provided always, that it shall not be lawful for any Slave to hold, or keep upon the land *of his* or her 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 destroyed* by others. And if any white or free person in this Colony, shall purchase from any Slave *any land* or article in which such Slave shall or may have *legally* acquired a right of property, and shall refuse to pay for the same, it shall and may be lawful for the owner of such Slave, or the Protector, or *Deputy Protector of Slaves (as the case may be)*, to have and maintain an action in his or her own name or quality, for the recovery of the price, or the value of the *said land* or article, so purchased in like manner, as if the same had been purchased from himself or herself, or *such Protector, or Deputy Protector of Slaves (as the case may be)*, and the Court in its sentence shall decree for the plaintiff for the use of the Slave, if he or she shall be proved to have been so defrauded; and if any owner in this Colony shall, unjustly, withhold from any Slave under his or her direction any sum of money which shall have been so decreed by the Court to the use of such Slave, or shall on any occasion unjustly appropriate to his or her own use any *land*, money, or property of any kind, which such Slave shall or may have so lawfully acquired, or shall prevent him or her *from disposing of* the same, or *if any other person whomsoever* shall molest or disturb any such Slave in the possession or free use and enjoyment of any *land*, money, or property, so lawfully acquired by such Slave, such owner, or *such other person*, shall, upon conviction thereof, be liable to restore to the said slave the *land*, money, or property, so unjustly appropriated to his or her own use, and be further liable to fine or imprisonment, or both, at the discretion of the Court. *Provided always, that nothing hereinbefore contained shall extend, or be construed to extend, to affect, or prejudice the right of property which*

the proprietor or owner legally has, in or to his Slave or Slaves; and his, her, or their services shall in no manner be alienated, diminished, or deteriorated, by the possession of any land or other property as aforesaid, which any such Slave or Slaves may by virtue hereof legally acquire, but such land or other property, so acquired by such Slave or Slaves, as aforesaid, shall alone be considered and remain liable to and for any debt or debts of whatsoever nature or kind, which such Slave or Slaves may at any time incur for, or in respect of, any such land or other property, as aforesaid; and the person or persons of the said Slave or Slaves shall be for ever freed, and discharged from all liability, for or on account of any such debt or debts.

28.—And it is hereby further ordered, that a Savings Bank shall be established in this Colony for the better preserving the property of any Slaves therein; and that interest, at the average rate of Government funded security, be allowed upon any sum of money which may be deposited in any such Savings Bank, under the condition that the sum or sums is or are to remain for one twelve-month. And any Slave making any deposit of money in such Savings Bank, shall bequeath the said money to whomsoever he or she may please, in case of his or her death, by a declaration to be lodged in the records of the bank; which declaration shall be equivalent to a will:—The whole, however, to be subject to such rules and regulations as may be hereafter deemed advisable. Such Savings Bank to be under the immediate direction of the Protector, or *Deputy Protector of Slaves (as the case may be)*, subject to the general superintendance of the Lieutenant-Governor, or acting Lieutenant-Governor, and Council of Government.

29.—And it is hereby further ordered, that no duty, tax, or impost, of any nature or kind whatsoever, and that no fee of office shall hereafter be paid, or be payable, for or on account, or in respect of the manumission of any Slave, or the enrolment or registration of any deed of manumission. And if any person within this Colony shall hereafter take, demand, or receive any tax, duty, impost, or fee of office, for any *such deed of manumission, or the enrolment thereof, as aforesaid*; the person so offending, shall incur and become liable to the payment of a fine not exceeding one thousand, nor less than one hundred, guilders.

30.—And it is hereby ordered, that in case the owner or owners of any Slave or Slaves shall be desirous to manumit any such Slave or Slaves, it shall be his or her duty to apply to the Protector, or *Deputy Protector of Slaves (as the case may be)*, and give him notice in writing of such intended manumission, and it shall thereupon be the duty of the Protector, or *Deputy Protector of Slaves (as the case may be)*, to inquire into the circumstances of such Slave or Slaves, as to his her, or their age, mental or bodily infirmity; and if it shall appear to the Protector, or *Deputy Protector of Slaves (as the case may be)*, that the Slave or Slaves proposed to be manumitted, is or are likely to become a burthen on the public, he is then to regulate the amount of security, or of the deposit which is to be given or made by such owner or owners, at whose option it shall be, whether *he, she*, or they prefer to make a deposit in money, or give security for the same; and in case of security being given, it shall be the duty of the Protector, or *Deputy Protector of Slaves (as the case may be)*, to take care that the same be full and sufficient for the intended purpose; and if a deposit of money be made, such money shall immediately be placed in the hands of the Treasurer of the poor's fund, who shall give a receipt for the same to the owner, and be accountable for the same in like manner as in all other matters relating to his office as Treasurer of the poor's fund; and in order to prevent the possibility of any fraud being committed by persons attempting to manumit Slaves not *bond fide* their property, or of whom no valid or effectual manumission can be effected by reason of any mortgage, settlement, lease, or other charge upon or interest in such Slave being vested in any other person or persons—it is hereby further ordered, that on application as before mentioned, being made to the Protector, or *Deputy Protector of Slaves (as the case may be)*, he shall give public notice thereof, in the same manner as has heretofore been done by the Secretary of this Colony, for the purpose of enabling any person having, or pretending to have, a right to oppose such manumission; and if any such opposition shall be made, the merits thereof are to be tried *de plano* before the Court of civil Justice, and the Slave

whose manumission is thus opposed, shall be defended in such action by his or her owner, or the Protector, or *Deputy Protector of Slaves (as the case may be)*, or by both of them, and the Decree given by the Court of Civil Justice shall be binding on the parties without any appeal; and in case no opposition be made against such intended manumission, the owner or owners voluntarily effecting such manumission shall execute a proper deed of manumission, and the same shall in all cases be executed in the presence of the said Protector, or *Deputy Protector of Slaves (as the case may be)*, or two proper witnesses, to be by him appointed for that purpose, and being so executed, shall, by such Protector, or *Deputy Protector of Slaves (as the case may be)*, be enrolled in the Secretary's office of this Colony 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 Secretary's office within the said period of one calendar month, the said Protector, or *Deputy Protector of Slaves (as the case may be)*, shall incur and become liable to the payment of a fine of five hundred guilders, on proof of the neglect being made to the Lieutenant-Governor, or acting Lieutenant-Governor for the time being; and after the enrolment has taken place, the said original deed of manumission shall be delivered to the said Slave, and thereupon such Slave shall be, and be deemed, taken, and reputed to be, free to all intents and purposes.

Compulsory manumissions.

Note.—This is the 29th Clause of the Trinidad Order in Council, with some amendments made thereto.

31.—And it is hereby further ordered, that in case any Slave within this Colony shall be desirous to purchase the freedom of himself, *herself*, or of his or her wife, or husband, or child, or brother, or sister, or reputed 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 *herself*, or of any such other person as aforesaid; and if the owner or proprietor of any such Slave shall be unwilling to effect his or her manumission, or shall by reason of any mortgage, settlement, or lease, or other charge upon or interest in such Slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of any such Slave; or if the owner or proprietor, or any other person having an interest in any such Slave, shall be a minor, or a married woman, or idiot, or lunatic, or if the real and true owner of any such Slave shall be absent from, *and have no attorney or representative in this Colony*, or shall not be known; or if any suit or action shall be depending in any Court of Justice in this Colony, wherein the title to the said Slave, or the right to his or her services, shall or may be in controversy; or if the owner of any such Slave, or *his or her attorney or representative*, shall demand as the price of his or her freedom a greater sum of money than may be the fair and just value thereof, then, and in each and every the cases aforesaid, *the President of the Courts of Criminal and Civil Justice of this Colony* shall, on application to him for that purpose, made by the Protector, or *Deputy Protector of Slaves (as the case may be)*, issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the person or persons under whose direction such Slave may be, to appear before him by themselves or their agents, at some convenient time and place, *to be by him the said President* for that purpose appointed; and notice shall also be published by the said Protector, or *Deputy Protector of Slaves (as the case may be)* in the Public Gazette of this Colony, *for the period of one calendar month*, of the time and place appointed for the purpose aforesaid; and in such notice, all persons having or claiming to have any title or interest in or to the Slave proposed to be manumitted, either in their own right, or as the guardians, attornies, trustees, or executors of any persons, shall be required to attend and prefer such claims.

Note.—This is the 30th Clause of the Trinidad Order in Council, with amendments thereto.

32.—And it is hereby further ordered, that at the time appointed for any such meeting as aforesaid, *the President of the Courts of Criminal and Civil Justice of this Colony*, in the presence of the Protector, or *Deputy Protector of Slaves (as the case may be)*, and also in the presence of the owner, *attorney*, manager, or *other person having the charge of the Slave or Slaves* proposed to be manumitted; or upon proof being made to him, upon oath, of the due service and publication of such notice as aforesaid, then, if necessary, in the absence of such owner, *attorney*, manager, or *other person having charge as aforesaid*, shall proceed to hear, in a summary way, what may be alleged by the said Protector, or *Deputy Protector of Slaves (as the case may be)*, and by the owner, *attorney*, manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case the parties, or any of them,

shall refuse to effect any such manumission, or if it shall appear to the *said President* that a valid and effectual manumission of any such Slave cannot legally be effected by private contract; or if it shall be made to appear to the *said President* that the owner or proprietor of any such Slave, or that any person having any charge upon or interest in him or her, is a minor, or a married woman, or idiot, or lunatic; or that the real and true owner of any such Slave, or that any person having any charge upon or interest in him or her, is absent from *the Colony, and has no representative or attorney therein*, or is unknown, or cannot be found, or that any suit or action is depending in any Court of Justice in this Colony, wherein the title to the said Slave, or the right to his or her services, is in controversy; or if it shall appear to the *said President* that any difference of opinion exists between the Protector, or *Deputy Protector of Slaves (as the case may be)*, and the owner or proprietor, or other person having the charge of any such Slave, respecting his or her price or value, then, and in every such case, the *said President* shall require the Protector, or *Deputy Protector of Slaves (as the case may be)*, and the owner, manager, or person having the direction of any such Slave, or interest therein as aforesaid, each to nominate an appraiser of his or her value; and the *said President* shall himself nominate an umpire between such appraisers. And the said appraisers, being first duly sworn before the *said President to make a fair and impartial appraisal, not only with reference to the physical strength of the Slave proposed to be manumitted, and his or her mental acquirements, but also with reference to the absolute value of such Slave to his or her owner, and the loss which such owner would sustain by the loss of the services of such Slave*, shall, within seven days next after such their appointment, make a joint valuation of the Slave or Slaves proposed to be manumitted, including in such valuation any expences necessarily attendant on such appraisal, and shall certify such their valuation to the *President*, under their hands and seals. And in case such joint certificate shall not be delivered to the *said President* 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 *President*. And the valuation to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of the *Secretary and Registrar of this Colony*.

33.—And it is hereby further ordered, that upon payment to the *Secretary and Registrar of this Colony* of the appraised value of any such Slave as aforesaid, after deducting therefrom the expense of the appraisal to be allowed by the *said President*, the said *Secretary and Registrar* shall grant to the Protector or *Deputy Protector of Slaves (as the case may be)* a receipt for the money so to be received by him, and such receipt shall be duly enrolled in the office of the *said Secretary and Registrar*, together with a declaration, under the hand and seal of the *said President*, that the proceedings required by law for the manumission of the Slave by or on behalf of whom such money was paid, had been duly had before him; and thereupon such Slave shall be, and be deemed, taken, and reputed to be, free to all intents and purposes whatsoever.

34.—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 be forthwith paid by the *said Secretary and Registrar* to the owner, manager, or other person having had the charge and direction of any such Slave or Slaves manumitted as aforesaid, without any deduction or abatement therefrom on any account whatsoever; provided it appear, by a certificate under the hand and seal of the Protector or *Deputy Protector of Slaves (as the case may be)*, that after one month's notice in the *Gazette of this Colony, as prescribed in Article 31*, no person appeared to prefer any claim to or interest in the Slave proposed to be manumitted, either in his or her own right, or as the guardian, attorney, trustee, or executor of any other person, pursuant to such notice; otherwise the money to arise as aforesaid shall and may be laid out and invested, under the authority of the *President of the Courts of Criminal and Civil 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 *Secretary and Registrar of this Colony*, and the Slave or Slaves so to

Note.—This is the 31st Clause of the Trinidad Order, with local alterations.

Note.—This is the 32d Clause of the Trinidad Order in Council, with additions and restrictions upon compulsory manumissions.

Restrictions.

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 *Secretary and Registrar* shall be the property of the persons who were the *owners* or proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands of what nature or kind soever as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission. And the said *Secretary and Registrar* shall hold the said money, subject to such order as the *President of the Courts of Criminal and Civil Justice of this Colony* may, upon a summary application of any person interested therein, see fit to make ; and such money shall, by the said *Secretary and Registrar*, be paid, applied, and disposed of, in pursuance of and in obedience to any such order. *Provided always, that nothing hereinbefore contained shall extend, or be construed to extend, to entitle any Slave or Slaves within this Colony to purchase the freedom of himself, herself, or themselves, or of his or her wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister, without the consent of his, her, or their owner or owners, unless it shall be made to appear, to the satisfaction of the Protector or Deputy Protector of Slaves (as the case may be), that the money wherewith such Slave or Slaves may propose to purchase his, her, or their freedom as aforesaid, arises from the earnings of his, her, or their own honest industry, or has been bequeathed unto him, her, or them, by last will or testament, or acquired by legal or testamentary succession ; and also, that sufficient proof has been exhibited unto him, the said Protector or Deputy Protector of Slaves (as the case may be), that such Slave or Slaves has or have conducted himself, herself, or themselves, honestly and faithfully for the period of five years then next preceding such application for manumission. And provided also, that nothing hereinbefore contained shall extend or be construed to extend to entitle any such Slave or Slaves to purchase his, her, or their freedom as aforesaid, where the Slave or Slaves proposed to be manumitted shall have been convicted of larceny, or shall have suffered corporal punishment under the sentence of any court of competent jurisdiction, within the period of seven years next preceding his, her, or their application for manumission, as aforesaid.*

35.—And it is hereby further ordered, that every Clergyman of the Established Church of England and Ireland, and every Minister of the Dutch Reformed Church, and *Lutheran Church*, and of the Kirk of Scotland, and every Priest or Minister professing the Roman Catholic religion in this Colony, and every other person being a licensed teacher of religion within this Colony shall, and is hereby authorised and required to deliver or transmit to the Protector or Deputy Protector of Slaves (as the case may be,) at his office in New Amsterdam, or to the Assistant Protectors of Slaves of the districts in which they may be resident, certificates setting forth the names or name, and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath, and the said Protector or Deputy Protector, and Assistant Protectors of Slaves in the several districts of the Colony, shall and are hereby required to register the same in a book to be kept by him or them for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same may have been granted, and of every Slave mentioned and included therein ; Provided nevertheless, that no Priest, or Minister, or Licensed Teacher of Religion, not being a Clergyman of the Church of England and Ireland, or Minister of the Dutch Reformed Church, or *Lutheran Church*, or of the Kirk of Scotland, or of the Roman Catholic religion, shall be competent to grant any such certificate as aforesaid, unless His Majesty's Principal Secretary of State for the Colonies, or the Lieutenant-Governor, or acting Lieutenant-Governor for the time being of this Colony, shall have granted to such Priest, Minister, or Licensed Teacher, a licence in writing to act as an Instructor of Slaves in this Colony ; and unless such licence shall be in force, and have been first registered at the office of the said Protector or Deputy Protector of Slaves (as the case may be). Provided always that nothing herein contained shall extend, or be construed to extend, to prevent or abridge the undoubted power of the Lieutenant-Governor

or acting Lieutenant-Governor for the time being, to suspend or take away any such licence until His Majesty's pleasure shall be known.

36.—And it is further ordered, that no person shall be *henceforth* rejected as a witness, or considered to be incompetent to give evidence in any Court of Criminal or Civil Justice in this Colony, by reason of his or her being in a state of Slavery, if the person or persons producing or tendering him or her as a witness, shall produce and exhibit to the Court a certificate under the hand of the said Protector, or *Deputy Protector (as the case may be)*, that such proposed witness is registered in the before mentioned book; and the said Protector, or *Deputy Protector (as the case may be)*, shall, and he is hereby required to grant, without fee or reward, to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book. *Provided nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any case, where any white or other person of free condition may be charged with or prosecuted for any offence punishable with death. Provided always, that nothing herein contained shall extend to take away or diminish any power or authority which the Court of Criminal Justice of this Colony now hath to admit, in any case, the evidence of persons being in a state of slavery.* Provided also, that nothing herein contained shall extend, or be construed to extend to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence, if he or she were of free condition.

37.—And it is hereby further ordered, that the salary of the Protector, or *Deputy Protector of Slaves (as the case may be)*, shall by him be taken in lieu and in full satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever; and that if the said Protector, or *Deputy Protector of Slaves (as the case may be)*, shall take or receive, directly or indirectly, any fee, perquisite of office, advantage or emolument, other than his said salary, for or in respect of any act, matter, or thing done or performed by him in the execution of such his office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his office.

38.—And it is hereby further ordered, that the said Protector, or *Deputy Protector of Slaves (as the case may be)*, shall, on the first day of January 1827, and on the first day of March and first day of September in the same year, and on the first day of March and first day of September in every succeeding year, deliver to the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, particulars of all returns which by virtue of this order may have been made to him by the Assistant Protectors of Slaves in the several districts of the Colony, with a report in writing, exhibiting an exact account of the manner in which the duties of his office shall have been performed during the periods respectively embraced by these returns, and especially stating the number of actions, suits, and prosecutions in which he may have acted as the Protector, or *Deputy Protector (as the case may be)*, of any such Slave or Slaves during the said periods respectively, with the dates and effect of all the proceedings therein, and the names of the persons (if any) against whom he may have instituted any criminal prosecution, or *have instituted any suits or actions at Law in any of the respective Courts of Justice in this Colony, for or on behalf of any Slave or Slaves* under and by virtue of this order, together with the amount of the sums of money deposited in the Savings Bank in this Colony; and the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, shall thereupon administer to the said Protector, or *Deputy Protector of Slaves (as the case may be)* an oath that such report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as the said Protector, or *Deputy Protector of Slaves (as the case may be)*, shall have made his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before, the said Lieutenant-Governor, or acting Lieutenant-Governor, shall issue to the said Protector, or *Deputy Protector of Slaves (as the case may be)*, a warrant upon the *Receiver-General of this Colony*, for the amount of his salary for the half-yearly period embraced by those returns; and the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, shall be, and he is hereby required, by the first convenient opportunity, to transmit such report to His Ma-

jesty's Principal Secretary of State for the Colonies. And it is hereby further ordered, that if the Protector, or *Deputy Protector of Slaves* (as the case may be), or any Assistant Protector of Slaves, shall wilfully and fraudulently make, or cause to be made, any erasure or interlineation in any of the books, records, or returns aforesaid, or shall wilfully falsify, or cause to be falsified, such document, or burn, cancel, or obliterate the same, the person or persons so offending shall incur such penalty or imprisonment as shall be imposed at the discretion of the *Court of Criminal Justice of this Colony*; and if such person be the Protector, or *Deputy Protector of Slaves*, he shall moreover be thereby disqualified from holding his office.

Note.—This in lieu of the 35th Clause of the Demerara Ordinance.

39.—*And it is hereby further ordered, that all acts declared by this ordinance to be misdemeanors, shall be heard, tried, and inquired of before the Court of Criminal Justice of this Colony at the instance of the Fiscal, and that all the pecuniary fines and penalties hereinbefore imposed shall be recovered in the Court of Civil Justice of this Colony by the said Fiscal, in the usual and ordinary manner as in the case of other Fiscal actions. Provided that all the prosecutions for misdemeanors, and actions for pecuniary fines and penalties under this Act, shall be commenced within twelve months next after the commission of the offence; and the information and proceeding thereon, before a person properly authorized, shall be deemed and taken to be a commencement of such prosecution.*

Note.—This is the concluding part of the 35th Clause of the Demerara Code, and it has been deemed but equitable and just to apportion one-half

of the fines to the use and benefit of the Fiscal, because he receives no fixed salary from the Colony, whereas the Fiscal in Demerara does receive a fixed salary of considerable amount from that Colony.

40.—And it is hereby further ordered, that all fines and forfeitures recovered under the several provisions of these regulations, shall be divided and paid in the manner following, that is to say, one half to the Fiscal of the Colony, and the other half to be paid into the colonial chest.

41.—And it is hereby further ordered, that if any person shall be twice convicted of inflicting upon any Slave any cruel and unlawful punishment, the person so convicted before the Court of *criminal justice* of this Colony, shall thereby incur double the penalties hereinbefore provided for such offence; and he or she shall moreover be declared by the Court of *criminal justice* absolutely incapable to have the management or superintendence of any Slave or Slaves within this Colony; and if the person so convicted shall be the owner or proprietor of Slaves, such Slaves, together with the estate to which they may be attached, shall be placed in the hands of two or more curators to be appointed by the Court of *civil justice* upon the application of the Protector or *Deputy Protector of Slaves* made to such Court for such purpose, who shall administer and manage the same under the same regulations heretofore in such cases existing; and be accountable in the same manner as all other curators appointed by the Court of *civil justice* now are. Provided, however, that nothing herein contained shall prevent such owner or proprietor from inspecting the accounts to be kept by the curators so appointed, and from receiving and using for his or her own benefit, the clear revenue arising from such Slaves and estate to which they may be attached, in such manner as he or she would have been entitled to the same, if no appointment of such curators had taken place. Provided also that nothing herein contained shall extend or be construed to extend to prevent the owner or proprietor of such Slaves or estate from selling or disposing of the same, in like manner as would have been lawful, in case no such curators had been appointed.

Additional Clause to the Demerara Code.

42.—*And it is further ordered, that by every person having the charge of a task or working gang exceeding six in number, and upon every estate throughout this Colony, there shall be carefully kept and preserved a copy of this Ordinance, to which access may at all times be immediately had, under a penalty in case of neglect or default of five hundred guilders, to be incurred and paid by the owner or proprietor of such estate and task or working gang as aforesaid.*

43.—And it is hereby further ordered, that all Laws and Ordinances of this Colony, in any wise repugnant to the several provisions, matters, and things hereinbefore expressed or contained, shall be, and the same are hereby repealed and declared to be null and void and of no effect.

44.—And it is hereby further ordered, that this Ordinance shall take effect

on, and be in full force, from and after the first day of November next ensuing the date hereof.

And that no ignorance of this Ordinance may be pleaded, these presents shall be published in the Gazette of this Colony, and copies sent round to each and every estate and plantation therein for general information.

Thus done and enacted in Council of Government, held at the King's House, Berbice, this twenty-fifth day of September in the year of our Lord one thousand eight hundred and twenty-six. Present—His Excellency the Lieutenant-Governor, and the Honourable Members Wm. Scott, Charles Kyte, Wm. Campbell, James Culley, and T. A. Jones, and J. S. Usher.

(L. S.)
HENRY BEARD.
By Command, (Signed) F. WHITE, Dep. Sec.

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Article 1.—Protector's salary f. 14,250, payable out of the ordinary revenues.—Oath of office.

2.—Protector to keep an office in New Amsterdam.—Books and papers to be kept in such office, and not elsewhere.

3.—Protector not to be interested in any plantation, Slaves, or mortgage. Not to act as manager, overseer, agent, or attorney, &c. of any estate; not to act as the guardian, trustee, or executor of any person interested in Slave property. In case of Protector acquiring Slave property in his own right, or in right of his wife, to forfeit his office.

4.—Protector not to leave the Colony without a licence. Leave of absence not to exceed three months.

5.—Governor to fill up vacancy in the office of Protector. No person to act as Deputy Protector who cannot act as principal—certain exceptions. Protector to do the duty in person.

6.—Protector to be a Magistrate throughout the Colony, with the same power (as regards the Slave population) as is exercised by the civil Magistrates in their respective districts.

7.—Civil Magistrates to be Assistant Protectors of Slaves in their respective districts.

8.—President of the Court of Criminal Justice to appoint advocates to defend Slaves prosecuted criminally; such advocates to be paid taxed costs out of the Colonial chest. Protector empowered to prosecute actions at Law on behalf of Slaves.—In civil suits, where Slaves are parties, notice to be given to the Protector.

9.—Slaves not to be worked between sun-set on Saturday and sun-rise on Monday. Slaves not to leave the estate on Sunday without permission.—Weekly allowance may be served out to Slaves on Sunday, previous to eight o'clock A. M.—Certain exceptions as to domestics, preservation of cattle, &c.; nurses, watchmen, &c.; prevention of fires, &c.; boiling off and potting sugar; turning and drying coffee and cotton; the labour of picking, turning, and drying of coffee and cotton to be paid for in the current money of the Colony. Rate of wages to be fixed by Protector, subject to the approbation of the Governor in Council. Parties refusing to pay Slaves for picking coffee and cotton on Sundays to be fined. No person to hire the Slave of another to work without owner's consent. Persons unlawfully hiring Slaves to be fined f. 600, or suffer imprisonment.

11.—Sunday markets to be closed at eleven o'clock A. M.; goods exposed for sale after that time to be forfeited.

12.—No person to carry, or authorize the carrying of a whip in the field, as a badge of authority, or as a stimulus to labour, after the 1st of November 1826, under a penalty of f. 600, or imprisonment.

13.—Punishment of male Slaves not to exceed twenty five lashes, and to be inflicted in presence of a free witness, or of six Slaves, at or near the buildings, under a penalty of f. 900, or in case of non-payment, imprisonment not exceeding six months.

14.—No female Slave to be punished by flogging after the first of November

1826, under a penalty of f. 1400, or imprisonment not exceeding six months. Punishments substituted for the whip. Female Slaves under twelve years of age to be punished the same as children at school—any indecent exposure of the person to be avoided. Cognizance taken of extraordinary offences by civil Magistrates.

15.—A Punishment Record Book to be kept by all managers of task or working gangs exceeding six in number, and upon every estate; in which book the particulars of all punishments must be entered within 48 hours after infliction, under a penalty of f. 300 for each offence. Persons making false entries or erasures in Punishment Record Book to be fined f. 300 for each offence, or three months imprisonment. Form of Punishment Record Book.

16.—Proprietors of task gangs or estates to make returns of all punishment, on oath, twice a year to the civil Magistrates, under a penalty of f. 300.

17.—Magistrates, as such, Assistant Protectors of Slaves, to transmit the returns and affidavits made to them to the Protector of Slaves in the months of February and August each year.

18.—Protector to enter such returns in a book, or set of books, and to preserve originals.

19.—Slaves may marry on obtaining licence.—Mode of obtaining such licence.

20.—Regular licenced Ministers of religion authorized to solemnize such marriages on production of licence.—Ministers to keep a register of all marriages.

21.—Owners, &c. to pay a gratuity to female Slaves for every child born in marriage, or reputed marriage, when the child is six weeks old (if child be then alive).—Females having six children alive, the youngest seven years old, not to do field or any other than light work under a penalty of f. 300.

22.—Owners to supply Slaves with the customary allowance of food and clothing, under the penalty therein provided. Estates to have one acre of provisions planted for every five Slaves; or in lieu thereof, when found, inadequate, to purchase a sufficient supply.

23.—Field work of Slaves to be from six o'clock in the morning to six in the evening, allowing two hours during that period for rest and meals, under a penalty of f. 300.

24.—Owners of estates to employ legally qualified medical practitioners, and to furnish sick Slaves with what may be requisite. Every estate to have an hospital, with proper conveniences, under a penalty of f. 600. A book or register kept in the hospitals; treatment of sick to be entered therein by the medical attendant, under a penalty of f. 22, for each offence.

25. No Slave who may have died suddenly to be buried without an inquest being first held on the corpse, under a penalty of f. 500.

26. Husbands and wives, or their children under sixteen years of age, not to be separated in enforcing the execution of any sentence, &c. Directions to marshals and sworn clerks, as to the mode of levying executions in such cases. In case of doubt Protector to decide. Record to be kept of all married Slaves on the estates, and transmitted to the Protector when required, under a penalty of f. 500.

27.—The custom of permitting Slaves to enjoy and dispose of landed and other property recognised by law—fire-arms, ammunition, and colonial produce, excepted. Slaves not to keep any stock on their master's land without permission. Owners or protectors of Slaves may maintain actions in their own names against parties indebted to Slaves. Persons refusing to pay over money, &c. recovered for the use of a Slave, to be fined or imprisoned at the discretion of the Court. Owner's right of property in the Slave, and his services, not to be prejudiced by privileges of the Slave. Property acquired by Slaves, and not their persons, liable for their debts.

28.—A Savings Bank to be established under the direction of the Protector of Slaves, subject to the superintendence of the Governor, and Council of Government.

29.—No tax or fee to be paid on manumissions. Persons taking any fee in respect to manumissions, to be fined, not exceeding f. 1000, nor less than f. 100.

30.—Owners desirous of manumitting a Slave, to give notice in writing to the Protector of Slaves, who is to fix the amount of deposit or security in cases

where necessary. Deposits to be paid to the Treasurer of the Poor's Fund. Protector to give public notice of intended manumission; and in case of opposition (which is to be tried *de plano*), to defend the Slave. Protector to enrol manumissions in the Colonial Secretary's Office within one month, under a penalty of f. 500. Manumissions, when enrolled, to be delivered to the Slave, who shall then be deemed free.

31.—The right of Slaves to purchase their freedom recognised by law. Mode of proceeding to effect their manumission.

32.—President, in the presence of the Protector and the Owner, Attorney, &c. to hear and decide summarily between the parties, in case of any impediment to the affecting a manumission. Mode of appraisement.

33. On payment being made of the appraised value of a Slave, said Slave to be deemed free.

34.—Mode of disposal of the proceeds of the sale of a manumitted Slave.

35.—Clergymen to deliver certificates to the Protector of Slaves of the names and places of abode of such Slaves, as they may consider sufficiently instructed in religion to understand the nature and obligation of an oath. The Protector of Slaves to register such certificates in a book. Unlicensed Clergymen not competent to grant certificates.

36.—Slaves competent to give evidence, if registered in such book. Protector to grant certificate thereof without fee. Slaves not competent evidence in cases affecting the life of a free person. The authority of the Court of Criminal Justice to admit the evidence of Slaves in any case not diminished. Slaves not to be deemed competent to give evidence, who would be incompetent if free.

37.—Salary of Protector of Slaves to be in full, and in lieu of all fees. Protector taking fees to be fined double the amount, and disqualified from holding his office.

38.—Protector to deliver returns and a report on the 1st January 1827; and afterwards half yearly to the Governor on oath, and then to receive a warrant for his salary. Governor to transmit report and returns to his Majesty's Government. Protector, or Assistant Protector, of Slaves, wilfully or fraudently altering, &c. returns, to be fined and imprisoned, and if the Protector, to lose his office.

39.—Misdemeanors under this Act to be tried before the Court of Criminal Justice by the Fiscal. Fines and penalties to be recovered in the Court of Civil Justice by the Fiscal. Actions to be commenced within twelve months.

40.—Fines to be paid, one half to the Fiscal, and one half to the Colonial Chest.

41.—A person twice convicted under this Act, liable to double penalties, and not to be allowed to manage Slaves; if a proprietor, Curators to be appointed to manage his estate in the usual manner.

42.—All managers of estates or task gang to have a copy of this Ordinance, under a penalty of f. 500.

43.—All Laws and Ordinances to this Act repealed.

44.—This Act to be in force from and after the 1st November 1826.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Present.

His Excellency Henry Beard, Esq. Lieutenant-Governor; the Honourable William Scott, Charles Kyte, William Campbell, James Culley, and T. A. Jones.

Absent.—J. S. Usher.

Monday, 25th September 1826.

(After Prayers.)

The Secretary, pursuant to direction, brought up a fair copy of the Ordinance for the melioration of the condition of the Slaves in this Colony, which having been read, was finally approved, passed, and signed.

His Excellency directed the Secretary to cause the said Ordinance to be immediately published in the Colonial Official Gazette, and to procure five hun-

dred copies for circulation throughout the Colony, as also for the supply of individuals requiring copies, to be furnished unto them at f. 11 for each copy, and the money arising from the sale of them to be carried to public account.

The Council then, with his Excellency's permission, desired it to be minuted as follows :

“ The Council of Government having now completed the new Code for the religious instruction and amelioration of the Slave population in this Colony, avail themselves of the opportunity afforded to express their hope, that should a deterioration of property unfortunately follow the promulgation of said Code, and ruinous or injurious consequences ensue to the planter therefrom, the views of His Majesty's Government having been voluntarily entered into by the Council, shall not be held to debar their fellow Colonists from that claim to compensation expressly secured to them by the concluding Resolution of the House of Commons in May 1823, ‘ That the interests of private property should be ‘ fairly and equitably considered,’ and which it may be asserted the Planters and others would undoubtedly have a right to, if the Code had been enforced without the concurrence of the Council, but rather that their adoption of the measures, recommended by His Majesty's Government in this respect, may be the means of entitling the Colony to the most favourable consideration.

“ The Council beg leave to congratulate His Excellency on the unanimity and good understanding which has most happily prevailed between himself and the members during their discussions on this important subject, and to assure his Excellency of the grateful sense they entertain of his unwearied attention and ready acquiescence in those modifications of certain clauses of the proposed Code, which they, from local experience, and a due regard for the interests and welfare of this community, deemed it expedient should be introduced.”

No. 14.

SIR,

Downing Street, 26th December 1826.

I HAVE received your despatch of the date mentioned in the margin, enclosing a copy of the Ordinance which has been passed for meliorating the condition of the Slaves in Berbice. I have not yet been able to examine this Law so minutely as to prepare me to submit it to His Majesty in Council; but I take the first opportunity of communicating to you His Majesty's approbation of the zeal which you have evinced in the execution of your duty on this occasion, and I am to desire that you will convey to the Court the sense which His Majesty entertains of the highly praiseworthy manner in which they have applied themselves to the subjects which have been brought under their consideration.

I have, &c.

Lieutenant-Governor Beard,
&c. &c. &c.

(Signed) BATHURST.

23d October 1826.

No. 15.

MY LORD,

Berbice, 20th November 1826.

I HAVE the honour to transmit to your Lordship the Reports of the Civil Magistrates in this Colony, made to me in consequence of my circular letter to them of the 12th of October last, requesting them to explain the new Slave Code upon the several estates in their respective districts; a copy of which circular letter I had the honour to transmit to your Lordship in my despatch of the 23d of October. In addition to these Reports, I now forward to your Lordship similar Reports from the Fiscal and the superintendant of the Winkel Negroes, and I flatter myself that the whole will be satisfactory to your Lordship.

I am happy to be able to inform your Lordship, that is impossible for the Colony to be more tranquil than it is at this time, and that the new Code appears every where to have produced the most beneficial effects.

I have, &c.

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

(Signed) H. BEARD.

Reports of the Civil Magistrates in the several Districts in the Colony of Berbice, on the promulgation of the New Code of the 25th September 1826, for improving the condition of the Slave population therein.

A.

SIR,

West Court, Berbice, 25th October 1826.

I HAVE the honour to report, for your Excellency's information, that I have visited the several estates within this district agreeable to your instructions of the 12th instant, and explained to the Negroes the new Slave Code of the 25th of September last, and it affords me much satisfaction to assure your Excellency that it was received by them with much pleasure, and that in a population of upwards of 2000 Negroes they seem to be contented and happy.

I have, &c.

(Signed) H. DOWNIE, Civil Magistrate.

To his Excellency Henry Beard, Lieut.-Governor, &c. &c.

B.

SIR,

Plantation, Melville, 26th October 1826.

IN conformity with your Excellency's instructions, dated the 12th instant, I have the honour to report, that I handed a copy of the new Code of Laws to the respective managers in charge of estates in the East Coast District, and explained to the most intelligible Negroes on each estate, every clause which I thought necessary and useful to communicate to them, and in such language that they could fully comprehend the true meaning and intent of them; after a full explanation, I asked them if they had any reply to make. The general answer was "No."

I have great satisfaction in reporting to your Excellency, that on this occasion the Negroes behaved themselves remarkably well; and further, that, during the period that I have acted as Burgher Officer in this district, very few instances have occurred to my knowledge of the Negroes going with complaint to the public authorities; which is no less creditable to their owners than to the respective managers in charge of estates. I trust I shall from time to time be enabled to report in the same favourable manner; and that the new Code of Laws will not cause them to pursue a different line of conduct.

I beg leave to mention to your Excellency, that it is my intention to leave the Colony for Europe early in the month of January; until then, I shall do all in my power to act up to the instructions received from your Excellency.

I have, &c.

(Signed) GEORGE WATSON,

Civil Magistrate, East Coast District.

To his Excellency Henry Beard, Esq. Lieut.-Governor.

C.

SIR,

Berbice, 26th October 1826.

ON the 13th instant we had the honour to receive your Excellency's appointment as Civil Magistrates in the second district of the River Berbice, commencing at, and including Plantation de Edward, and extending to Plantation Op Haop van Beter, West Bank, which commission we have accepted of with due submission and respect. We further took the oath as Civil Magistrates on the 19th instant.

We now beg leave to report to your Excellency that we have visited all estates within our district, and distributed to the respective managers the late Ordinance, dated 25th September last, relating to the bettering of the state and condition of the Slave population within this Colony, which we have explained to the head people, and most sensible Negroes. They all listened to it with

great attention: made hardly any reply, but thanked us in general for our trouble for communicating the new Ordinance to them.

We have, &c.

(Signed) F. MAURENBRECKER,
G. PRASS,

Civil Magistrates Second District, River Berbice.

To his Excellency Lieutenant-Governor Beard, &c. &c.

D.

SIR,

Plantation Sandvurt, 26th October 1826.

I HAD the honour to receive your Excellency's letter of instructions of the 12th instant, inclosing me a commission as Civil Magistrate in this district, and have now the honour to inform you that in obedience to your Excellency's commands, I have directed the several managers to make known and explain in the most explicit manner to the Negroes under their charge, the nature and substance of the new Code of Laws of the 25th September, for promoting the religious instruction of the Slave population in this Colony, and bettering their condition; and that I have received their respective Reports, stating their having complied accordingly.

On two estates, Plantation Blyendaal and Anna Clementia, I personally read and explained the Slave Code, as the managers of these estates especially requested I should do so, under the plea that the Negroes, being Dutch, did not give that credit to their statement of it as was sufficient to establish a good understanding between them; and it affords me satisfaction to inform your Excellency, that on my explaining it they seemed highly gratified and thankful for the benefits bestowed upon them, expressing hopes that their future conduct would sufficiently prove they felt the full extent, and were sensible of the protecting and salutary regulations provided for them.

I made it a point to impress upon their minds that the Punishment Record Book was meant not only as a check on the conduct of the manager towards the Slaves, but also as a record for the information of your Excellency and the Government to know such of the Negroes whose characters are really bad; and that such as appeared often in that book would be debarred of many of the benefits afforded to the Slaves of good character by the provisions of this Code.

On the whole I have reason to believe the new Code of Laws will make the Negro a better member of society than heretofore, as it places him on a footing of equality, and makes his situation in many respects better than the free people, and of consequence renders him a more important being in his own estimation than before.

I shall not fail to acquaint your Excellency of any circumstance worthy your hearing that may from time to time occur in this district.

I have, &c.

(Signed) P. NICHOLSON,
Civil Magistrate, West Bank, Canje Creek.

To his Excellency Governor Beard, &c. &c.

E.

SIR,

Berbice, 30th October 1826.

IN pursuance of instructions received from your Excellency, dated the 12th instant, we have the honour to report to your Excellency, that the Ordinance for promoting the religious instruction and bettering the condition of the Slave population of His Majesty's Colony of Berbice, has been explained to the Negroes on the several estates in this district; to some, by ourselves personally, and to others, by the proprietors or their representatives, and that the Negroes in general in this district appeared reconciled to the same, expressing neither disappointment nor satisfaction at the orders contained therein.

We imagine some considerable time will elapse before the Negroes will be

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made sensible of, or enter into the views of Government, as far as regards the Savings Bank system. We have explained it to the best of our abilities, and must trust to time to develop to them its utility and advantage.

As many of the articles contained in the new Ordinance have been anticipated for some considerable time past by many of the planters in this Colony, such as, 1st, abolishing the use of the whip to the females, and seldom using it to the males.—2d. Securing to the Negro the whole of the *Sunday*, by distributing their weekly allowance of provisions on Saturday afternoon.—3d. Frequently giving them a day to work their own private provision grounds.—4. Working them by task work on all possible occasions, in which case they rarely ever labour until sunset; we trust there will be a continuance of the same good conduct and quiet behaviour which has hitherto characterised (with a few exceptions) the Negroes of this district.

We have, &c.

(Signed)

H. WHITE,
CHARLES M'LEAN,

Civil Magistrates, First District, River Berbice.

To his Excellency Lieutenant-Governor Beard, &c. &c.

F.

SIR,

Kilcoy, 31st October 1826.

IN obedience to the orders contained in your Excellency's Letter, bearing date 12th instant, I have distributed the pamphlets containing the new Slave Code to all the estates and persons owning Slaves in this district, which has been fully explained to the Slaves, either by myself, or the persons in immediate charge of them. As to my observation on the conduct of the Slaves, when explaining the regulations to them, I have to report that they did not seem to evince much satisfaction or disappointment.

I have, &c.

(Signed)

D. FRASER,

Civil Magistrate 2d District, East and Corentyn Coast.

To his Excellency H. Beard, Esq. Lieutenant-Governor.

G.

SIR,

November 1st 1826.

IN compliance with your letter, dated 12th October, we beg leave to report to your Excellency that we have sent a circular through this district on the 24th ultimo, desiring the gentlemen having charge of Negroes within the same, to keep the Drivers, and some of the principal Negroes on each estate about the buildings on the following day, for the purpose of explaining to them the new Code, of the 25th September last, for promoting the religious instruction of the Slaves in this Colony, and bettering their condition, which we accordingly did on every estate in this (fourth) district, plantation Overysel excepted, from Mr. Downer's not having any of his Negroes at hand when we called on that estate, but he promised that he would explain the new Code to his Negroes on or before Sunday last, and report to us in writing that he had done so; but this report he has not as yet sent.

The Negroes on the other estates heard the new regulations explained with marked indifference.

We have, &c.

(Signed)

GEORGE MAC ANDREW,
K. TERLET,

Civil Magistrates, 4th District, River Berbice.

His Excellency Lieutenant-Governor Beard, &c. &c.

H.

SIR,

Berbice, 2d November 1826.

IN pursuance of the instruction contained in your circular of the 12th October, we distributed copies of the new Code for bettering the condition of the Slave population, to the different estates in our district, with directions to the managers to explain the same fully to the Slaves under their charge, and we have since taken an opportunity of visiting the several estates ourselves, and explaining in general terms to the principal Negroes on each, the object and extent of the same. In every instance, the Negroes appeared to comprehend fully the substance of the new laws, and extremely ready to listen to what we said, without, however, expressing themselves either satisfied or otherwise.

We have, &c.

(Signed)

W. FRASER,
JOHN ALVES,

Civil Magistrates for the East Bank, Canje.

His Excellency Lieutenant-Governor Beard, &c. &c.

I.

SIR,

River Berbice, 2d November 1826.

WE most respectfully beg leave to acknowledge the receipt of your excellency's commission appointing us civil Magistrates of the 3d District, Berbice River, dated 12th October 1826, as also your Excellency's circular of the same date, appointing us to be assistant Protectors of Slaves.

We have, according to your Excellency's commands of that date, visited the different estates in our district, and explained to the Slave population the new Code of the 25th September 1826, for bettering their state and condition; which Code was received by the Slaves on the different estates in a satisfactory manner, as far as we were able to judge:—We have, therefore, no remarks worthy of your Excellency's knowledge.

We have, &c.

(Signed)

J. V. METTELHOLZER,
EDWARD HICKS,

Civil Magistrates, 3d District, River Berbice.

To his Excellency Lieutenant-Governor Beard, &c. &c.

K.

West Coast, Berbice, 4th November 1826.

MAY IT PLEASE YOUR EXCELLENCY,

ACCORDING to your instructions of 12th Oct. I have personally visited the several estates in my district, and have read and explained to the gangs thereof, the provisions of the new Code of Laws, 25th September, and have much pleasure in informing your Excellency it was generally well received, and afforded satisfaction; although, from most of these clauses being long in custom, the Negroes expected something new, and what they had not experienced.

I have, &c.

(Signed)

JOHN S. USHER.

His Excellency Lieutenant-Governor Beard, &c. &c.

L.

SIR,

Plantation Mary's Hope, 4th November 1826.

I HAVE to inform you, for the information of his Excellency the Governor, that, agreeably to my instruction, I have caused the new regulations for promoting the religious instruction, and bettering the condition of the Slave popu-

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lation in this Colony, to be read and explained to the Negroes, on their respective estates, in the 3d District of the East and Corentyn Coast, and they have since behaved in a quiet and orderly manner.

I am, &c.

(Signed) WILLIAM RICHARDSON,
Civil Magistrate.

To *W. M. Morris, Esq. Government Secretary.*

M.

SIR,

Winkel Office, Berbice, 30th October 1826.

IN compliance with your Excellency's desire I yesterday morning assembled the Winkel Negroes, and explained to them the Ordinance for the religious instruction and amelioration of the condition of the Slave population in this Colony. In doing so I endeavoured to make them clearly and distinctly understand the nature and extent of the important privileges secured to them by the Ordinance, and to impress upon their minds that it was only by making a proper use of the benefits now granted to them that they were to look forward to an extension of them hereafter. And I now have respectfully to report, for your Excellency's information, that all the people, but particularly the headmen, appeared perfectly satisfied, and grateful for what had been done for them, and expressed their determination to endeavour, by their future good conduct, not only to prove themselves deserving of the privileges already conferred upon them, but to merit their extension hereafter.

Mr. Power, the Protector, was kind enough to attend, and expressed his entire satisfaction with the general appearance of the Negroes (particularly the children), and with their very orderly and decorous conduct on the occasion.

I have, &c.

(Signed) WM. SCOTT,
Superintendent, Winkel Department.

To his Excellency Lieutenant-Governor Beard, &c. &c.

N.

SIR,

Fiscal's Office, Berbice, 10th November 1826.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 12th October, enclosing copy of the Ordinance of 25th September last for promoting the religious instruction and bettering the state and condition of the Slave population in this Colony, and your Excellency's commands to explain and make it generally known and well understood by all classes of the Slave population in the town of New Amsterdam and its vicinity, and report my proceedings thereon to your Excellency.

In reply I have the honour to state that, for the purpose of complying by all the means in my power with your Excellency's commands, I caused the following public notice to be inserted in the Colonial Gazette of the Colony:

“Fiscal's Office.

“All persons in the town of New Amsterdam, and its immediate vicinity, not being within either of the districts of the local Civil Magistrates, are requested to explain to their Slaves of every denomination the several provisions of the new Ordinance of the 25th September last, regarding that class of the population of the Colony, and the undersigned will be in attendance at his office at the usual hours of business for the purpose of explaining the provisions of the said Ordinance to such Slaves as may be sent or apply to him for that purpose.”

In consequence of this notice many Slaves have been sent and many have applied to me; and I have fully and minutely explained the several provisions of the Ordinance to them, and I have great satisfaction in stating to your Excellency that they appeared fully to comprehend it. The major part of those to whom it was explained expressed themselves in such terms of approbation and

satisfaction of the measures contemplated for their moral improvement as to leave no doubt on my mind that as they become more familiarized with the salutary measures for promoting their welfare, they will by orderly and good conduct render themselves deserving of the advantages intended them by Government.

I have, &c.
(Signed) M. S. BENNETT,
Fiscal of the Colony.

To His Excellency Lieutenant-Governor Beard, &c. &c.

No. 16.

MY LORD,

Berbice, 21st November 1826.

I HAVE the honour to transmit to your Lordship extract minute of proceedings in Council of the 7th of the present month, by which your Lordship will see that the tariff of wages to be paid to Slaves in pursuance of the ninth clause, letter C. of the new Slave Code, for conservatory Sunday labour, has been fixed for three months, in manner recommended by Mr. Power, His Majesty's Protector of Slaves.

I have, &c.
(Signed) H. BEARD.

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

Extract from the Register of the Proceedings of the Council of Government of the Colony of Berbice.

Tuesday, 7th November 1826.

Read a letter, dated the 6th instant, from David Power, Esquire, His Majesty's Protector of Slaves, to the Lieutenant-Governor, submitting the following tariff, or rate of wages, payable to predial Slaves for the several descriptions of labour that may be required of them on Sundays, during the period of three months next ensuing, for the preservation of the crops on any estate, as enumerated in note A, section 5, art. 9, of the Ordinance for bettering the state and condition of the Slaves in this Colony, viz.

For each and every Slave so employed, one guilder per diem.

Ten hours labour, whether continuous or intermissive, to constitute a day; and in order to facilitate the account and remuneration of such labour, the manager or other person in charge is directed to enter in his journal, or book to be kept for such purpose, the periods of such employment of Slaves, and at the end of each and every month to pay in Colonial currency unto them their respective wages, at the said rate per day, and for every lesser period according to the same standard.

Which having been maturely considered, the Council recommend that the said tariff be approved and adopted for the period of three months next ensuing. His Excellency was pleased to accede thereto, and directed the Secretary to signify his approval of such tariff unto the Protector of Slaves.

No. 17.

MY LORD,

Berbice, 21st November 1826.

I HAVE, just at the moment of closing my despatches to your Lordship, received a letter, of which I have the honour to enclose a copy, from Mr. Power, His Majesty's Protector of Slaves in this Colony, conveying the gratifying information that, although the new Slave Code has been in operation only three weeks, the deposits for the Savings Banks by a few negroes amount already to the sum of five hundred guilders, equal to about £36 sterling.

I flatter myself that this Report will be highly satisfactory to your Lordship, and therefore I have deemed it to be my duty to lose no time in making it.

I have, &c.
(Signed) H. BEARD.

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

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SIR,

Protector's Office, Berbice, 21st November 1826.

IT is with very great satisfaction that I have the honour to state, for your Excellency's information, that a sum of money, exceeding five hundred guilders, has within the present week been deposited in my hands, under the 28th clause of the new ameliorating Code, by persons in a state of Slavery.

I feel most sensibly the gratification which such early results from the new Code, on a branch most difficult to be made intelligible to the Negroe's mind, will afford to your Excellency; and am led to anticipate the steady but successful progress of the institution of Savings Banks—an institution which, if enabled to take root in this community, must necessarily tend to promote the well-being, and augment the security of all classes of its population.

I have therefore to move your Excellency, that you will be pleased to direct the proper officer in the Colonial Treasury to receive the amount of deposits in my hands, so that the depositors may have their interest on the same, accruing from the earliest possible period.

I have, &c.

(Signed)

DAVID POWER,

His Majesty's Protector of Slaves.

To his Excellency Lieutenant-Governor Beard, &c. &c.

TRINIDAD.

No. 1.

MY LORD,

Trinidad, 24th November 1825.

HAVING observed in the Order issued by the Governor and Court of Policy in Demerara, for the melioration of the condition of the Slave population, that the planters are to be required to make the punishment returns twice within the year, while the Order of the 10th March 1824 obliges the planters in this Colony to make those returns four times within the same period, I have the honour to solicit from your Lordship, that if the Demerara Order be approved in this particular, your Lordship would be pleased to relieve the planters of this Colony from the obligation at present required of them, of making these returns four times within the year, by directing an Order to be prepared, substituting half yearly for quarterly returns under the 16th clause of the Trinidad Order.

I have, &c.

(Signed)

RALPH WOODFORD.

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

No. 2.

SIR,

Downing Street, 8th March 1826.

I HAVE received your despatch of the 24th November last, and I have to acquaint you in reply, that when the Order of His Majesty in Council for meliorating the condition of the Slaves in Demerara shall have been issued, due consideration will be given to the propriety of introducing into the new order for Trinidad, any modification which it may be finally resolved upon to admit in the case of Demerara, and which shall appear to be equally desirable for both Colonies.

I have, &c.

(Signed)

BATHURST.

Governor Sir Ralph Woodford, Bart.
 &c. &c. &c.

No. 3.

*Extract from a Despatch from Sir Ralph Woodford to Earl Bathurst, dated
 7th January 1826.*

IN my letter of the 12th June, I observed to your Lordship, that an application had been made in the Council for the printing and publishing of the records of complaints made by Slaves to the Syndic, but as I omitted to urge any reasons on behalf of the proposal, your Lordship declined to sanction it.

As the Council consider that it would be but an Act of justice to give the utmost publicity to such records, I cannot do better than lay before your Lordship a copy of the observations made by Mr. Burnley to the Board of Council when the measure was first proposed, and which have since acquired additional importance and force, so as to have rendered the Board unanimous in their wish to see them made public; and as I see no sufficient motive for opposing it, I therefore beg leave to renew my application in this behalf.

Extract from Minutes of His Majesty's Council, dated the 4th September 1826.

The Hon. Mr. Burnley requested leave to submit the following proposal to the consideration of the Board :

That in future, all cases of complaint, whether from the Master against the Slave, or from the Slave against the Master, which come under the judicial investigation of the Hon. the Judge of Criminal Inquiry, or of the Procurador Syndic, should be published monthly in the Colonial Gazette, stating the names of the parties, of the estate or domicile, the nature of the complaint, and the decree given. There were many reasons which induced him to consider such a measure necessary, which he would take the liberty to detail to the Board. In the first place, feeling as he did, that the great body of proprietors of estates treated their Slaves with as much lenity as the miserable system they unhappily were obliged to administer would admit of, he was anxious that the same should be placed on record ; that it would at once silence calumny, and render it apparent that no changes were necessary in this Colony, where the Slaves are already sufficiently protected by the existing laws ; but if, on the contrary, as some had asserted, gross instances of misconduct and severity occasionally occurred on the part of the Master towards the Slave, the adoption of the mode he proposed was still more necessary ; the shame of public exposure would then be brought in aid of the law ; public opinion would at once put down the offenders, and the better part of the community would cease to suffer under the obloquy which attached to a few guilty individuals.

Such a measure would tend to secure strict impartiality and uniformity in the decrees of the officers alluded to, which would remain on record as a body of useful precedents for their successors, and constitute at the same time, a Code by which the community would learn to regulate their conduct. Shades of difference would and must exist in the minds of individuals as to the degree of punishment to be awarded to any specific crime, and gentlemen of honour and humanity, with the best intentions, were now liable at all times to be reprimanded by the Syndic from their entire ignorance of the rule by which his decisions were guided. He did not hesitate to say, that such a state was unjust, and cruel towards the great body of proprietors in the Island, and ought not to be permitted to exist even for a day. As the only resident proprietor of an estate sitting at that Board, he felt it to be his duty to press this matter upon their attention ; and he earnestly entreated his Excellency and the Board to give the same a favourable consideration. And Mr. Burnley's proposal being discussed for a considerable time, it was finally resolved, that the monthly statements referred to should be called for, and laid before the Board ; when the propriety of the publication thereof would be re-considered.

No. 4.

SIR,

Downing Street, 12th April 1826.

I HAVE received your despatch of the 7th January last, transmitting a copy of the observations made at the Board of Council, in explanation of the advantages, which it is expected by that body, would attend the monthly publication in the Colonial Gazette of all cases of complaint, whether from the Master against the Slave, or from the Slave against the Master, which shall come under the investigation of the Judge of Criminal enquiry, or of the Procurador Syndic. In compliance with the wishes of the Council, you will take the necessary measures for causing the publication of these records with regularity, once in every month.

I have, &c.

(Signed)

BATHURST.

Governor Sir Ralph Woodford, Bart.

&c. &c. &c.

No. 5.

Extract from a Despatch from Sir Ralph Woodford to Earl Bathurst, dated 25th February 1826.

THE Attorney General has contended that, under the 34th clause of the Order in Council of the 10th March 1824, when an individual thinks fit to manumit a Slave without pecuniary consideration, it becomes the duty of the Protector to ascertain that the Owner has full and entire right to grant the manumission: to this the Protector has replied, that his duty is in this respect confined to the examination of the perfect rights to manumit, of those who receive from a Slave consideration money for his purchase; and that, by adopting the other course, he would be acting as the investigator of the rights and property of mortgagees and all other persons connected with the estate, and that any such examination could not prevent fraud, where fraud was intended, as personal Slaves are purchased by private contract, and the mortgage of plantation Slaves may not be recorded at the moment.

No. 6.

SIR,

Trinidad, 27th April 1826.

IN my despatch to Earl Bathurst of 25th February last, I adverted to a question that had been raised on the obligation of the Protector of Slaves to inquire into the validity of the titles to Slaves brought to him for private manumission. Having recently received the Protector's last observations to the representation of the Attorney General, I deem it expedient to lose no time in placing the same before you, although I am not prepared to submit any alteration in the law in this particular.

The unexpected arrival of the mail does not permit copies being made of this voluminous controversy.

I have, &c.

(Signed)

RALPH WOODFORD.

*Robert Wilmot Horton, Esq. M.P.**&c. &c. &c.*

TRINIDAD, 1826.

LETTERS from the Attorney General and the Protector of Slaves, upon the 34th Clause of the Order of the King in Council, 10th March 1824, as misconstrued by the Protector in the opinion of the Attorney General.

Attorney General's Report	-	-	-	No. 1
Protector of Slaves's Answer	-	-	-	2
Attorney General's Reply	-	-	-	3
Protector's Reply	-	-	-	4

No. 1.

SIR,

Port of Spain, 24th December 1824.

I have to submit for your Excellency's consideration the following case, as arising out of the Royal Order in Council of the 10th of March 1824:

A free black man, named Charles Alexander, (who can neither read nor write) purchased, a few months past, in his own name, from Messrs. Joseph and Henry Graham, a female Slave, for the sum of £150 currency, and received from the sellers the original bill of sale to them, and one from them to him, as his title for the Slave, with a receipt for the payment, by him, of the purchase money.

It appears that this female Slave was the daughter of another free black man, named John Dinzy, who had requested of Charles Alexander, as a mark of his special favour and friendship, to purchase this Slave, and that John Dinzy would repay him the money in four months.

The document marked A, herewith, is the note given by John Dinzy to Charles Alexander; no bill of sale was, however, given by Charles Alexander to John Dinzy of this Slave, nor has John Dinzy yet paid the purchase money.

John Dinzy, it appears, carried this Slave before Henry Gloster, Esquire, the Procurador Syndic, Protector and Guardian of Slaves, to have her manumitted as his own absolute property, and as the voluntary act of him the said John Dinzy; and accordingly the Protector manumitted her as the property of John Dinzy, under the 34th clause of the Order.

Charles Alexander came to me to complain that a fraud had been committed upon him by John Dinzy in having this Slave manumitted, inasmuch as John Dinzy had never received a bill of sale of the Slave, or paid the purchase money. Upon my applying to the Protector to be informed of the circumstances, he stated that he considered the acceptance of the document A, by Charles Alexander, as a sufficient transfer by him to John Dinzy, and that all property in this Slave was thereby vested in John Dinzy, although no bill of sale, or bill of parcels, had been granted by Charles Alexander, and he had therefore manumitted the Slave. I, however, differed with him upon this point, and submitted that it was his duty to have ascertained, first, whether the Slave was registered as the property of John Dinzy, whether the title of the Slave was vested in John Dinzy, and whether there was any mortgage existing, on record, upon the said Slave in favour of any person. To this he answered, that it was not his duty, in cases of voluntary manumission, either to ascertain the title of any person voluntarily appearing before him to manumit a Slave, or to inquire as to the existence of any mortgage upon a Slave so voluntarily proposed to be manumitted.

This appearing to me a very extraordinary doctrine, and in my opinion not warranted by the 34th clause, which he said governed this case, and involving as it does consequences as insecure to the Slaves themselves as to the owners of them, whose property is thus in jeopardy, from a misconception, as I submit, by the Protector of the meaning of the Order in this respect, I have been induced to trouble your Excellency upon this occasion. In order, however, to satisfy myself that there was no misunderstanding on my part, as to the opinion of the Protector, I took the opportunity, as Mr. Watherston was in his office, of putting to him the following questions:—Suppose Mr. Watherston was to bring one of my Slaves to you to be voluntarily manumitted, would you perfect the freedom of the Slave without inquiring into the title of Mr. Watherston to the Slave? Yes.—Suppose that Slave had been mortgaged to any person, would you manumit the Slave without inquiring whether there was any mortgage on the Slave? Yes.—By these answers, it appears that the Protector conceives it to be within his power and authority to cause any Slave to be voluntarily manumitted who may be brought before him for that purpose, without inquiring whether the property of the Slave is in the person who proposes to manumit, or whether the Slave is free from mortgage.

This Order shows how careful His Majesty's Government has been to effect the manumission of Slaves in the most legal and effectual manner. The clauses from 28 to 33, relate to Slaves purchasing their own freedom, in cases where they are under mortgage, or where the title is defective, or where the owner objects thereto; and every measure has been devised to remove all difficulties, and the assistance of the Chief Judge has been called, the better to insure to the Slave his or her freedom. The 33d clause relates to manumissions by private contract, and in this it is declared that the Protector, "*on behalf of the Slave, shall be bound to ascertain that such owner has good right and title in the Law, and is competent to effect such manumission.*"

The 34th clause relates to voluntary manumissions without any valuable consideration; in this the Protector is only directed to take bond in cases where the Slaves are under six or above fifty; it is true, as the Protector observes, that he is not specially directed in the clause, as he is in the 33d clause, to ascertain that the person voluntarily manumitting has good right and title in the Law, and is competent to effect such manumission. This was not necessary,

inasmuch as the 33d clause refers to the manumission of *any Slave by private contract*, consequently the same precautions as are required to be observed by the Protector in the one case, must also be intended to apply to the Slaves alluded to in the 34th clause; for why should they not have the same benefit when the latter are manumitted from the voluntary act of the owner, arising from their good and faithful conduct; but it is certain, under the 33d clause, that the Protector is to see that all Slaves who are to be manumitted, shall be freed in the most legal and perfect manner, in order that no question shall ever arise thereafter to trouble or molest the person freed; and that he or she shall always remain in the undisturbed and perfect enjoyment of freedom; for surely, it cannot be supposed or pretended, that a Slave, whose voluntary manumission is intended to be legally perfected by his owner, and for his good conduct, is not to have the same attention paid to him by the Protector as is paid to the Slave who purchases his or her freedom; for although it is true that it is not specially declared, yet the Protector, on behalf of the Slave who is voluntarily manumitted, ought, upon every principle of justice to the Slave, to see that the manumission, so intended to be legally perfected, is so done according to the established Laws, by, first, ascertaining whether the Slave is duly registered; second, if the right, property, and title of the person in the Slave proposed to be manumitted is clear and absolute; and third, by having it certified by the Registrar of Mortgages, that there is no mortgage on the Slave. These are essential requisites, and are absolutely necessary to be observed, in order the better to ensure the warranty and guarantee of the freedom of the Slave. For His Majesty's Government never could have intended that this officer was to be the means of manumitting Slaves by the fraudulent acts of others, and depriving the right owner of his property in the Slave, or, by manumitting a mortgaged Slave, to deprive the mortgagee of his right over the Slave to sell him or her as mortgaged property whenever he might foreclose his mortgage. But the Protector, by his answers, goes the length of declaring that he would manumit a Slave upon the application of A that belonged to B, although the Slave should be mortgaged to C; and in doing so, says that he neither deprives B of his property, nor C of his mortgage right, for the owner only manumits his right and interest in the Slave; but in the case of a mortgaged Slave, the owner may not have any property. But let us see the injury and loss this would produce to a real owner and mortgagee, if, supposing that immediately after the fraudulent manumission of a Slave being perfected, B, the right owner of the Slave, is in a distant part of the country, and C, the mortgagee, is absent, and that the manumitted Slave leaves the Island with the manumission in his or her pocket; where is the remedy of the owner or mortgagee? None.—And therefore both the owner and mortgagee, in such a case, would be deprived, and that fraudulently, of their property; and by whom? By the King's officer, in the supposed exercise of his duty, by manumitting a Slave at the instance of a person who had no right in him—like the case of Alexander and Dinzy. But can such a monstrous doctrine as this be tolerated or maintained for a moment, much less acquiesced in by His Majesty's Government, who would thus be encouraging fraud, and absolutely depriving the lawful owner and mortgagee of their property for ever. But suppose a Slave, manumitted under such circumstances, remains in the island, what is the consequence, but that B is obliged to institute a suit to recover back his property, and C, the mortgagee, is obliged to join in the suit in foreclosing his mortgage. In this case the court of justice, acting under the order, would take it for granted upon the production of the act of manumission, prepared and executed by the Protector, that the Slave was free until B. and C. should prove their property in the Slave: this would cause a tedious and an expensive law-suit; and one no doubt that the Protector would carry to England. But supposing that B and C succeed in their suit, who is to pay the expences thereof, which would amount to three times the value of the Slave? and then would come the most important of all questions, whether a Slave once made free could be reduced into slavery; or supposing it to be a female, and she had had children, and the husband a free man, after the illegal act of manumission had been perfected; are the children by the act of the mortgagee or owner also to be brought into slavery?

Under these circumstances, I submit that the Protector in all cases of

voluntary manumission, as stated in the 34th clause, ought to be governed by the 33rd clause, which declares that the Protector shall on behalf of the Slave, be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission. But I respectfully contend that it is the bounden duty of the Protector, in a case of voluntary manumission, to see that the Slave so intended to be freed shall be legally secured and perfected in his freedom, secured against all claims and incumbrances; and this only can be done by the Protector ascertaining that the Slave is first duly registered, for if he is not, he may be free under the law; second, that the Slave is the absolute property of the person offering to manumit; and lastly, that there is no registered incumbrance on the Slave. When I was Syndic I always observed these essential requisites; for let us suppose a man of bad character, one who will not pay his debts, one who owes a great deal of money in England, secured by mortgage upon his estate and Slaves, he makes an agreement with six of his most valuable Slaves, but in whom he has no property (it not being sufficient to pay his mortgage debt), to give him each 200 dollars, half their value; he then goes to the Protector and declares voluntarily to manumit them; the Protector does so. Is not this a fraud upon the mortgagee of 2400 dollars, their actual value; and will not the freedom of Slaves who are mortgaged be always insecure; and in cases of females, would it not bring into slavery their issue, who are supposed to have been born free, and how distressing this would be to their free father?

It can never be imagined that His Majesty's Government, in bettering the condition of the Slaves, intended to patronise or to sanction fraud.

As an owner of Slaves I should be very sorry indeed if the construction put by the Protector upon the 34th clause was a true one, for I take it that in all and every case of manumission he is bound to protect the Slave in his or her freedom, and if he does that, he at the same time secures the owner and mortgagee of Slaves in the rightful possession of their property, and the one act is equally as desirable as the other. In the case of Charles Alexander alluded to, let us see the injury that is done to him. John Dinzy has not a farthing of property in this island, has no visible means of living, may abscond and take with him his free daughter, while Charles Alexander may go to gaol for want of 300 dollars; but if he had been advised, or was aware of the fraud John Dinzy intended to practice, he might, upon an application to the court, supported by an affidavit of the circumstances of the case, and that John Dinzy had no property and could not have given him security, have obtained an order to prohibit the manumission of this Slave until John Dinzy had paid Charles Alexander. But I deny, as an advocate, that John Dinzy had a sufficient ownership in the Slave thus fraudulently freed. The note does not transfer the Slave to John Dinzy; he only promises to pay the sum of 300 dollars, and that the property in this slave did not pass by the note.

I trust, therefore, that should your Excellency agree with me in opinion as to the necessity of the Protector complying, in all cases of voluntary manumission, with the directions contained in the 33rd clause, that he will be so ordered, securing as it thereby would, absolute and perfect freedom to the Slave, and security to owners in their Slave property.

I have, &c.

(Signed)

HENRY FULLER,
Attorney General.

To his Excellency, Sir J. R. Woodford, Bart. Governor.

&c. &c. &c.

A.

Trinidad, 12th February 1824.

D300. of 10s.

Four months from date, I promise to pay to Mr. Charles Alexander, or order, the sum of three hundred dollars of ten shillings, being the amount he answered to pay Mr. Graham for my daughter Judy Dinzy.

JOHN ^{his} ~~X~~ DINZY.
mark.

Witness, John James Clark.

No. 2.

SIR, *Protector of Slaves' Office, Port of Spain, 3 Feb. 1825.*

I have considered the subject of manumissions granted to Slaves by their owners, without valuable consideration; and I trust that the result of my reflections will satisfy your Excellency that I have not "misconceived the meaning of the Order in Council of the 10th of March last" in that respect, and that the doctrine which I propose to uphold does not involve in it "consequences as insecure and injurious to the Slaves as to their owners."

By the 33d section of the Order it is directed, "That before the manumission of any Slaves 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 Slave, shall be bound to ascertain that such owner has good right and title in the Law, and is competent to effect such manumission."

The evident intention of this Clause is to secure to the Slave a valid and effectual freedom, in consideration of the price he has paid. He has a twofold warranty—that of the master, who is bound to restore his price in case his freedom is not valid; and, secondly, that of the Protector, who, at his own peril, permits the execution of an invalid instrument.

Contract is defined to be "an agreement *upon sufficient consideration* to do, or not to do, a particular thing"—and again, "a contract is the voluntary agreement of two or more persons, by which something is to be given or performed upon one part for a valuable consideration, either present or future, on the other part."

A voluntary manumission without valuable consideration paid to the owner cannot, I submit, be said to come under this definition, and, therefore, there is the strongest presumption for concluding that His Majesty's Ministers, in framing the Order in Council, intended the precautions contained in the 33d section to be taken only in the cases of private contracts for consideration, and not in the case of a voluntary and gratuitous grant of freedom.

The 34th section enacts, "That in case any Deed of Manumission shall be executed voluntary, and without any valuable consideration passing to the owner or other person effecting such manumission, the Slave shall appear before the Protector, or before the Commandant of the quarter in which he may be resident, and if it shall appear that the Slave to be manumitted is under the age of six years, or above the age of fifty, or is labouring under any habitual disease, &c. the person about to effect such manumission shall execute a bond to His Majesty, in the sum of two hundred pounds, that the Slave shall be properly fed, &c. &c."

Now if it was ever contemplated that the question of title was to be inquired into in all cases of manumission, would the Commandants of quarters have been empowered, as they are, by the 34th Clause, to execute the manumissions of persons under six, or above fifty years of age?—or rather would not their names have been omitted in that Clause, as they are in the 33d, by reason of the legal questions which might arise in a case of contract for valuable consideration?—would the provisions of the 29th Clause have been found necessary in the special cases there enumerated if the question of title was at all times to have been fully investigated?

I therefore conceive that the enactments of the 33d section were intended as exclusively for the regulation of manumissions for a valuable consideration, as those of the 34th section are for the regulation of gratuitous manumissions, and I submit, that this view is not only in perfect consonance with the general spirit of the whole order, which is expressly adapted and declared to be for the improvement of the condition of the Slaves in this Colony, but also strictly conformable to the rules of equity and good policy.

It is an incontrovertible principle in law and equity that no one can convey away, or relinquish a right, unless it is legally and uncontrolably vested in himself, and therefore, it was necessary, in order to secure the rights of Slaves wishing to purchase their freedom, to ascertain that their reputed owner was truly and legally the owner of such Slave, and that he was not incapacitated by a mortgage, or other legal lien already existing on the Slave, from granting a

valid and unquestionable manumission; this is, beyond doubt, the object of the precautions and forms ordered to be taken and observed in the case of a manumission by private contract. They are precisely the forms and precautions which would be taken in the sale or transfer for an onerous consideration of the Slave, or of any other kind of property; and the sole object in either case, is to establish and ascertain that the person to whom the consideration is paid is legally qualified to grant the right for which it is paid.

Now no such danger can arise in the case of a voluntary manumission granted without valuable consideration.—If the Slave is not the property of the person granting the manumission, or is mortgaged by him to a third party, the act of manumission can neither confer any right on the Slave, nor injure the true owner or mortgagee: but, on the contrary, in respect to these parties, the Deed will be null and void. The Slave will continue to be the property of the true owner, or be hypothecated to the mortgagee, as the case might be. In the former case the manumission would be, *ipso facto*, null and void—in the latter, it would only have the effect of conveying away the reversionary interest which the owner might eventually have in the Slave, but could never injure the right of the mortgagee—nor would the Slave himself suffer any injury; having paid nothing for his manumission, the resumption by his master of his rights over him would deprive him of nothing, and he would only be reduced to his former situation.

It is true that the Attorney General, in his report on the case of Alexander and Dinzy, has pictured several hardships imposed on the master by the Order in Council; but I respectfully submit to your Excellency that these hardships, if they are so to be considered, do not arise from the Order; but are either the unavoidable casualties to which the possession of property is exposed, or are to be attributed to the improper carelessness and inattention to their interests, on the part of the owners or mortgagees of property, and that if the principles on which the doctrine of His Majesty's Attorney General is founded, are to be generally adopted, the Protector and Guardian of Slaves would be transformed into the Protector and Guardian of all the Slave owners and mortgagees in the Island, and so much of his time and attention would be occupied in defending and preserving the rights of the owners and mortgagees, that little would remain for the investigation and redress of the grievances of their Slaves.—Indeed, this addition to the duties of the Protector and Guardian of Slaves, would supersede the necessity for owners or mortgagees appointing Attornies or Lawyers to watch over and defend their interests. But I flatter myself that your Excellency will be satisfied that the premise sassed by the Attorney General have no foundation in reason or Justice.

I, however, await your Excellency's determination on the subject, and with great respect, remain, &c.

(Signed) HENRY GLOSTER, Protector of Slaves.

To his Excellency Sir Ralph J. Woodford, Bart.

&c. &c. &c.

No. 3.

SIR,

Port of Spain, 31st August 1825.

I HAVE considered with every attention the subject deserves, the answer of the Syndic Procurador-General and Protector of Slaves to the letter I had the honour of addressing your Excellency in the month of December 1824. I must confess that I should consider myself very unfortunate, if the subject matter of that letter should be declared to have no foundation in reason or justice. It will be my duty to endeavour to show to the contrary.

It has been most unquestionably declared by His Majesty's Government, that the Order in Council of the 10th of March 1824, was not in any manner intended to interfere with, or encroach upon, the proprietors of West India property in respect of Slaves; and that the Order in Council was intended, as in fact it is declared to be made, for the religious instruction of the Slaves in Trinidad and for the improvement of their condition.

The only real obstacle opposed by the Protector of Slaves, appears to be the additional trouble it will give him, by considering that the 34th clause is to be

governed or connected with the 33d clause ; because, he observes, “ that if the principles on which the doctrine of His Majesty’s Attorney General is founded, are to be generally adopted, the Protector and Guardian of Slaves would be transformed into the Protector and Guardian of all the Slave owners and mortgagees in the Island, and so much of his time would be occupied in defending and preserving the rights of the owners and mortgagees, that little would remain for the investigation and redress of the grievances of their Slaves.”

This plea, if true, but which I deny, ought not to be allowed to operate, because it is expected that the whole time of the Protector and Guardian of Slaves is of necessity to be devoted to the duties of his office ; and if it is declared to be necessary that his time should be devoted to the objects mentioned in the 33d clause, surely the plea now offered by him will not be considered as sufficient to prevent him from devoting his time to the same objects that are mentioned in the 34th ; as there can be no doubt that this last clause should be governed by the precautions ordered in the 33d.

The facts of the case, as submitted by me, and the answer of the Protector of Slaves to the questions put to him in the presence of Archibald Watherston not being denied by him, I am right in assuming that he has admitted the truth thereof.

The case of Alexander, as it actually happened, is a peculiarly hard one. John Dinzy having no bill of sale of the Slave, and not having paid for her, she is yet manumitted as his actual property. In the case of Newbold *versus* Executors of Blackwood, and in the *Terceria* of Joseph Wilson, Son, and Company, in the Complaint Court, it was, after a special argument, declared, that in the sale or transfer of a Slave, a bill of sale was absolutely necessary, and that the sale of a Slave otherwise than by an Act or bill of sale was not legal.

The Protector of Slaves has stated, that for the purpose of freedom it is immaterial to him who is the owner, whether the Slave is mortgaged or not, registered or otherwise, so long as any person comes to him and says, I am the owner of that Slave, and I want to manumit him voluntarily, that in such a case the Protector of Slaves merely draws the manumission, and the Slave is free. Does not such a proceeding, having reference to the case in question, militate against the declaration of His Majesty’s Government, and involve consequences as insecure to the Slave as to the owner, whose property is thus in jeopardy ? For the Protector of Slaves has admitted, that he would free any Slave at the mere request of an individual, who would be, as Charles Alexander has been, deprived of his property, which Charles Alexander had never sold or transferred to Dinzy. But supposing that Slave to have been mortgaged to a third person, the mortgagee would have lost his property in the Slave ; for I will contend, that a Slave once freed, can leave the Colony as any other free person, and the owner and mortgagee have no remedy, except as against the person who has illegally caused the manumission of the Slave.

The Protector admits it to be the evident intention of the Order to secure to the Slave a valid and effectual manumission, and that the Slave has a twofold warranty,—that of the master, who is bound to restore his price in case his freedom is not valid ; and, secondly, that of the Protector, who, at his own peril, permits the execution of an invalid manumission ; but I submit that it is not to be left to the chance of solvency of the owner, or to the peril of the Protector of Slaves in permitting the execution of an invalid instrument. The instrument to be executed must be a legal and sure manumission, not at the peril of any public officer, who may die and leave no property behind after the illegal act has been committed ; and in respect of his master returning the money, he may have become insolvent ; in such a case the Slave would lose his money as well as his freedom, and be returned into Slavery. But suppose the Slave to have gone from the Island, where then is the remedy for the injury caused by the public officer acting upon his peril ? But when His Majesty’s Government has expressed in such clear terms as not to be misunderstood what its intentions were, viz.—in cases of freedom, the Protector of Slaves shall be bound to ascertain that such owner has good right and title in the Law, and is competent to make such manumission ; will it be pretended after this, that the owner of a Slave has a right to manumit a Slave that is mortgaged ? or that it could be ever contemplated by His Majesty’s Government, that its public officer

was to manumit a Slave who was mortgaged? and being so mortgaged, that any person should appear before the Protector of Slaves, voluntarily to manumit a Slave, without its being ascertained by the Protector of Slaves whether the person so proposing to manumit the Slave "had good right and title in the Law, and was competent to effect such manumission?" I think it may be well answered, that the Government could have no such intention.

The Protector of Slaves not only seems to be of opinion, but has acted upon it, that the 34th clause has nothing to do with, nor is connected with, the 33d clause, but a little attention to that clause will show to the contrary.

The 28th, 29th, 30th, 31st, and 32d, point out the mode to be adopted in all cases where owners are not disposed to manumit, or in cases where there is any legal objection or doubt; and one of the principal disabilities is, where the Slave is under mortgage or otherwise incumbered, and great care is taken in such a case, not only to secure to the mortgagee the value of the Slave, but interest on that value, till he appears judicially to receive the same.

The 33d clause respects private or voluntary manumissions, where there is no objection on the part of the owner. But what is enjoined by the 33rd Clause, surely ought to be observed in respect of all manumissions under the 34th Clause; viz. that the Protector of Slaves, on behalf of the Slave voluntarily manumitted, shall be bound to ascertain that such owner "has good right and title in the law, and is competent to effect such manumission," no owner can have a good right and title in the law to manumit a Slave, or be competent to effect the manumission of the Slave proposed to be manumitted, if mortgaged or entailed; and in such a case is the Protector of Slaves to execute a manumission at his peril? No; he should refuse to draw the manumission unless the consent of the mortgagee, tenant in tail, reversioner, or other person interested in the Slave should join therein. And why should not public notice be given in such a case, as in that of the other manumissions under the 33rd Clause?

In the case of J. Dinzy manumitting his daughter, no consideration passed between him and his daughter, and there are no directions contained in this clause as to the execution of the manumission, except in cases above fifty and under six years; or where the Slave may labour under any habitual disease or infirmity of mind or body. By this voluntary manumission it must have been surely the meaning of the Government that the Slave so voluntarily manumitted should be effectually manumitted; but can it be the intention of the Government or the law to authorise the voluntary manumission of a Slave by the owner, that is mortgaged, without notice to the mortgagee, thereby disposing of property not belonging to the person by whose means the freedom is effected? I think not, and therefore the practising of such a fraud ought to be prevented; and how easy it is to do so, by the Protector of Slaves observing the same precautions in cases under the 34th clause, that are declared to be necessary in those under the 33rd clause. Surely the one is as necessary to be observed as the other, for they are both voluntary manumissions on the part of the owner, as far as the owner is concerned, the only difference being that in one case the Slave is freed without consideration, and the other not. So therefore, in the voluntary manumission of Slaves without any consideration, it appears to my humble judgment to be as necessary, as regards the Slave, in the one as in the other case.

The Protector of Slaves has stated, "if the Slave is not the property of the person granting the manumission, or is mortgaged by him to a third party, the act of manumission can neither confer any right on the Slave, nor injure the true owner or mortgagee; but on the contrary, in respect to these parties, the deed will be null and void, the Slave will continue to be the property of the true owner, or be hypothecated to the mortgagee, as the case might be: in the former case the manumission would be *ipso facto*, null and void; in the latter it would only have the effect of conveying away the reversionary interest which the owner might eventually have in the Slave, but could never injure the right of the mortgagee; nor would the Slave himself suffer any injury, having paid nothing for his manumission; the resumption by his master of his rights over him would deprive him of nothing, and he would only be reduced to his former situation."

Is it not true that John Dinzy disposed of property not legally vested in him, and, in virtue of that disposal, is it not true that the female Slave has left the colony for Grenada, and is now living there as a free person? Can Charles Alexander make her a Slave in Grenada? No. John Dinzy has not a shilling in the world to pay Charles Alexander; is not the latter then deprived of his property without any remedy? But if the Protector of Slaves had called upon John Dinzy to shew his title to the property, and not being able, would he have ventured at his peril to have executed that manumission? For the document produced proved that the property of the Slave was in Charles Alexander until payment, or until John Dinzy had received a bill of sale, which Charles Alexander had not given; or supposing that Slave to have been mortgaged to Charles Alexander instead of being his property, would not the mortgagee have lost all opportunity of remedying the evil after that the Slave had left the jurisdiction? and how or in what manner was the mortgagee to know that the owner was going to manumit? what notice did he receive? In other cases not only is the mortgagee publicly cited to appear, but whether he appears or not, the value of the Slave is lodged in the Colonial Treasury for his benefit, and the circumstances stated by me in my first letter are all as likely to happen as the case of Charles Alexander. But supposing the manumission of persons who have been made free for years liable to be declared null and void; when is it discovered by the mortgagee? Only when he forecloses his mortgage, and brings the property of his debtor to sale. It is then that he finds four or six Slaves so mortgaged have been voluntarily manumitted, who may be no longer in the island; so that it is impossible to declare the manumission null and void: will not the mortgagee in such a case have lost 4 or £600 sterling, and under circumstances beyond his control? For he had no notice of the illegal manumission. And are these persons so illegally manumitted, and having enjoyed the blessings of liberty, and perhaps have had free children, acquired property, or being holders of land as free settlers; are they all to be driven back again into slavery, merely because the owner did a wrong act to which the public officer was a party, having executed the manumission at his peril? Where is the remedy in such a case? Let us now see what is the proportion of manumissions for valuable consideration, and those gratuitously; in the former it is 112, in the latter 60. Is it not better then to avert such evils, and continue to uphold the security given to mortgagees, and persons having reversionary interests in Slaves, by directing, that in all cases of voluntary manumission, the Protector of Slaves should observe the precautions by which he is governed under the 33d Clause; and if it does give him a little additional trouble, is he not remunerated? And in attending to cases of gratuitous manumissions he would only do what is done by him in a case of manumission by purchase, and it is not a very laborious work. For why, it may be asked, in one case should the interest and rights of persons interested in Slaves about to be freed be so cautiously guarded and attended to, and not in the other? But the Protector of Slaves carries his doctrine to such an alarming extent as to call for an immediate remedy, for he says he would execute the manumission of a Slave brought to him by a person who declared an intention gratuitously to manumit without asking one single question, without practising the smallest formality, without ascertaining whether the Slave was registered or mortgaged. Surely under such a view of the Order in Council by him, I submit I am fully borne out in stating that such a principle involves consequences as insecure to the Slaves, as to just and *bond fide* mortgage creditors, and others interested, whose property is thus placed in jeopardy. I believe it is unfortunately a well known fact, that when a mortgage is foreclosed upon an estate and Slaves, nothing remains to the owner; but in all cases the mortgaged property sold is found insufficient to pay the mortgage debt; what reversionary or other interest then would the owner have in five or six Slaves that he had voluntarily manumitted, without its being permitted for the mortgagee to know, even if he was in the island, of such a fraudulent act, for he could only know it when the property was sold and these four or six Slaves were missing; but if the same precautions were adopted in both cases, his mortgage property would have been secure, as it would have been impossible for the needy mortgagee to have manumitted four or six of his Slaves, so long as they were under mortgage.

Between 24th June,
1824, and 24th June,
1825.

I have to apologize to your Excellency not only for the length of this letter, but for not having before replied to the answer of the Protector of Slaves.

I have, &c.

(Signed) HENRY FULLER, Attorney General.

His Excellency Sir R. J. Woodford, Bart, Governor,
&c. &c. &c.

(No. 4.)

SIR,

Port of Spain, 3d April 1826.

THE observations submitted by His Majesty's Attorney General, in his letter to your Excellency of the 31st of August last, on the subject of gratuitous manumission, have led me to a re-consideration of the question generally.

I cordially agree with His Majesty's Attorney General, that the Order in Council of 10th March 1824, was not in any manner intended to interfere with, or encroach upon, the rights of West India Proprietors; nor do I conceive that the principles which I contended for in my former letter had a tendency to create such interference or encroachment.

Previous to the promulgation of the Order in Council of March 1824 gratuitous manumissions were either executed privately by the owner, or were prepared by professional men. In the former case, it is almost needless to observe, that no question as to the title would be raised:—In the latter, the advocate would proceed, as in all cases of donation of property; that is, not to ascertain *the right or title* of the party, but solely to give effect to the intention of the donor by preparing an instrument in due form.

The Attorney General has stated that the only real obstacle to acceding to his views is the "additional trouble it would give me by considering the 34th Clause is to be governed or connected with the 33d Clause." This statement I beg leave most explicitly to deny—I am, and always have been ready cheerfully to discharge every duty incumbent upon me as Protector of Slaves. The only rules for the guidance of my conduct in that office, are the Order in Council of 10th March 1824, and the subsequent Orders in explanation, and while I continue to obey these, I consider no blame can attach to me. But, so far am I from considering that the 34th Clause is to be governed by the 33d, I have many reasons for adopting a contrary opinion.

In the first place, it is evident his Majesty's Ministers, in framing the Order, contemplated three distinct classes of manumissions.

1st, Those to be sought before the Chief Judge by reason of the owner's incapacity to execute an effectual manumission to the Slave.

2d, Those by private contract.

3d, Those gratuitously.

For the purpose of obtaining the benefit of the first class, the Protector is directed to bring the case under the cognizance of the Chief Judge, whose sanction to the manumission is testified by a certificate, under his hand, "That the proceedings required by Law have been duly had before him."

The second class brings the owner of the Slave and the Protector into more immediate contact with each other. The Protector is then the advocate of the Slave, bound to watch over his interests, to prevent the owner from exacting what he may consider more than the value of the Slave; and if the price be agreed upon, the Protector is then, at his peril, bound "to ascertain that the owner has good right and title in the Law, and is competent to effect such manumission."

The duties under these Clauses are plain and sufficiently defined:—The Judge, on the one hand, is the guarantee to the Slave of his freedom; and on the other, the Slave has always recourse upon his Protector for the amount he may pay for a manumission which may prove ineffectual to him.

The 34th Clause, which treats of the third class of manumissions, also enjoins the performance of certain duties; it is to be observed, however, that the Commandants of quarters, are equally with the Protector called upon to discharge them—and what are these duties? Not to enter into the doubtful question of right, or into the validity of title, but to prevent the master of a Slave from dispossessing himself of a subject (incapable of earning his subsistence), without

entering into bond that the person to be so gratuitously enfranchised shall be properly fed, clothed, and maintained.

These are the Clauses treating of manumissions in this Order, in which I cannot discover the principle contended for by the Attorney General—viz. "That in all cases of voluntary gratuitous manumissions, the Protector of Slaves is bound to inquire into the title of the master to manumit, before he suffers a manumission to be executed."

Had the enactment even appeared to me to be at variance with the old law and practice, or calculated to interfere with, or encroach upon, the rights of West India proprietors, although I should not have considered it in my power to act contrary to what appeared to be the true intent and meaning of the Order, I should certainly have brought the point under your Excellency's consideration.

To an individual perusing casually the Attorney General's remarks on the case of Alexander and Dinzy, it must be apparent, that the only case in which a loss may arise to the latent owner or mortgagee of a Slave manumitted by a person not vested with legal power to manumit, would be, the abstraction of the Slave from the Colony; for so long as the Slave remained within this jurisdiction, the rights of the owner or mortgagee would be effectual (notwithstanding the invalid manumission), provided the owner or mortgagee would exercise it.

In the other point of view, that is, so far as the Slave is concerned, I cannot see that the principle I contend for involves consequences insecure to the Slave. If the person proposing to manumit does not possess the power, any investigation of mine could never have the effect of creating that power.—The Slave could not be placed in a worse situation than before, in consequence of having had in his possession an invalid manumission: nor would the rights of the true owner or mortgagee be in any manner compromised.

I must acknowledge that it appears to me that a mere perusal of the 28th, 29th, 30th, 31st, 32d, and 33d Clauses must carry with them the conviction that the precautions therein enjoined to be observed are solely intended for the purpose of securing a valid manumission to the Slave in consideration of the price paid for it; although these precautions have also the effect of securing the payment of the money to the person having a legal title to it. But in the case of a manumission granted without any valuable consideration no such precautions are necessary for protecting the Slave from imposition by an invalid manumission; accordingly, the 34th Clause is the only one which relates to such manumissions, and the only precautions thereby enjoined to be observed are calculated to prevent the abandonment of a Slave incapable, through infancy, old age, mental or bodily infirmity, from procuring a subsistence. That these were the only precautions contemplated by His Majesty's Ministers is, in my humble opinion, evident, as otherwise why should the Commandants of Quarters be invested with powers to complete manumissions without valuable consideration, while they are not vested with any power to effect those for valuable consideration, unless a difference in the necessary formalities was contemplated. The reasons for such an enactment are clear. In the case of manumissions for valuable consideration, a Law Officer alone could protect the Slave from imposition; and a Law Officer, the Protector of Slaves, alone can, by the Order in Council, effect such manumission. In the other case the intervention of a Law Officer is not requisite for the protection of the interests of the Slave, and by the 34th clause these manumissions can be executed before the Commandants of Quarters, who are capably of carrying the intentions of the Government on this subject into effect, as fully as the Protector of Slaves. This peculiarity of the 34th Clause appears to me to be an unanswerable proof of the intention of His Majesty's Ministers. Of this argument in my former letter the Attorney General has not condescended to take any notice.

There are circumstances connected with the case of Dinzy to which I shall now consider it my duty to advert.

Alexander sold the girl to her father, John Dinzy, a needy man, a resident of Grenada, but then at Trinidad. The price was agreed, and upon Dinzy giving his obligation to Alexander, payable at a distant date, the girl was delivered to her father. The consequences that ensued were natural; and had the feeling of paternal love ever warmed the heart of Alexander, he must have

known that the silent voice of nature would have instigated Dinzy to liberate his child from slavery the moment he had an opportunity. Dinzy has procured a manumission for his child, but whether that manumission is or is not valid, is the question now at issue between the Attorney General and myself.

If Alexander is advised that the manumission is a nullity, why did he not exercise his alleged rights of ownership over the girl when she was within this jurisdiction? Why has he not apprehended her in Grenada as a fugitive Slave, falsely alleging herself to be free under a manumission obtained fraudulently by Dinzy from the Protector of Slaves of Trinidad? Why, in fact, does not Charles Alexander exercise his authority over his alleged Slave, in lieu of wasting his time and his substance in making complaints to your Excellency, which cannot be redressed while the Law exists as at present?

I shall conclude by endeavouring to impress upon your Excellency that it is my wish to discharge my duties conscientiously, and without injury to any party, but bound, as I am, to govern myself by what appears to me to be the true intent and meaning of the Order in Council, I cannot, until I receive further instructions, adopt the line of conduct suggested by the Attorney General.

I have, &c.

(Signed)

HENRY GLOSTER,

Guardian of Slaves.

His Excellency Sir Ralph J. Woodford, Bart. Governor,
&c. &c. &c.

No. 7.

SIR,

Downing Street, 15th August 1826.

I HAVE received your despatch of the 25th February last, and my Under Secretary, Mr. Wilmot Horton, has laid before me your letter to him of the 27th of April 1826, with its enclosures.

I have attentively considered the arguments of the Attorney General, and of the Protector and Guardian of Slaves, upon the question to which the case of the female Slave, named Judy Dinzey, gave occasion. With reference to the particular case of that individual, it is not necessary for me to issue any instructions. If, as it is asserted, the person by whom she was manumitted had no power to effect her manumission, she of course remains in a state of slavery. Her claim to freedom, like that of every other person, will, if necessary, be decided by the ordinary tribunals of the Colony.

The general question, however, is of considerable importance, and is by no means exempt from difficulty. On the one hand, if it were always to be required, as the condition of a voluntary manumission, that the party effecting it should first establish a legal title to the Slave, I am afraid that such a rule might operate as a very serious impediment to the exercise of private benevolence. The title to any one plantation Slave is generally the same with the title to the rest, and usually involves the title to the land and buildings on which the Slaves are employed. Now, many persons may have a good title, so far as actual possession, and natural equity and justice, are concerned, who have at the same time very sufficient reasons for declining a critical investigation of it, according to the strict rules of law. It is further to be observed, that if this condition were imposed upon every gratuitous manumission, the party effecting it must in every case be required to repair to the town of Port of Spain, since the decision of questions of law, so difficult and important, could not safely be committed, except to persons habitually conversant with the principles and practice of the Supreme Courts. Neither can I omit to remark, that it would be scarcely consistent with justice, if the law, which (when the right of the Master is in question) is satisfied with the presumption arising out of actual possession, were altogether to reject that presumption, when the question regarded the Master's right of manumission.

On the other hand, it is not to be denied that the emancipation of a Slave before the Protector, without any investigation of title, might give occasion to very serious embarrassments. It is unnecessary to controvert the opinion of the Protector, that such emancipations, unless they be effected by the real proprietor, will avail nothing in point of law. It is enough to say that they would

probably have a very serious and injurious effect in point of fact. It is impossible but that a deed of manumission, passed before the proper officer, and solemnly authenticated by him, should carry with it very considerable authority. In the Island of Trinidad itself, and much more in neighbouring Colonies to which the manumitted Slave might repair, such an instrument would unavoidably raise a very high presumption in favour of the validity of the act of manumission, and would proportionably impede, if it did not wholly defeat, the efforts of the real owner to re-claim his property. Yet it is plain that the deed of manumission would be entitled to no such authority, and ought to produce no such effects, if the Protector were to perform only the ministerial office of ascertaining the health and age of the Slave, and were altogether to decline the investigation of the title of the asserted owner.

Under these circumstances, His Majesty's Government have deemed it right, that the duty of the Protector and Guardian of Slaves, in case of voluntary manumissions, should henceforward be understood to be as follows :

Whenever a Slave shall be brought before the Protector and Guardian of Slaves, or before the Commandant of the quarter, to be manumitted voluntarily, the Protector and Guardian, or Commandant, as the case may be, shall, in addition to the duties expressly imposed on him, by the Order in Council of the 10th of March 1824, apply to the Registrar of Slaves, and to the Registrar of Deeds and Mortgages for Certificates to the following effect : To the Registrar of Slaves he is to apply for a certificate of the name of the person by whom the Slave in question was last registered as his property. To the Registrar of Deeds and Mortgages he is to apply for a certificate of the fact, whether by the Records in this office it appears that there is any mortgage or other incumbrance in existence, to which the Slave in question is subject. The Protector and Guardian, or the Commandant, as the case may be, will refuse to allow the voluntary manumission, in every case where it shall appear that the party proposing to effect it is not the registered owner, or where it shall appear that there is any mortgagee or other person having a charge upon the Slave, who is not consenting by himself, or by his authorized agent, to the manumission.

If it should appear in any case by the certificate of the Registrar of Deeds and Mortgages, that the person desiring to effect a voluntary manumission, has only a temporary interest in the Slave, and that there are other persons holding a future or reversionary interest, the voluntary manumission must not be effected without the consent of the persons holding such future interests: For were this permitted, the Slave being in the immediate enjoyment of liberty, would either quit the Colony or acquire habits of life which would disqualify him from returning to a state of slavery, at the expiration of the temporary interest of his immediate owner. Nor will the Slave sustain any real prejudice by such a regulation. If he possesses the means of purchasing the reversionary right to his own services, the Order in Council enables him to effect a compulsory manumission, as against the reversioner. If he has not those means, he will probably be able by honest industry to acquire them during the continuance of the temporary interest of the immediate owner. For the same benevolence which induces the immediate owner to seek the present manumission of his Slave, will, if it be genuine and sincere, induce him to give the Slave the present command of his own time; even though the manumission itself be not accomplished.

You will therefore issue to the Protector and Guardian of Slaves instructions for his guidance, founded upon the principles explained in this despatch, and in conformity with them. He will be distinctly apprized that while on the one hand he is to apply for the certificates I have mentioned, he is on the other hand to investigate the question of title no further than as those certificates may explain it. Of course it was not the intention of His Majesty's Government, nor is it, I conceive, the right construction of the Order in Council, that an act of manumission by a pretended owner, should defeat or prejudice the right of the real proprietor. With the precautions which I have pointed out, I trust that it will be found possible to avoid both the danger of indirectly injuring the real owner, and the risk of checking the exercise of private benevolence.

The certificates from the offices of the Registrar of Slaves, and of the Registrar of Deeds and Mortgages, must be given gratuitously.

You will promulgate in the usual manner, for the information of the public,

the instructions you may give on this subject to the Protector and Guardian of Slaves, and you will immediately communicate a transcript of them to me.

I have, &c.

(Signed)

BATHURST.

Governor Sir Ralph Woodford, Bart.

&c. &c. &c.

No. 8.

MY LORD,

Trinidad, 12th April 1826.

YOUR Lordship is already aware, that the Order in Council of the 10th March 1824 provides for the admission of Slave testimony in all Courts of Justice, by virtue of a certificate, to be granted in the manner prescribed by the 36th Clause, whereby the party to be adduced as evidence is declared to be sufficiently instructed in the nature and obligation of an oath.

And it will be within your Lordship's recollection, that as by the Order in Council of the 16th September 1822, for the establishment of new Courts of Justice, it was declared to be competent to the Criminal Court to admit as witnesses persons not free, but otherwise competent under the law of England, it became one of the questions, proposed by the Committee that was formed in the Colony by the opponents of the Order in Council, whether the tenor of the 36th Clause, of the Order of 10th March 1824, was to be considered as abrogating the provision of the Order of the 16th September 1822, although that provision was renewed at the conclusion of the said 36th Clause; and, upon reference, your Lordship was pleased to declare that it was not to be so considered. Nevertheless, such an explanation has from time to time been given to it in the Criminal Court, though only one certificate has been exhibited since the Order has been in force; Slaves have sometimes been received, at other times rejected; and on a late occasion, however, of a very serious charge brought against a free black, an extremely bad subject, the rejection was the more to be regretted, as the Attorney General was thereupon obliged to relinquish the prosecution.

When this came to my knowledge, and I was informed by the Attorney General that other trials of importance were depending, in which he expected that the evidence of Slaves would be mainly instrumental in bringing the offenders to justice, I directed that officer to prepare a Report, which should embrace the draft of an Order that would determine the question, until I could report the same to your Lordship for His Majesty's information; and having communicated the same to the Chief Judge, who had always considered the point as left in the discretion of the Court, a Proclamation was issued, in conformity with his Honour's suggestions, in the terms which I have now most humbly to submit for the King's approval; and, in so doing, I have considered that it were better to remove the discretion from the Court, than to permit the continuance of a system which would always lead to argument and uncertainty, in every case brought before them.

I have also felt, that unless it had been in contemplation to exclude Slave evidence, it could never have been intended to require, as a *sine quid non*, a qualification, for which the means of attaining it are totally inadequate, and which the Catholic clergymen will not easily grant. I have confined the admission of this description of evidence to the Criminal Courts, which is at once in unison with the limitation of the provisions of the Order of September 1822, and, as I trust, with your Lordship's intentions.

I cannot, however, but confirm and reiterate to your Lordship the expressions of the Chief Judge in support of the early adoption of measures for the instruction of the Slave population, which, unless provided by His Majesty's Government, together with all things thereto appertaining, will, I fear, remain disregarded, as much from want of fit persons and proper establishments in the Colony, as from the inability of the proprietors of Slaves to procure them.

I enclose the correspondence that took place on this occasion,

And I have, &c.

(Signed)

RALPH WOODFORD.

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

&c. &c. &c.

TRINIDAD.

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SIR,

Port of Spain 3d March 1826.

I DEEM it my duty to inform your Excellency, that on the 21st instant came on to be tried, before the Court for the Trial of Criminal Prosecutions, the case of a free black man, named Andre Bordenave, charged with having committed a rape in a cane piece, on a Slave girl of a very tender age.

The fact of the carnal knowledge was admitted by the accused, but he declared it to have been with the consent of the girl.

The evidence, however, of this girl before the Court of Criminal Inquiry, and her immediate complaint of the injury done to her, together with other circumstances connected with the case, leave no room to doubt but that the offence was committed in a violent and forcible manner.

At the trial, the first and the only witness to a crime which is generally committed in secret, was the girl herself, who, being a Slave, was objected to by the advocate of the accused; and after a solemn argument thereon, she was rejected by the Court as an incompetent witness, under the 35th and 36th clauses of the Order in Council of the 10th March 1824, she not having the certificate as mentioned in those clauses.

I contended that, under the annexed extracts from the Orders in Council, and the accused being himself a free *black* man, that the girl was a good witness, and ought to be examined, the accused not coming within any of the provisions of the 36th clause; and further, that the power granted to the Court by the Order in Council of the 16th September 1822, was expressly reiterated and delegated to it by the 36th clause of the Order in Council of the 10th March 1824, and that the framers of this Order had seen the difficulty attending the rejection of Slave testimony, without the certificate mentioned in the 35th clause, and had therefore given to the court the same power of admitting Slaves, as it had under the previous Order, except in those cases in which Slave testimony is expressly prohibited by the 36th clause.

A case of murder by one Slave upon another is to be heard on Monday, in which all the witnesses to the fact are Slaves, and the suit will be dismissed on the same ground as that against Andre Bordenave. In most cases the witnesses are, as they always must be, Slaves; and were they to be totally excluded unless they had the certificate alluded to, although they understood the nature and obligation of an oath, I am apprehensive that crimes would increase, and that offenders would escape punishment altogether.

I also submit the impossibility of a compliance with the 35th clause, within any limited time; it must be the work of years, and dependant principally upon ministers and teachers, which we have not beyond what are only and absolutely necessary for the towns of the island, and even then insufficient.

The obtaining of these certificates must therefore be a work of time and instruction.

Under these circumstances I have the honour to submit, for the consideration of your Excellency, the draft of a Proclamation in the name of the King, by which, if you approve thereof, the doubts entertained by the Courts as to the admission of Slave testimony will be removed, justice will thereby be more certainly administered, and offenders will not escape with impunity.

I have, &c.

(Signed) HENRY FULLER, Attorney General.

Extract from the 36th Clause of the Order in Council of the 10th March 1824.

PROVIDED always, that nothing herein contained shall extend to take away or diminish any power and authority which any Court of Criminal Jurisdiction in the said Colony now hath, to admit in any case the evidence of persons being in a state of slavery.

Viz. under the Order in Council 16th Sept. 1822.

Extract from the 14th Clause of the Order in Council of the 16th September 1822.

PROVIDED also, that in *all Criminal Cases* it shall be in the discretion of the Court in which any charge is depending, to admit as witnesses persons not free, who in other respects would be competent, according to the Law of England, to give evidence in such cases.

TRINIDAD.

By the King.—A Proclamation.

WHEREAS doubts have arisen as to the authority of the Courts of this Island to receive the testimony of persons being in a state of slavery, unless they hold the certificate mentioned in the 35th clause of the Royal Order in Council of the 10th day of March, 1824; with reference therefore to the latter part of the 14th clause of the Order in Council of the 16th day of September, 1822, and the latter part of the 36th clause of the Order in Council of the 10th day of March, 1824, and in order to remove all such doubts, we do hereby declare, that in all and every case (excepting those in which the evidence of Slaves is expressly prohibited to be received, as declared in the said 36th clause of the said Order in Council), all Courts in the said Island are authorized and commanded to admit in any case, civil or criminal, the evidence of persons being in a state of slavery: Provided always, nevertheless, that every such person so tendered as a witness shall have been baptized, and shall upon oath declare, to the satisfaction of the Court, as to his or her belief and understanding of the nature and obligation of an oath, according to the Law of England in such cases; and, provided always, that the credibility of any such witness be matter for the consideration and determination of the Court.

SIR,

Government House, 3d March 1826.

I LOSE no time in transmitting to you the enclosed Report from the Attorney General, upon a construction that has been given by the Court of Criminal Trial, to the 35th and 36th clauses of the Order in Council of the 10th March 1824, touching the admission of Slave evidence in offences brought before that Court, and the rejection of which, it is apprehended, will tend to facilitate the escape of criminals.

I cannot but advert to the provision made by the Order in support of the provisions of the 14th clause of the Order of the 16th September 1822, establishing the Court, and to the explanation given by His Majesty's Secretary of State of the 11th September 1824, of which you have been informed. All these concur in admitting, in certain cases and under certain provisions, as evidence, persons in a state of slavery. Of this explanation I transmit a copy.

I therefore am desirous of receiving your Honour's Report of the matter, and if you should concur in opinion with the Attorney General, that you would be pleased to signify your approbation of the draft of the Proclamation that has been prepared by that officer, or so amend it as may be deemed by you to be expedient.

I have, &c.

(Signed) RALPH WOODFORD.

The Hon. Ashton Warner, H. M. Chief Judge.

SIR,

Belmont, 4th March 1826.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 3d instant, transmitting the Attorney General's Report upon the construction that has been given by the Court of Criminal Trial, to the 35th and 36th clauses of the Order in Council of the 10th March 1824, respecting the admission of Slave evidence in offences brought before the Court; and expressing your desire of receiving my Report in this matter; and, if I should concur

in opinion with the Attorney General, requiring me to signify my approbation of the draft of the Proclamation that has been prepared by that officer, or so amend it, as I might think expedient.

It has always appeared to me that in the commencement of the 36th clause, of the Order of the 10th of March 1824, the general principle of law is recognized that Slaves are incompetent witnesses, and that the primary and chief object of that clause was to remove any such objection to their competency, so soon as they should have been found sufficiently instructed to understand the nature and obligation of an oath, of which proof should be afforded by the production of the certificate, for which provision is made in the 35th clause, excepting however in cases of civil actions, in which the owner may be directly concerned, or in any case in which a white person may be charged with any offence punishable with death, in which latter cases, Slaves are still incompetent witnesses, even though the certificate be produced; Then follow two provisoes, the first declaring that nothing therein declared should extend to take away or diminish the authority of any Court, to admit in any case the evidence of persons being in a state of slavery; the second, that no Slave shall be a competent witness, in any case in which such Slave would be incompetent if of free condition.

It is unnecessary for me to refer your Excellency to the preamble of this order, as expressive of His Majesty's intentions in its promulgation, or to remind your Excellency that no person of whatever condition can be received as a competent witness, who is not capable of understanding and appreciating the obligation by which he binds himself to speak the truth; and as the 35th clause of the Order of the 10th March 1824, provides the surest means of ascertaining the competency of Slaves in this respect, in the estimation of those whom the law considers best qualified to judge, it has been my opinion that admitting the Court to have the fullest discretion to receive the testimony of Slaves, or to reject it, such discretion is best exercised by requiring the certificate, and rejecting the evidence unless it be produced. By this course, it seems to me, that we best give effect to the intentions of His Majesty's Government in the promulgation of the Order, and enforce the observance of a clause, which will otherwise, I fear, for ever remain a dead letter. I am not aware in what manner the Court can with justice or consistency, exercise the discretion given to it, than, either by receiving the evidence in all cases, leaving the Court solely to judge of its credibility; or rejecting it in all cases without the certificate.

If you should be of opinion with the Attorney General, that the latter course should be pursued, I think the question of competency should no longer be left discretionary with the Court; with this view I beg to submit to your Excellency the draft which I have prepared; that of the Attorney General not appearing to me sufficiently full and explanatory. In the event of your Excellency's adopting this Order, however, I beg to suggest the propriety of a recommendation to His Majesty's Ministers that measures should be taken, with as little delay as possible, to qualify the Slaves under the provisions of the 35th clause of the Order, and to prohibit the Court from receiving, after a period to be limited, the testimony of Slaves in any case without the certificate. I think, moreover, that the invidious distinction in favour of white persons, when charged with any offence punishable with death should be done away with.

I beg to return the Attorney General's Report, in compliance with your desire,

And have, &c.
(Signed) ASHTON WARNER.

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

See Proclamation.

TRINIDAD.

By his Excellency Sir Ralph James Woodford, Bart. Governor and Commander-in-Chief in and over the said Island and its dependencies, Vice-Admiral of the same, &c. &c.

A Proclamation.

WHEREAS by the 14th clause of the Order of His Majesty in Council, bearing date the 16th September 1822, providing for the more speedy administration of justice in criminal offences committed in this Island, it was amongst other things provided, that in all criminal cases it should be in the discretion of the Court in which any charge was depending, to admit as witnesses persons not free, who in other respects, would be competent according to the law of England to give evidence in such cases. And whereas, by the 35th clause of the Order of His Majesty in Council, bearing date the 10th March 1824, providing for the religious instruction of the Slaves in this Island, and for the improvement of their condition, it was ordered, that every Clergyman of the Established Church of England, and every Minister of the Church of Scotland, and every Priest or Minister professing the Roman Catholic Religion in the said Island, and every other person being a public teacher of religion within the said Island, should, and was thereby authorised to transmit or deliver under his hand to the Commandant of the quarter in which he might be resident, certificates setting forth the names or name, and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the party so certifying, might be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath, and that the Commandants of the several quarters in the said Island should, and they were thereby required to transmit such certificates to the Protector and Guardian Slaves, who should, and was thereby required to register the same in a book to be kept by him for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same might have been granted, and of every Slave mentioned and included therein, subject however to a proviso, whereby it was declared, 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 should be competent to grant any such certificate, unless His Majesty's Principal Secretary of State for the Department of the Colonies, or the Governor or Acting Governor for the time being of, this Island of Trinidad should have granted to such priest, minister, or public teacher, a licence in writing to grant such certificates, and unless such licence should be in force, and have been first registered at the office of the said Protector of Slaves. And by the 36th clause of the same Order, it was further ordered, that no person should thenceforth be rejected as a witness, or considered as incompetent to give evidence in any Court of Civil or Criminal Justice in the said Island, by reason of his or her being in a state of slavery, if the person or persons producing or tendering him or her as a witness should produce or exhibit to the Court a certificate under the hand of the said Protector and Guardian of Slaves, that such proposed witness is registered in the before-mentioned book. And the said Protector of Slaves was thereby required to grant without fee or reward to any person making application for the same, a certificate of the fact, whether any such proposed witness was or was not registered in the said book; subject nevertheless to a proviso, whereby it was declared, that no person being in a state of slavery should be admitted to give evidence in any civil suit or action in which his or her owner was directly concerned, or in any case where any white person might be charged with, or prosecuted for any offence, punishable with death; and to a proviso, whereby it was declared, that nothing therein contained should extend to take away or diminish any power or authority which any Court of Criminal Jurisdiction in the said Colony, then had to admit in any case the evidence of persons being a state of slavery. And to a further proviso, whereby it was declared, that nothing therein contained should extend or be construed to extend to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence if he or she were of free condition.

And whereas doubts have arisen whether under the said recited clauses of the said Order of His Majesty in Council of the 10th March 1824, the discretion

given to the Court by the said in part recited clause of the said Order of the 16th September 1822, to admit as witnesses in all Criminal Cases persons not free, who in other respects would be competent according to the law of England, has not in fact been limited, and very considerably diminished by the said Order of the 10th March 1824. And whereas it appears to be necessary, not only, that such doubts should be entirely removed, but that the admissibility of the testimony of Slaves as competent witnesses should be ascertained and determined: Be it therefore, and it is hereby ordered, that no person shall henceforth be rejected as a witness, or be considered as incompetent to give evidence in any Court of Criminal Justice in the said Island, by reason of him or her being in a state of slavery, if such person would in other respects be a competent witness, if of free condition according to the Law of England; and that the production of a certificate under the provisions of the 35th and 36th clauses of the said Order in Council of the 10th March 1824, shall in no case whatsoever be necessary to render such person a competent witness.

Provided always, that no Slave shall be admitted to give evidence in any case whatsoever, either with or without such certificate in any Civil Suit or Action in which his or her owner is directly concerned, or in any case wherein any white person may be charged with or prosecuted for any offence punishable with death, any thing contained in this Order, or the said Order of the 22d September 1822, and the 10th March 1824, in any respect notwithstanding.

And it is hereby further ordered, that if any Slave who shall be received and duly sworn as a witness in any of the Courts of the said Island, shall be convicted of giving false testimony, such Slave shall be subject to all the pains and penalties provided by the law for the prevention and punishment of perjury.

Given under my hand, and the great seal of the Island, at Government House, in the town of Port of Spain, this 6th day of March, and in the year of our Lord one thousand eight hundred and twenty-six.

(L. S.)

(Signed) RALPH JAMES WOODFORD.

By his Excellency's Command,

(Signed) FREDERICK HAMMETT,
Acting Secretary.

No. 9.

SIR,

Downing Street, 22d June 1826.

I HAVE received your despatch of the 12th April last, enclosing a Proclamation issued by yourself with the advice of your Council, for explaining the Orders of the King in Council, of 16th September 1822, and of the 10th March 1824, respecting the admissibility of the evidence of Slaves.

I observe, that the Chief Justice of Trinidad is of opinion, that admitting the Court of Criminal Trial to have the fullest discretion to admit the evidence of Slaves or to reject it, such discretion is best exercised by requiring the Certificate mentioned in the Order of the 10th March 1824, and rejecting the evidence unless it be produced, and I perceive that the Court has acted upon this opinion.

Without wishing to derogate from the respect due to every judicial decision of the Chief Justice, I cannot avoid expressing my surprize and regret, that he should have adopted such a construction of the Orders in Council. The undoubted meaning, and as I should have conceived the only reasonable interpretation of those Orders, was, that Slaves producing the certificate would be admissible witnesses in all cases, and that Slaves not producing the certificate would be admitted or rejected according to a sound discretion to be exercised by the Court on a careful consideration of each particular case. But the Chief Justice entirely disclaims the exercise of any such discretion, and thus, as it would seem, virtually annuls this part of the Order of the King in Council of September 1822.

However inconvenient the consequences of this decision may have been, I cannot approve the course you have adopted to remove them. The Proclamation which you have transmitted is directly at variance with the terms of the

Royal Order, and the King cannot recognize any authority in the Governor and Council of Trinidad, to revoke or alter an Order made by His Majesty with the advice of his Privy Council.

When the Order in Council of March 1824 was promulgated, some Proclamations explanatory of its meaning were issued by you under my immediate direction, and in consideration of the novelty and urgency of the occasion, His Majesty was pleased to sanction that mode of proceeding, however, apparently inconsistent with general constitutional principles. But it was always the intention of His Majesty's Government, that this concession should not be drawn into a precedent, but that your Proclamations should be embodied in a new Order in Council, which would terminate every question respecting their legal validity and effect. You are apprized of the reasons which have hitherto prevented the execution of this purpose, but I hope to be able shortly to transmit to you an Order of the King in Council, embodying all the provisions of the Order of the 10th of March 1824, with the amendments and explanations it has since received, and in the new Order provision will be made for setting at rest the question now raised by the Chief Justice of the Colony.

I have, &c.
(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.
&c. &c. &c.

No. 10.

MY LORD,

Trinidad, 27th August 1826.

I HAVE had the honour of receiving your Lordship's dispatch of the 22d June, by which I regret to find that the Proclamation issued by me on the admission of Slave Evidence in Criminal Prosecutions has not received your Lordship's approbation, from its appearing to your Lordship to be at variance with the terms of the Royal Order, which could only be altered or revoked by the like authority.

Had this Proclamation appeared to me in a similar light, I beg leave to assure your Lordship, that I should certainly have abstained from the assumption of a power which I am well aware would be irregular as well as indecorous, and which I have carefully avoided, as your Lordship will have observed from the various Orders in Council from time to time proposed by me, some of which are still under your Lordship's consideration.

I trust therefore that I shall stand acquitted of any intention of presuming to make enactments in Law, contrary to the tenor of the declared pleasure of His Majesty.

I will beg of your Lordship permission to observe, that the purport of the Proclamation in question was, in my view, nothing more than the application of the provisions of the Royal Order of the 22d September 1822, to the Royal Order of the 10th March 1824.

The proviso in this last Order for saving and continuing the authority of the 14th Clause of the Order of September 1822, being only recited in terms more positive and directory, so as to bring the application of the Law within the view which your Lordship's despatch before and now again explains, and therefore intended to support, certainly not to oppose, any of the provisions of either of the Orders of His Majesty; but having previously received your Lordship's interpretation of the Clause, I considered that a public declaration of it, for the purpose of setting at rest the irregularities of the practice, would only have been in accordance with the previous measures adopted on this occasion, and was in itself justified by the urgency of the case, as the Attorney General represented.

Had I not been aware of your Lordship's reading of this Clause, I should of course have first referred the matter for your Lordship's instructions.

I have, &c.
(Signed) RALPH WOODFORD.

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

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No. 11.

MY LORD,

Trinidad, 26th April 1826.

SINCE the formation of a Savings Bank for Slaves, numerous applications have been received from free persons to be admitted to the benefit thereof, and as such an establishment may be reasonably expected to be productive of good effects among a class of persons who at present are confessedly extremely improvident, I have submitted to the Council, that a general Savings Bank should be established, the deposits being placed in the Colonial Treasury, and the depositors allowed the legal interest of 6 per cent. ; and the Council recommend that your Lordship would be pleased to obtain the sanction of His Majesty in Council to such an establishment, pledging the revenue of the Colony for the amount deposited, and charging it with the interest, and authorising such rules as your Lordship may think fit to recommend, or that the Governor in Council may hereafter proclaim and transmit for His Majesty's approval or disallowance.

I have, &c.

(Signed) RALPH WOODFORD.

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

&c. &c. &c.

No. 12.

SIR,

Downing Street, 18th July 1826.

I HAVE received your despatch of the 26th April last, and I approve of the formation of a general Savings Bank, *on the understanding that it will be in every respect common to free persons and Slaves.*

You will, therefore, with the consent of your Council, pass an ordinance for this purpose, directing that the deposits be placed in the Colonial Treasury, which shall be pledged for the amount, the legal interest of 6 per cent. being allowed to the depositors. With regard to the regulations which should be adopted for the management of a common Savings Bank, I am unable, under the difference of circumstances in a West Indian community, to do more than recommend generally to your attention the Acts which have been successively passed by the British Legislature, for the purpose of effecting the improvements which experience suggested in the management of Savings Banks. Copies of these Acts have been already transmitted for your information.

I have, &c.

(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.

&c. &c. &c.

No. 13.

Extract from a Letter from Sir Ralph Woodford, Bart. Governor of Trinidad, to R. W. Horton, Esq. dated 27th April 1826.

YOUR letter of the 20th March, desiring me to furnish you, by return of post, with a report of any practical difficulties in the execution of the Order in Council of 10th March 1824, for Lord Bathurst's information, I will endeavour to comply with, as well as my means and the shortness of time permit. I will first go over the Order.

The 5 first clauses do not require observation ; but I think the Protector should not be allowed to act in his profession, if a barrister.

Clause 6.—Protector should be declared a magistrate only in all the quarters.

8.—Protector cannot attend *all* trials in which offences against the person of a Slave are tried, or Slave property may be questioned : it should be limited to

such actions as are cognizable in the principal courts held in the Island, and be discretionary in the Protector to attend.

10.—Eight o'clock on Saturday night, and four o'clock on Monday morning, would be better hours than those of sun-set and sun-rise, and which trench unnecessarily on the master's wants.

The restriction on Slaves working on Sundays for hire were better removed, as it is easily and generally evaded. Though it has not been common, for some years past, to see Slave mechanics working in town on Sundays as formerly; and until there be instruction for them, they are best at work.

11.—Requires revision, being confused: proposed on 7th May 1824, in dispatch (separate) No. 545.

12.—I think the Demerara alteration, of the night instead of the 24 hours as the time to elapse previous to punishment, an improvement.

15.—Returns of punishments should not be oftener than twice a year; perhaps once would be sufficient after a probationary period. They are much reduced here, and I think a December return would be enough.

19.—Commandant to swear before his neighbour, and report those that omit to appear before him. To sick persons more time should be allowed.

21.—Has been generally objected to in a legal point of view. On this clause, see enclosure to Dispatch No. 580.

22.—The Slave desirous of marrying should apply to the master, and, in case of his refusal, to the Magistrate, who could do the needful. But the propriety of these marriages is very doubtful, and I think they should be recommended by the clergy when the parties are fit. The people are decidedly averse to them.

25, 26.—Slaves might be permitted to commute a corporal punishment for a money payment, if they were possessed of an investment in the Savings Bank; and Magistrates might be authorised to make order for such payment, with notice to the Protector. Interest might be 6 per cent.

27.—Restricts the weekly deposits, but without compelling Slaves to account for any large sum of money carried to the Protector for manumission.

29, 30.—Alterations suggested in October 1824, transmitted in despatch, No. 580, still required.

31.—The money might be paid at once before the Judge.

See this Correspondence, and Chief Judge's opinion, since received.

33.—A great doubt arises upon the obligation of the Protector to inquire into the validity of private manumissions, which should be determined.

34.—This is evaded, as regards infants, by having them registered as free in the Church Register when baptized.

35.—The validity of this clause must depend on the extent of the establishment afforded for this object.

36.—See proclamation of the 6th of March last.

41, 42.—The fines in these clauses are much too heavy, and the punishments for a second offence are unreasonably menacing.

Now as to practical difficulties, as far as I know them. The first in order is the prohibition of Sunday's labour. Potting sugar is now become a voluntary act: the people that choose to attend get, what all got formerly, a good lump of the sugar. This indulgence is now not given to them who do not *proffer* their assistance. Working in their grounds is common to all industrious negroes on the Sunday; but the idle avoid it, and by some masters are not forced to it. Hiring themselves out is common to negroes on Sundays: the driver, boiler, or some chief, hire others in their grounds on Sundays, and in the week days they hire *free people*.

It becomes a practical difficulty when the smaller planters are so situated as to be deficient in energy to repress the violence of turbulent women, and are, perhaps, unable to keep the Record Book. *All* complain of the time lost by the use of the stocks, and the postponement of punishments to the men. But some of the planters, that were most averse to the Order, among the foreigners, have acknowledged to me that their apprehensions had not been followed by any results. All, however, admit that it requires great patience to bear with the provoking tongues and noise of the women. The commitments to the gaol of this class are for that particular offence, and I think it certainly creates the greatest difficulty.

In other points I beg to refer to my despatches, particularly those of 545, 580, 662.

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I entreat of his Lordship to render the returns as rare as possible; and I hope that, considering the responsibility attaching to the due keeping of the Record Book, a return at Christmas of the entries in the course of the year will be sufficient.

The Protector sends me a Report, which I enclose. I have also received a note from the Chief Judge, Mr. Warner, which I copy, and forward likewise.

Since closing my letter, I have received the accompanying communication from the Attorney General.

*Extract from a Letter from Mr. Warner to Sir Ralph Woodford, dated
27th April 1826.*

THE question of the foreign Slaves, has occupied so much of my consideration since I received your letter, that I have not time to enter into the consideration of the Slave order: some few difficulties have occurred in practice, which I will take an early opportunity of stating to your Excellency; but I cannot say, that I think the case which has been the subject of communication from the Attorney General and the Protector of Slaves to be one of them. Such a case will probably never occur again, and I think any direction to the Protector of Slaves, in respect of voluntary manumissions, had better be avoided, as tending to throw an impediment in the way of manumission. If the Protector was directed in all cases, to refuse the execution of a deed of manumission, unless the party manumitting produced a good title to the Slave intended to be manumitted, the consequence, I am satisfied would be, that many difficulties would arise, and complaints of refusal occur, and that no reasonable objection can be made to the law as it stands upon this head.

The principal practical difficulties that have occurred, have arisen upon questions of evidence, and some of the formalities in the manumission clauses may, I think, be avoided, and much trouble be thereby saved. I think also, the money intended to be applied in the purchase of manumission, ought, in the first instance, to be deposited in the Savings Bank: this would afford to the proprietor a fair opportunity of objecting to the deposit, in case he should have any valid objection to make.

Remarks upon the Order of the 25th March 1826.

14th and 15th Clauses.—UNDER these, a difficulty arises, when a manager or overseer removes from an estate between the periods of the quarterly returns: these persons may be compelled to swear to their returns previous to their removal.

16.—Sometimes ineffectual for the above reason, the successor not being competent to take the oath required.

29.—This Clause enables "ANY SLAVE to purchase the freedom of himself, or of his or her wife or husband, &c." The words "*any person*," would more effectually promote the object of this part of the Order.

Under this Clause, Slaves have experienced **some** delay in obtaining their freedom, when their owners have been willing to receive their value. This delay is occasioned by the insertion of a notice in the Gazette during three successive publications, while a summary proceeding might be had recourse to in many cases: as for instance, where the interests of minors, married women, lunatics, or idiots, are affected, their persons may be represented by their legal guardians. Individuals also, who may demand a price above the presumed value of the Slave, may also be directed to appear, on a short notice, to name an appraiser, and the appraisement may proceed as directed by the thirtieth clause.

(Signed)

HENRY GLOSTER, Guardian of Slaves.

Extract, &c. &c. &c.

Port of Spain, 27th April, 1826.

THE time allowed me to answer your Excellency's note, is so short, that I can only give a very insufficient answer thereto.

6.—The Protector of Slaves being declared to be a Magistrate, he should exercise the power vested in him to punish any false or unfounded complaint, instead of sending the Slave who has made an unfounded complaint to his owner, who then punishes him for the same, the Slave is then under the impression that he is punished, not for having made an unfounded complaint, but for having made a complaint, whether just or false.

9.—His Majesty hath not made any provision for the religious instruction of the Slaves in Trinidad.

16.—The returns should be permitted to be made half-yearly, from the trouble and difficulty in making them quarterly, and no good results from the same being made quarterly.

21.—Under this clause, the Protector of Slaves instituted a criminal prosecution in the name of the King, and it was dismissed because it was not instituted by the Attorney General, although it is declared that the Protector shall conduct all prosecutions under this clause. It therefore wants explanation.

33 to 34.—The same rules in respect to freedom that are prescribed in the 33d clause, ought to be extended to the cases of freedom mentioned in the 34th clause, for the reasons already submitted by the Attorney General to the Governor.

35.—The objects of this clause never can be effected until His Majesty provides for the religious instruction of the Slaves, although it is so necessary to the well-being of the Slaves; and the end and object of the Government is, that the Slaves should be afforded the benefit of religious instruction, without which it is impossible to suppose that they can ever be improved in their moral condition, proved as it is by there being only four Slaves, out of twenty-three thousand, possessing these certificates; and which, when obtained, should be given to the Slaves themselves, as a proof of their religious and moral character, and not to be deposited in the office of the Protector.

They should be given to the Slaves, and a copy enrolled in the Protector's Office.

36.—The word *white* in this clause to be altered by substituting the word "*free*," there being no difference in the opinion of the Attorney General as to the effect of the evidence to be given between a *white* and a *free* coloured person.

41.—All criminal prosecutions under this Order should be instituted, tried, and determined in the same manner as all other criminal prosecutions in the Island.

By the promulgation of the Proclamation of the 6th March last, a great object has been attained in the better administration of justice.

The Order of the 10th March 1824, with the exception of these remarks, appears to have produced the effects the Government intended.

I have, &c.

(Signed) HENRY FULLER.

No. 14.

MY LORD,

Trinidad, 27th April 1826.

ADVERTING to the Rules formerly transmitted for the Savings Bank for Slaves, I have the honour to submit an additional Rule for your Lordship's sanction.

I have, &c.

(Signed)

RALPH WOODFORD.

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

&c. &c. &c.

Additional Rule for Savings Banks.

Addition to Rule the 11th.

WHEN depositors are desirous of withdrawing their deposits, a communication will be immediately made from the Branch to the General Bank, in order that the Treasurer may be prepared to meet the demand.

Whenever repayments are made to depositors by the Country Receivers, attestation to the repayment must be certified by some public officer, such as the Curate, the Treasurer of the Quarter, or some respectable inhabitant of the district.

(Signed) RALPH WOODFORD, Governor.

Government House, 8th April 1826.

No. 15.

SIR,

Downing Street, 5th July 1826.

I HAVE to acknowledge the receipt of your despatch of the 27th April last, and I have to convey to you my sanction of the additional rule which accompanied it for regulating the Savings Banks.

I have, &c.

(Signed) BATHURST.

*Governor Sir Ralph Woodford, Bart.**&c. &c. &c.*

No. 16.

Extract from a Dispatch from Sir R. Woodford, Bart. to R. W. Horton, Esq. dated 3d July 1826.

Trinidad, 3d July 1826.

HAVING lately visited those quarters of the Island in which the principal part of the cultivation is carried on in canes, I apprised the Commandants that I would receive any communication personally from the Planters, on any practical difficulties experienced by them in executing the Order in Council of the 10th March 1824, and that I would visit any of the estates on which the conduct of the gangs might, in the opinion of the proprietors, render a communication from me beneficial.

I have now the satisfaction of acquainting you, for the information of Earl Bathurst, that I found the negroes generally conducting themselves well; the exceptions were among the females, and the complaints, as regards the work of estates, were, on the part of the masters, rare; from the Slaves I received none. I found task work adopted wherever it could be introduced, and though there is sometimes difficulty with an obstinate or a careless labourer, in requiring him to make good a task imperfectly performed, the advantages are in general so great as to be admitted by all as affording great relief to Master as well as Slave, in carrying on the cultivation of the Country.

The difficulties represented to arise out of the Order are three, of which the last is the more general:

1. Delay in attendance at work in the morning.
2. Loss of time between the commission and punishment of an offence.
3. Control of the female Slaves.

To explain the first, I may observe, that it was formerly usual to give the morning signal for work, by the sound of the driver's whip, and though one might suppose the abolition of so odious a custom to have been a welcome improvement, it is certain that the Slaves pay but little attention to the signals now substituted of bells, horns, and shells. Their inattention in this respect becomes extremely irksome, and is stated to be seriously felt on small estates.

Second. The delay fixed by the Law, between the time at which a Slave commits an offence, meriting a punishment beyond three lashes, and the hour at which the Law permits his master so to punish him, is represented as requiring, to prevent his absconding, the confinement of the prisoner in the interim, during which period his labour necessarily becomes lost to the estate.

Third. The women are every where complained of as having become much more refractory and licentious than they were wont to be; two recent instances of extreme violence were reported to me, but the offenders had already been either punished or forgiven.

I did not learn that in any instance the power of the master had been employed to the full extent of the Law towards the females; this want of energy appeared to be attributable to the loss of labour which attends the punishment of this class in serious offences, and in minor cases to an unwillingness to be at the trouble of placing them in confinement.

I have no reason to doubt of the Order in Council being carried into effect throughout the Colony, except as regards Sunday labour in the negro gardens; and, so long as there are but such scanty and widely scattered means of instruction, these infringements may, I submit, be passed over. It does not preclude those that live in the vicinity of a Church from attending the early service, which best suits their habits.

I am, upon the whole, induced to think, that if the minds of the Planters were to be no longer agitated by discussions, each of which creates fresh alarms, that they would gradually become less disposed to attribute to the operation of the Order in Council every inconvenience occurring in the management of their properties.

No. 17.

Extract from a Despatch from Sir Ralph Woodford, Bart. to Earl Bathurst, dated 8th July 1826.

I AVAIL myself of the opportunity to suggest to your Lordship the propriety of investing the Protector with a power of examining the Returns, and of requiring the parties to attend to his instructions; and where a punishment appears illegal, that he should have a power of interference. In the Record Books the ages of the Slaves might, I submit, be advantageously required, and it should be an obligation on all to keep the Record in the shape of columns.

No. 18.

Extract of a Letter from Sir Ralph Woodford, addressed to R. W. Horton, Esq. dated Trinidad, 26th February 1827.

AN opportunity having been afforded me of obtaining accurate information of the comparative disposition of the Spanish Peons to *labour* and *idleness*, and that upon an extensive number and a work upon which they were certain of their pay in *cash*, I enclose a statement of the days worked by this class at the new barracks, for the year 1825, which I trust may be useful.

TRINIDAD.

A STATEMENT showing the average of days worked during each month of the year 1825 by Free Labourers employed on the works at St. James's.

1825.	Number of free persons employed.	Number of days they worked.	Number of working days in the month, exclusive of Sundays and Festivals.	Average number of days that each man worked.	Remarks.
January	133	1,900	26	14	These labourers were the discharged soldiers, all Spanish Peons, and others, who have become free by purchase, or otherwise worked in about the same proportion, but the free tradespeople, who are a better class, were more regular in their attendance.
February	144	2,226	23	15	
March	140	2,252	27	16	
April	161	2,242	25	13	
May	164	2,469	26	15	
June	158	2,247	25	14	
July	163	2,300	26	14	
August	147	2,234	27	15	
September	119	1,699	26	14	
October	100	1,197	26	12	
November	77	954	26	12	
December	59	707	26	11	
	1,565	22,427		14½	

No. 19.

*Extract from a Despatch from Sir Ralph Woodford, Bart. to
R. W. Horton, Esq. dated Trinidad, 26th Feb. 1827.*

SINCE I transmitted a letter from Mr. Peschier, who under my tribunal administers an Estate sequestered for a debt to the Crown, I find, to my satisfaction, that he does not altogether object to task-work, but to the giving out the task by the whole day, which he finds induces over-exertion by the people without due care of themselves in going in to their meals, &c. ; he has therefore written to me the enclosed explanation, adding some details of work.

SIR,

Carapechaima Hall, 9th February 1827.

I have had the honour of receiving your Excellency's second note relative to the task work, I found, as I stated to your Excellency in December last, that the continued daily task was very prejudicial to the negroes' health. We now have scarcely any sick, and we had, before I changed the mode of a daily task, a great many in hospital. The following is a statement of the manner I now work the gang of this estate, and my own: I divide the day in three, and a certain proportion of work allotted in the proportion of the periods of work, viz. three hours before breakfast, three before dinner, and four after dinner. By this arrangement they have their usual hours for meals, and the interval of rest at noon; without which I found that they would have sunk under the effect of an exertion that was beyond their physical strength. This plan also enables me to have the work apportioned according to the abilities of the people, and by making two gangs, and either personally, or my head overseer, inspecting the work to be performed previous to giving out, we are enabled to give such a task as *I know* can be performed, viz.

Cutlassing Bushland.—A man or strong woman cleans from five to seven thousand superficial feet; merely cutting down the brush.

Cutlassing Plantain Walk or Grass.—From two thousand five hundred to three thousand feet superficial, sometimes less, according to quality of grass.

Lining for Cane holes.—This cannot be tasked.

Holing land to receive plants.—In the manner this work is performed on this, and my own estate, merely loosening the soil, each person can prepare from 160 to 170 holes.

Planting Canes.—Each Negro from 320 to 340 holes, the plants furnished by people appointed for that purpose cannot be tasked, more or less according to the distance they have to carry them from the range to the interior of the field.

Weeding young plants first time.—From 130 to 150 cane stools, this work varies as to the nature of the soil, and more or less grass, and also in the state of the weather, if in a clay soil and bad weather it is less than 130, often so low as 110.

Weeding plants second time.—From 180 to 200, this varies also as to the state of the soil and weather.

Stripping Canes.—From 350 to 400 cane stools.

Cutting Canes.—Each person to give from 300 to 350 gallons of liquor, this depends on the quality of the canes.

Carrying Canes by crooks or carts.—Cannot be tasked.

Relieving Rattoons.—300 cane stools each person.

Weeding Rattoons, first time.—From 200 to 250 cane stools; this varies as to weather and soil, and the quality of grass, often less.

Weeding Rattoons, second time.—From 225 to 250 cane stools, as at first weeding of rattoons.

Mill.—If the people furnish canes the steam engine can give 300 gallons of liquor per hour, the quantity of 3600 gallons can be ground with ease in twelve hours, in ordinary canes twelve cutters ought to furnish canes enough for the above number of gallons, there are three men and seven women employed at the engine and mill.

Boiling the Liquor.—Depends on the weather as rendering the fuel dry or damp, the state of the cane juice, and skill in the fireman.

Cutting Fuel.—A man cuts from fallen trees pieces about 3 feet long, generally the branches, and puts up a cord 6 feet high and 6 feet long with ease.

Digging Trenches.—One foot deep, 18 inches wide, the utmost from 45 to 60 yards each negro. This varies as to the nature of the soil on new and old land; sometimes less than 140.

I beg leave to state that the above work is performed by the first or strong gang; the second or weaker gang do less, and in proportion to their strength.

I have, &c.

(Signed)

JOSEPH PESCHIER.

*To his Excellency the Governor and
Commander-in-Chief, &c. &c.*

No. 20.

MY LORD,

Trinidad, 26th Feb. 1827.

HAVING requested the Protector of Slaves to draw up a statement, shewing the result of the quarterly returns made to him, in obedience to the Order in Council of the 10th March 1824, of offences committed by plantation Slaves, I am enabled by Mr. Gloster to lay before your Lordship a table shewing the offences, as returned quarterly, for the two years that have expired since the Order has been in force, distinguishing the males from the females, and which will enable your Lordship to judge of the increase or decrease of crime, and which, upon the whole, will be found to incline to the latter. But as these returns regard only the offences of Slaves punished on the estates; I also enclose a return from the records of the Gaol for the like period, which numbers must be added to those of the Protector's statement, making the whole number of offences for the two years amount to 11,966; the adult Slave population is 16,298; and, although the proportion of offenders of six to sixteen may appear large, yet your Lordship will see that serious offences, such as would subject the Proprietors to loss of life or liberty, at least in Europe, appear here expiated by the domestic connection of the Proprietor, who too often prefers to pass over the crime than surrender his Slave to justice.

The Protector has accompanied this statement with another, shewing not only the offences, but the quarters in which they are committed, together with the Slave Population, strongly manifesting the small proportion of punishment upon cocoa plantations.

In the hope that the labour bestowed by the Protector in the preparation of these documents may afford some useful information, and be acceptable to your Lordship.

I have, &c.

(Signed)

RALPH WOODFORD.

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

A RETURN of Slaves committed to the Royal Gaol from the 30th June 1824, to the 30th June 1826. Distinguishing the males from the females, as also describing their offences.

Offences.	Males.	Females.	Total.
Charged with Criminal Offences, but acquitted upon Trial	8	1	
Convicted of Criminal Offences	21	1	
Convicted of Petty Thefts.....	78	14	
Convicted of Assaults.....	23	11	
Convicted of Breaches of the Peace.....	6	1	
Convicted of receiving Stolen Goods.....	3	none	
Convicted of Gambling.....	3	none	
Contravening the Police Regulations	6	none	
Refractory and insubordinate.....	148	103	
Convicted of harbouring Slaves	1	2	
Runaways and absentees	319	116	
	616	249	865

Which I certify,

(Signed) A. F. BLACKWELL, Alcayde and Attorney for the Prisoners.

TRINIDAD.

List of Offences committed by Male and Female Plantation Slaves in the Island of Trinidad, made up from the Returns of Punishments forwarded to the Protector and Guardian of Slaves, by the Commandants of the Several Quarters, from the 24th June 1824 to the 24th June 1826, shewing the Nature of the Offences, the Number of Slaves committing each particular Offence in each Quarter of the Year, and the Total Number of Offences.

NATURE OF OFFENCES.	For Quarter ending 10th September 1824.		For Quarter ending 24th December 1824.		For Quarter ending 5th April 1825.		For Quarter ending 24th June 1825.		For Quarter ending 10th September 1825.		For Quarter ending 24th December 1825.		For Quarter ending 5th April 1826.		For Quarter ending 24th June 1826.		TOTAL.		GRAND TOTAL.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	
Serious and aggravated Offences. Attempting to murder - - - - - " to poison - - - - - " to commit suicide - - - - - " to ravish - - - - - Cutting others with cutlasses, &c. - - - - - Incendiaries - - - - - Killing and destroying stock - - - - - Cruelty to animals - - - - - House-breaking and stealing - - - - -	2	1	1	1	1	"	1	1	1	1	2	"	"	"	1	"	9	4	13
Theft, &c. Theft - - - - - Conniving at theft and attempting to steal - - - - - Receiving stolen goods knowing them to be such - - - - -	66	16	53	11	24	7	64	3	49	6	18	16	29	12	7	"	310	71	381
Insubordination accompanied with violence. Striking Manager - - - - - Biting Overseer - - - - - Striking " Driver - - - - - Biting " - - - - - Holding and tearing Driver's shirt - - - - - Raising cutlass against Driver - - - - - Resisting Manager in discharge of duty - - - - - Breaking stocks - - - - -	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	1	1
Insubordination unaccompanied with violence. Refusing to work - - - - - Disobedience - - - - - Insolence - - - - - Insubordination - - - - - Abusive language to Owners, Managers, Overseers, and others - - - - - Absconding, running away, &c. - - - - - Encouraging others to abscond - - - - - Inducing gang to turn out late - - - - - Contemptuous behaviour and language - - - - - Mutinous language - - - - -	16	81	37	65	37	32	23	62	17	30	5	24	27	47	24	51	186	392	578
Domestic Offences. Quarrelling - - - - - " and fighting - - - - - Scalding others - - - - - Beating others - - - - - Biting others - - - - - Maltreating children - - - - - Attempting to strike a white man - - - - - Lying with other men's wives - - - - - Seducing, and attempting to seduce, other men's wives - - - - - Committing fornication - - - - - Infidelity to husbands - - - - - Father selling daughter to prostitution - - - - - Drunkenness - - - - - Bad work - - - - - Neglecting duty - - - - - " stock - - - - - " to throw grass - - - - - Not coming to work in proper time - - - - - Introducing run on estate - - - - - Neglecting prayers - - - - - Refusing to keep the Sabbath-day - - - - - Leaving estate at night - - - - - Riding mules at night - - - - - Idleness and laziness - - - - - Absenting themselves from hospital - - - - - Neglecting sores - - - - - Refusing to take medicine - - - - - Eating dirt, charcoal, &c. - - - - - Neglecting person - - - - - " gardens - - - - - Setting a bad example to children - - - - - Selling and destroying clothes furnished by Owner - - - - - " working utensils - - - - - Riotous conduct - - - - - Breaking carts - - - - - Harboring runaways - - - - - Preventing others from working - - - - - Breaking hospital, and aiding others to get out of stocks - - - - - Cutting and stealing canes - - - - - Practising obeah - - - - - Lying and false swearing - - - - - False complaints - - - - - Indecent language and behaviour, swearing, &c. - - - - - False pretence of sickness - - - - - Cutting and eating dead cattle - - - - -	12	4	8	5	10	35	5	19	2	9	8	26	5	11	2	27	52	136	188
Total	811	684	937	665	937	683	838	544	748	619	505	509	730	561	717	643	6,223	4,908	11,131
Totals of Sexes	1,495		1,602		1,620		1,382		1,367		1,014		1,291		*1,360				* Period of a very large Crop. R. W.

TRINIDAD.

List of Offences committed by Male and Female Plantation Slaves in the Island of Trinidad, made up from the Returns of Punishments forwarded to the Protector and Guardian of Slaves, by the Commandants of the several Quarters, from the 24th of June 1821 to the 24th of June 1826; shewing the Nature of the Offences, the Number of Slaves committing each particular Offence in each Quarter of the Island, and the total Number of Offences.

Table with columns for Districts, Nature of Offences, and Number of Slaves. Includes categories like 'Serious and aggravated Offences', 'Insubordination unaccompanied with Violence', and 'Domestic Offences'. Lists various offenses such as 'Attempting to murder', 'Theft', 'Striking Manager', etc., with counts for each district and a grand total.

COCOA. COTTON.

COCOA.

COCOA.

COCOA.

HENRY GLOSTER, Guardian of Slaves.

TRINIDAD.

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No. 21.

SIR,

Downing-street, 9th May 1827.

YOUR dispatch of the 26th February last has been received. The Tables and Returns furnished by the Protector of Slaves, evince industry and attention to the matters which come under his observation, and I have satisfaction in collecting from them that, notwithstanding the exemption of females from the whip, the offences of that sex are less in proportion to their numbers than those of the males.

I have, &c.

(Signed.)

GODERICH.

Governor Sir R. Woodford, Bart.
 &c. &c. &c.

No. 22.

MY LORD,

Trinidad, 8th August 1826.

A COMPLAINT having been recently made to me by the mother of one Pamela Monro, a Slave, of the magnitude of the sum demanded for the manumission of her child, I made inquiry of the same from the Protector of Slaves, who has, in the inclosed Report, brought the same officially before me, and as the complaint is not only confirmed, but is founded on an appraisement that it is professed has been made in virtue of your Lordship's official Dispatches to the Governor of Demerara, that have been laid before Parliament, I deem it my duty to represent the case to your Lordship, as it is highly proper that the consequences arising from the view adopted by His Majesty's Government on the important subject of the Manumission of Slaves, should be made known to your Lordship without delay.

I subjoin an explanatory report from the Protector, shewing how much the appraisement in question exceeds any former valuation that has been had since the Order in Council has been in execution, viz. since the 24th June 1824.— And a Report from the Chief Judge, that your Lordship may be aware of the inability of that officer, under the Laws, to modify or alter any appraisement.

If this valuation be a just one, the Planters cannot complain of a depreciation of property, but it is obviously the effect of the prohibition, under the Act 5th Geo. IV. cap. 113, of bringing any Slave to the Colony, and the consequences of it will thus be felt by Slaves, who will be thereby deprived of the chance they formerly enjoyed of obtaining their freedom for a fair but moderate valuation.

I have, &c.

(Signed)

RALPH WOODFORD.

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

SIR,

Protector of Slaves Office, 26th July, 1826.

I HAVE the honour to transmit to your Excellency a Copy of an Appraisement of a female domestic Slave, lately made under the authority of the Order in Council of the 10th of March 1824.

As this valuation is the first which I apprehend has been made upon the principles stated in the body of the appraisement, I am induced to bring the same under your Excellency's notice.

I have, &c.

(Signed)

HENRY GLOSTER,
Guardian of Slaves.

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

TRINIDAD.

THE undersigned, appointed to appraise Pamela Monro, a female Slave, aged eighteen years, or thereabouts, whose mother is wishful of manumitting her,

having carefully perused a dispatch transmitted by Earl Bathurst, one of His Majesty's Principal Secretaries of State, dated the 25th of February 1826, addressed to his Excellency Sir Benjamin D'Urban, in Demerara, and laid, with the Official Correspondence, before the Honourable the House of Commons in the present Session, in which his Lordship, amongst other matters, states;

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

Further, in the same dispatch: “But if in the process of time it should unfortunately be found that the Slaves thus manumitted altogether abandon their owners, and refuse to work as free persons, the owner not having the means, by reason of the Abolition Act, to supply the loss of his Slaves, and not being able to engage any free labourers for his sugar plantations, the price which must then be assigned to the loss of each Slave must have a direct reference to that state in which the plantation will be placed by the progressive reduction of the means of conducting it.”

The undersigned, governing themselves by the foregoing principles, and it being notorious that in this Colony Slaves so manumitted altogether abandon their owners, and that it is impossible to engage or contract with any free labourer for any settled term of work, and that the few which are to be procured come and go as suits their own caprice, so that no dependance can be placed upon them, would have felt themselves bound to value the said Pamela Monro at the sum of twelve hundred round Mexican dollars, to secure to her owner an adequate compensation, had she been attached as a field labourer to an estate;—but the said Pamela Monro being a domestic, the undersigned have resorted to other data by which to establish her value, and finding that she is in the prime of life, healthy, and in possession of many valuable qualities, so that her services could not be replaced by the hire of any other Slaves in the Colony at a less sum than six round dollars per month, in which case the Slave so hired is fed, clothed, and insured against all depreciation of her capital value from death or disease; and further, that the minors (Pasca) who now own the said Pamela could immediately hire her out, and obtain that remuneration for her services. Under all these circumstances, and for the purpose of securing an adequate compensation to the said minors, the undersigned are of opinion that the said Pamela Monro is fully worth the sum of twelve hundred Mexican dollars perfect, and do place that value upon her.

Actuated, however, by feelings of compassion towards the said Pamela, whose mother may possibly be unable to raise so considerable a sum, the undersigned beg to submit to the Court, as an alternative, that she be allowed to receive her manumission whenever the Protector of Slaves can find and purchase, with the means of the mother, another female Slave equally good and valuable in every respect to be given to the minors (Pasca), in compensation for the loss of the services of the said Pamela Monro.

(Signed)

THOMAS LE GENDRE.
WILLIAM H. BURNLEY.

SIR,

Government House, 28th July, 1826.

I have to acknowledge the receipt of your Letter, transmitting for my information and notice, the Copy of an Appraisement of the Slave Pamela Monro, for her freedom, and I am to request that you would inform me how far that appraisement differs from those already had before you of Slaves of a description corresponding to that of the Slave in question.

I have, &c.

(Signed) RALPH WOODFORD.

Henry Gloster, Esq. Protector and Guardian of Slaves.

TRINIDAD.

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SIR,

Port of Spain, 4th August 1826.

I have the honour to acknowledge the receipt of your Excellency's Letter of the 28th ultimo, requesting to be informed how far the appraisement of the Slave Pamela Monro differs from those already had before me of Slaves of her description.

In reply, I beg leave to inform your Excellency, that I am not aware of any case exactly similar to that of the Slave in question. That which bears the nearest resemblance to it is of a Mulatto girl named Eleanor Rosette, aged about seventeen, the property of Messrs. Peschier and Metiver, and attached to the Retrench Estate. This person, at the time of appraisement, was represented to be an attendant upon the hospital, very useful in cutting out, and making the clothes of the Slaves, and a good house servant.

The appraisers differed widely in her value, one estimating her at £86. 13s. 4d. sterling, the other at twice that sum.

The umpire appointed by the Chief Judge finally determined that she was worth £150 sterling.

On referring to the Records of my Office I observe, that the appraisement of Pamela Monro far exceeds that of any other, since the promulgation of the Order in Council; and as I am anxious to put your Excellency in possession of all the information which it is in my power to afford on this point, I have taken the liberty to select from the Record several of the appraisements.

The Slaves were of the most valuable class, as the statement of their qualifications and appointments will shew.

Jean Baptiste Blair—plantation Slave, the property of Elie Boissiere, head boiler on his owner's estate, a tolerable mason, carpenter, and blacksmith, a very intelligent man, and one whom his owner considered it impossible to replace, 780 dollars or £169 sterling.

Juan Bautista Garcin—personal Slave, the property of Madame Urbanexa, a driver, and capable of conducting a cocoa estate 692 dollars 3 shillings, or £150 sterling.

John Marli—plantation Slave, the property of Mrs. Glenton, head driver on the Marli estate, and a confidential Slave, 650 dollars, or £140. 16s. 8d. sterling.

Janvier Rose Remy—plantation, the property of P. F. Gillot and J. P. Figeroux, head driver on the Perico Estate, and an active intelligent man 550 dollars, or £119. 3s. 4d. sterling.

Francisco Mieres—plantation Slave, the property of Angel Farfan, head driver of his owner's estate, and now employed by them as overseer at 5s. currency per day, 450 dollars, or £97. 10s. sterling.

The highest sum that has been paid by a Slave manumitted by private contract, is 750 dollars, or £162. 10s. sterling.

In this case the Slave belonged to a retail dry good merchant, and acted as store keeper, out door clerk, collected his master's debts, and was in every respect a confidential servant.

I have, &c.

(Signed) HENRY GLOSTER,
Guardian of Slaves.

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

SIR,

Belmont, 5th August 1826.

I have the honour to acknowledge the receipt of your Excellency's letter of the 28th July, accompanied by a communication from the Protector of Slaves to your Excellency of the 26th, with the copy of an appraisement of a female domestic Slave lately made, under the authority of the Order in Council of the 10th March 1824, and requiring any remarks that I might wish to make upon the subject.

In reply, I have only to refer your Excellency to the 29th and 30th Clauses of the Order in Council of the 10th March 1824, by which your Excellency will see that my duty is limited to the citation of the parties, the swearing of the appraisers, and the appointment of an umpire, and that by the 31st clause

I am empowered to give the certificate only when the provisions of the 29th and 30th clauses have been complied with, and the appraised value paid, and that I have no controul whatever over the appraisements beyond the nomination of the umpire.

I return the Protector's letter, with the copy of the appraisement, and
I have, &c.

(Signed)

ASITON WARNER,
Chief Judge.

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

No. 23.

SIR,

Downing Street, 30th October 1826.

I HAVE received your letter of the 8th August, in which you convey to me a complaint from the mother of a female Slave, whose name is Pamela Munro, of the magnitude of the sum demanded for the manumission of her child. I have examined the enclosures transmitted in that letter. It appears that the appraisers, Mr. Le Gendre and Mr. Burnley, thought themselves required, by certain observations which they find in a despatch addressed by me to the Lieutenant-Governor of Demerara, to adopt a certain principle of appraisement, which they conceive to be conveyed in that despatch. I have to observe that they have proceeded on an entire misapprehension and misapplication of the instruction by which they profess to have been guided. That despatch was addressed to the Lieutenant-Governor of Demerara, with reference to the measures recommended for the improvement of the Slave Code in that Colony, in which the system of Slaves purchasing their freedom as in Trinidad, had not hitherto taken place. It had reference to the eventually progressive value of Slaves, after a sensible reduction of the number employed on each plantation; to the growing difficulty of replacing them by purchase, in consequence of corresponding reductions on other plantations; and, lastly, but more essentially, that instruction proceeded on the contingency of its being eventually proved by experience that free labour is not applicable to the culture of plantations in the West Indies. It therefore had an express reference not only to field labour but to field labour in "a sugar plantation," as being that particular description of labour to which it was contended free labour was peculiarly inapplicable. All these considerations were not brought forward as what should affect existing valuations, (except so far as they might affect the price at which a substitute could be actually purchased according to the current prices of the Colony,) but as what were allowed to form reasonable objections to an uniform price being now fixed for what might be the appraisements which eventually ought to be hereafter assigned to the manumission of Slaves.

The appraisers, professing to be governed by these instructions, have given immediate effect to those prospective considerations, and have applied them to what they would at any time be the least applicable, namely, to the manumission of a domestic Slave.

Generally speaking, the market price of Slaves is the fairest criterion of their value, and it is that by which the appraisers should principally regulate their valuations. The various considerations mentioned in the instruction above referred to, were not brought forward to supercede this criterion, but as those which might progressively affect the market price, and thereby make the fixing now an uniform price objectionable. By the term market price, it is not intended to refer to special sales which may have taken place under special circumstances, but to that price for which a Slave *bona fide* equivalent could be purchased at the period of the appraisement, and in that case whether the proprietor receives an actual substitution of an equivalent Slave, or a sum of money, for which at his option an equivalent Slave can be procured, his interests are equally preserved. Even under the supposition that no equivalent Slave could be procured, the principle of appraisement would in no degree be changed. The price of the manumission in that case would be a sum which would be either an equivalent for the increased expense which the proprietor would incur from employing a free person in services in which it is known by experience that free people can be employed, or as a compensation, whatever may be the loss of the Slave's labour

in those services for which it may be found that free labour will not be available, or in those for which free labour may be only partially or inadequately substituted.

The manumission price therefore of Pamela Munro ought not to exceed the price for which "another female Slave equally good and valuable in every respect" could be procured for the minors Pasca. And if the appraisers had been able to form any definite opinion of the price of such a Slave, that amount is the price which they ought to have awarded as the price of Pamela Munro.

It appears by the papers you have enclosed, that the price is nearly double what, according to any calculation, is the current price, and the appraisers are fully aware of having exceeded it in their valuation, for, in the concluding paragraph of the appraisement, they have left it to the Protector of Slaves (out of compassion, as they allege, to a mother's feelings) to purchase a substitute equally good and valuable, at a price more within her means of purchasing her daughter's freedom.

As it would have been a cruel mockery of a mother's disappointment if they had knowingly held out the expectation of an unattainable relief, I am satisfied that the appraisers were fully convinced that a substitute equally good and valuable could have been purchased at a much less price, and that price therefore was the one which they were bound to have fixed in the appraisement.

As it appears that the appraisers in making the appraisement were under an entire misapprehension of the meaning of the instruction, by which they profess to have been governed, and as the Protector of Slaves has no authority to purchase a substitute for the minor, according to the intentions of the appraisers, I have received His Majesty's commands to direct that you submit the case for their reconsideration.

You will not fail to transmit, for the information of His Majesty's Government, the particulars of each manumission case that may be acted upon under the Order in Council, and you will communicate to me, as you have very properly done in this instance, any circumstance that appears to require the attention and instructions of His Majesty's Government.

I have, &c.
(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.
&c. &c. &c.

No. 24.

MY LORD,

Trinidad, 22nd December 1826.

I HAVE had the honour to receive your Lordship's despatch on the case of Pamela Monro, and I have communicated the same to the Protector of Slaves, who has thereupon addressed to me a letter, which I beg leave to lay before your Lordship.

I have also conferred with the Chief Judge and the Attorney General on the subject: they concur with the Protector of the former appraisement, being binding and conclusive, which prevented the Protector from taking any measures at the time in favour of the Slave: I am also advised that no power exists to question, much less to set aside an appraisement returned as fair and impartial; that the Appraisers themselves, if so disposed, could not alter their decision, and the Chief Judge does not consider himself to be invested with any authority to entertain a second application.

Under all these difficulties I have ventured to await your Lordship's further instructions, previous to issuing any directory orders to the Protector, and as Mr. Burnley is absent from the Colony, I trust that no great inconvenience will arise from the delay.

Your Lordship will do me the justice to believe that I am only prompted to suspend the execution of your Lordship's directions from a desire of putting your Lordship in possession of the objections that occur to the course of proceeding proposed, and that too much caution cannot be observed in a matter

which in its result might become of serious importance to the views of His Majesty's Government, will, I trust, be my apology.

I have the honour to be

My Lord,

Your Lordship's faithful and
obedient servant,

(Signed)

RALPH WOODFORD.

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

&c. &c. &c.

SIR,

Protector of Slaves' Office, 19th December 1826.

I have the honour to acknowledge the receipt of a copy of Earl Bathurst's Dispatch, dated the thirteenth day of October last, relating to the appraisement of Pamela Monro, a female slave belonging to the minors Pasca.

The principles upon which the Appraisers professed to act, I considered it to be erroneous at the time I had the honour to transmit the appraisement to your Excellency, but the proceedings for obtaining the freedom of the Slave having been instituted under the Order in Council of the 10th of March 1824, and proceeded in with the formalities observed in all cases of a similar nature, I did not conceive myself warranted in making any representation to the Appraisers, whose valuation was final, and conclusively binding upon all the parties, and from which the law allowed no appeal.

The appraised value of Slaves manumitted by the Chief Judge under the provisions of the Order in Council for the first eighteen months after the Order came into operation, does not average much more than one half of the general average for the last twelve months.

The selling or market price of Slaves however has not experienced a commensurate rise, and therefore it is evident that the magnitude of the appraisements lately made are not occasioned by the increased value of Slaves.

While the market price of Slaves continues as at present, I would consider the application of other principles of appraisement, to any common case, as an injustice to the Slave, and an encroachment upon the rights conferred upon him by the Law.

To my apprehension the only fair criterion, by which the value of a Slave can be ascertained, is the usual market price, and although that price has risen considerably within the last twelve months, the criterion afforded by it is far exceeded by the generality of appraisements.

It is also certain that the market price will rise in proportion to the decrease of the number or difficulty of procuring plantation Slaves. It is therefore unjust to add to the real value or market price of the Slave purchasing his freedom, a portion of the value of the Estate to which the Slave is attached, until it becomes impracticable to continue the cultivation of the Estate in consequence of the impossibility of procuring a substitute for the Slave who is to be enfranchised.

The other opinions are very generally diffused, and however controvertible they may be by argument, I cannot indulge even the hope that they will be easily eradicated, or prevented from operating very seriously to the disadvantage of the Slave desirous of becoming free. Still, however, as the price of the freedom is left entirely to the judgment and dicta of the Appraisers, there is not at present any existing law that can have the effect of counteracting these opinions, or affording any relief to the Slave; and I must acknowledge, that I cannot suggest or even imagine any remedy to this operation of misdirected judgment, without incurring a risk of subjecting the owner to an injustice equal in magnitude to that to which the Slave is now exposed.

The principle, that the value of the Slave should be estimated at the amount of the capital required to yield a revenue equal to the hire which could be obtained for the Slave, is evidently fallacious, from the fact, that every day instances occur of Slaves being bought for four hundred dollars, or eighty-six pounds thirteen shillings and four pence sterling, who, as Mr. Burnley mentions, may be immediately hired at the rate of six dollars, or one pound six shillings sterling per month, fed, clothed, and the capital guaranteed; the corresponding capital to which, at six per cent (the ordinary rate of interest in

CAPE OF GOOD HOPE.

No. 1.

Extract of a Despatch from Earl Bathurst to Lord Charles Somerset, dated, Downing-Street, 20th February 1826.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 24th of September last, enclosing the draft of an Order for ameliorating the condition of the Slave population in the Settlements under your Excellency's Government, which you had prepared for the purpose of being submitted for the consideration of His Majesty in Council.

It is highly gratifying to His Majesty's Government, that your Excellency has been enabled, with the assistance of your Council, to frame the enactments of this Order, so much in accordance with the provisions of the Trinidad Order; and I am of opinion that your Excellency has accounted in a satisfactory manner for deviating upon certain points from the regulations of that Order.

Under these circumstances, I should have felt no difficulty in submitting your draft of the proposed Order for the consideration of His Majesty in Council, if it had not appeared to me that this instrument might more conveniently be issued in the Colony as a Legislative Act of your Excellency's government; and it is for that purpose that I now return that document in the form of a draft of Ordinance, which your Excellency will accordingly promulgate without delay, and transmit to me for His Majesty's approbation, in conformity with your general instructions.

No. 2.

Extract of a Despatch from Major-General Bourke to Earl Bathurst, dated Cape of Good Hope, 21st June 1826.

I HAVE to acknowledge the receipt of your Lordship's despatch of the 20th February last, addressed to Lord Charles Somerset, covering the draft of an Ordinance for bettering the condition of Slaves within this Colony, and have the honour to inform your Lordship, that, in obedience to the instructions contained in the despatch, I lost no time in laying the draft before Council, by whom the Ordinance has been passed, with some trifling amendments, having reference to the Criminal Courts, in which offences against this Statute are to be prosecuted, and to the time at which its operation is to commence.

I have now the honour to enclose a copy in English of the Ordinance, which will be formally published as soon as it has been translated into Dutch; and in the mean time arrangements are making in the several offices throughout the Colony for carrying the provisions into effect.

G. R.

(Signed) RICHARD BOURKE.

Ordinance of his Honour the Lieutenant-Governor in Council, for improving the Condition of the Slaves at the Cape of Good Hope.

WHEREAS the propagation of Christianity, and the general diffusion of religious instruction amongst Slaves, will tend, beyond any other measure, to promote morality amongst them, and to improve their condition and conduct; and whereas it is necessary that provision should be made for the regular attainment of these objects within the colony of the Cape of Good Hope and its Dependencies; and whereas the Inspector of Slave registry hath hitherto acted as the recorder of the rights and privileges of the Slave population

The Inspector of the Slave Registry appointed Registrar and Guardian of Slaves.

His Salary.

Oath to be taken by him.

His Majesty may disunite the Office of Guardian from the Office of Registrar of Slaves.

Office of the Registrar and Guardian to be established in Cape Town. Days and hours of attendance.

Records, &c. to be preserved in the Office.

Registrar and Guardian not to be Owner or Mortgagee of any Slave employed upon an estate or in agriculture;

and not to have any interest therein,

on pain of avoidance of Office.

Such avoidance to be advertized in the Gazette, until which all his acts as such are valid.

Registrar and Guardian is to reside in the Colony;

and not to quit the same without licence.

In cases of incapacity or necessary absence of the Registrar and Guardian, a Deputy is to be appointed.

within the same: It is hereby enacted and declared, that the said Inspector of Slave registry shall be, and he is hereby appointed Registrar and Guardian of Slaves in this Colony and its Dependencies; and that, as such Registrar and Guardian of Slaves, he shall receive and be paid, at the time and in the manner hereinafter mentioned, such salary as His Majesty shall be pleased to appoint; and that such salary shall commence from and after the first day of July next; and that on or before that day, if possible, or, if not then, so soon after as conveniently may be, the said Registrar and Guardian of Slaves shall appear before the Governor, or Acting Governor for the time being, and in his presence shall take and subscribe an oath, in the following words, that is to say:—

“I, A. B. do swear, that I will, to the best of my knowledge and ability faithfully execute and perform the duties of the office of Registrar and Guardian of Slaves at the Cape of Good Hope, without fear, favour, or partiality, so help me God.”

Provided, nevertheless, and it is hereby ordered, that nothing herein contained shall extend to prevent His Majesty from disuniting the office of Guardian of Slaves from the office of Registrar of Slaves, and from appointing a distinct and separate officer to act as and to be Guardian of Slaves, in case His Majesty should see fit so to do.

2.—And it is hereby further enacted, that the said Registrar and Guardian of Slaves shall establish and keep an office in Cape Town, and shall regularly attend at such office on such days, and during such hours of the day, as the Governor or Acting Governor, 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 enacted, that the said Registrar and Guardian of Slaves shall not be the owner or proprietor of any Slaves or Slave employed or worked upon any estate, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such estate, Slaves or Slave, and shall and is hereby declared to be incompetent to act as, or be the Manager, Overseer, Agent, or Attorney of, for, or upon any such estate, or to act as the Guardian, Trustee, or Executor, of any person or persons having or being entitled to any such estate, or any Slaves or Slave; and in case any such Registrar and Guardian of Slaves shall have, acquire, hold, or possess, either in his own right or in right of his wife, or in trust for any other persons or person, any such estate situate within the Colony, or any Slaves or Slave employed or worked upon any estate, or in any kind of agriculture, or any share or interest in, or any mortgage or security upon, any such estate, or Slaves or Slave, or shall act as such Manager, Overseer, Agent, Attorney, Guardian, Trustee or Executor as aforesaid, he shall thenceforth, *de facto*, cease to be such Registrar and Guardian 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 the order of any such Registrar and Guardian of Slaves, after any such avoidance as aforesaid of such his office and before the same shall, by public notice in the Gazette of the 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 enacted, that the said Registrar and Guardian of Slaves shall be resident within the 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 Acting Governor for the time being of the Colony; and no such licence shall in any case be granted for any time exceeding three months, nor shall any such licence be granted by any such Governor or Acting Governor as aforesaid, unless it shall be made to appear to him, on the oath of some Medical Practitioner, that such absence is necessary for the recovery of the health of the said Registrar and Guardian of Slaves.

5.—And it is further enacted, that upon the death or resignation of the said Registrar and Guardian of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the Colony, it shall be lawful for the Governor or Acting Governor, to nominate and

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appoint some other fit and proper person to act as the deputy for the said Registrar and Guardian of Slaves until His Majesty's pleasure shall be known; and the said deputy shall receive such allowance, to be deducted from and out of the salary of the said Registrar and Guardian of Slaves, as the Governor, or Acting Governor for the time being, of the Colony shall be pleased to appoint: provided always, that no person shall be appointed or be competent to act as such deputy as aforesaid, who, according to the provisions of this Order, would be incompetent to act as the Registrar and Guardian of Slaves: Provided also, that the Registrar and Guardian of Slaves in the Colony, shall at all times perform his duty in person, and not by deputy, except only in cases in which the Governor or the Acting Governor of the said Colony, is hereinbefore authorized to appoint a deputy for that purpose.

In other cases he is to perform his duty in person.

6.—And it is hereby further enacted, that the persons who now are, or may be hereafter appointed, to act as Registrars of Slaves in the several districts within the Colony, shall be, so long as the two Offices of Registrar and Guardian of Slaves may be combined together, and they are hereby declared to be Assistant Registrars and Guardians of Slaves, in their several and respective districts; and the said Assistant Registrars and Guardians of Slaves shall, and are hereby required, in their several and respective districts, to be aiding and assisting the Registrar and Guardian of Slaves in the execution of the powers hereby committed to him; and for that purpose, to obey and carry into execution such lawful instructions as they may, from time to time, receive from him, about or in relation to the matters herein mentioned, or any of them.

District Registrars to be Assistant Guardians of Slaves.

7.—And it is hereby further enacted, that in all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any tribunal or court of justice within the Colony, wherein any Slave may be charged with any offence punishable by death, banishment, or transportation, or wherein any question may arise as to the right of any alleged Slave to freedom, or wherein any person may be charged with the murder of any Slave, or with any offence against the person of any Slave; or wherein any question may arise respecting the right of any Slave to any such property as he or she is hereinafter declared competent to acquire; then, and in every such case, such notice shall be given to the Registrar and Guardian of Slaves, or to his Assistants in the several districts, as the case may be, of every such action, suit, or prosecution, as, according to the law of the Colony, would be given to the said Slave, if he or she were of free condition; and the Registrar and Guardian of Slaves, or his Assistant if in a country district, shall, and he is hereby required to attend the trial or hearing, and all other the proceedings in every such action, suit, or prosecution as the Guardian of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of such Slave.

In what actions, suits, and prosecutions for and against Slaves, notice must be given to the Registrar and Guardian and his Assistants.

Their duty after notice given them thereof.

8.—And whereas His Majesty is anxious to make the most effectual provision for the religious instruction, and the exercise of religious worship, of the Slaves in the Colony, it is hereby further ordered, that all Sunday markets shall be abolished and prohibited, and be absolutely unlawful: provided always that nothing herein contained shall prevent any individual from selling vegetables, meat, or other articles of provision on a Sunday, except during Divine service: and it is further ordered, that no Slaves shall be deprived by their masters of the right of attending at church, or other place of religious worship, on Sundays, under a penalty of twenty shillings for every such offence, unless justifiable cause can be shewn for such prevention.

Sunday markets prohibited.

Penalty against Masters who prevent their Slaves attending at Church.

9.—And it is hereby enacted, that Sunday being commanded in all Christian States to be a day of rest, it shall be illegal to procure, induce, or compel any Slave to perform or engage in any labour, for the profit of his or her owner, manager, or employer, on the Sabbath-day, or for any Slave to hire himself or herself to work, either to his or her owner or manager, or to any other person on the Sabbath-day; and any person so offending shall incur and become liable to a fine not exceeding five pounds sterling, nor less than one pound sterling: provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any work or labour which any Slave may perform on Sunday, on the necessary attendance upon the person, or in the family of his or her owner or employer, or in the necessary and un-

No Slaves to work on Sabbath-day.

Penalty. Cases excepted.

In cases of necessity, Slaves may hire themselves on the Sabbath-day to their Masters or Employers, or others, with their written consent to work upon the estates.

Notices every six months of the lowest rate of wages for such extra work to be publicly issued.

No such hiring to be legal, unless wages are paid.

Further excepted cases:

Slaves to be provided with sufficient and wholesome food.

Penalties.

Punishment of unfounded complaints.

Hours of work for Slaves in garden and field labour during summer and winter seasons.

Remuneration of extra work in time of unavoidable necessity.

avoidable preservation of the cattle or live stock upon any country place; provided, nevertheless, and it is hereby declared, that in case it shall be absolutely necessary for carrying on the indispensable labours of the field, or the vineyards on pressing occasions, or for the preservation of the crops or produce upon any plantation or estate in the Colony, and for the prevention of essential injury to the same, to work and employ thereupon any Slaves or Slave on the Sabbath-day; and if any such Slaves or Slave shall, in any such special case, voluntarily consent and agree to work upon any such plantation or estate, for the purpose aforesaid, nothing in this Order contained doth extend, or shall be construed to extend, to prevent any such Slaves or Slave from hiring themselves, himself, or herself, (either to his or her owner, or to any other person) to work upon any such plantation or estate on the Sabbath day: provided always, that no such Slave shall or may lawfully be so hired to work on the Sabbath-day, in the service of any person or persons, except their, his or her owner or manager, unless with the special consent in writing of such owner or manager: provided also, that the Registrar and Guardian of Slaves shall, by notices to be by him, from time to time issued in the usual and most public manner, signify the lowest rate of wages at which Slaves may, during the period of six calendar months next ensuing the date of every such notice hire themselves, either to their respective owners, or with the consent of their respective owners or managers, to work on a Sunday, for the special purpose of the preservation of the crops or produce upon any plantation or estate in the Colony, in which notices shall be stated, the different rates of such wages payable to the Slaves so hiring themselves, according to the age and sex of such Slaves, and according as they may be field negroes or artificers: and no hiring of any Slave for any such special purpose as aforesaid, shall be a legal hiring, or shall be exempted from the penalties of this Ordinance, unless such Slave shall actually receive and be paid, for his or her own use and benefit, wages at not less than the rate so to be fixed by any such public notice as aforesaid. And it is further declared, that nothing in this Ordinance contained shall extend, or be construed to extend, to prevent the employment on Sunday of any Slave or Slaves, as a watchman or watchmen, upon any estate or plantation, or in nursing or attendance on the sick, or in attendance upon the person, or in the family of his or her owner or manager, or in performing or making preparations for any interment, or in extinguishing any fire, or otherwise in preventing any irreparable damage or injury to the property of his or her owner, employer, or manager; and no Slave so employed shall be entitled to any hire or wages for such his or her services: provided, nevertheless, that no Slave shall be employed on the Sabbath-day in field labour, or in any of the ordinary works upon any plantation or estate, upon the pretence, or by reason that any irreparable injury would arise from the postponement of such labour, unless such Slave shall voluntarily engage in the same, and shall for such his labour receive and be paid such hire and wages as aforesaid.

10.—And it is hereby further enacted, that every Slave within this Colony and its dependencies as aforesaid, shall be supplied by his or her owner or manager with sufficient and wholesome food, and with good and sufficient clothing; and in case of dissatisfaction relating thereto, appeal may be made by either party to the Local Authority; and in case of deficiency, or bad quality of food or clothing being proved, then, and in every such case, the owner or manager shall incur and be liable to a penalty of fifty shillings for the first offence, and of five pounds sterling for a second offence; and in case on the contrary, the complaint be proved to be unfounded and frivolous, the complainant shall be condemned to such legal punishment as the nature of the case shall be found to require.

11.—And it is hereby further enacted and declared, that Slaves employed in garden or field labour, shall not be compelled to work more than ten hours in each twenty-four hours, from the 1st of April to the 30th September, nor more than twelve hours from the 1st of October to the 31st March inclusive, except during the ploughing or harvest seasons, or on other extraordinary occasions of unavoidable necessity: provided always that during the ploughing and harvest seasons, or in cases of unavoidable necessity, a fair remuneration be made to the Slave or Slaves, in money, or by an additional

proportion of food, at the option of the Slave, to be decided in case of appeal by the Local Magistrate; and in case any owner or manager shall be proved to have transgressed any of the provisions of this Clause, every such owner or manager shall be liable to, and incur a penalty not exceeding five pounds sterling, nor less than one pound sterling.

Appeal to Magistrates.

Penalty.

12.—And it is further enacted, that it is and shall henceforth be illegal for any proprietor, or any person employed by him, or in his behalf, to inflict any punishment on a male Slave, beyond twenty-five stripes in one day, or with any instrument of greater severity than those which now are, or hereafter may be, ordered to be used within the prisons of the district where such Proprietor or Slave may reside; which punishment is not in any case to be repeated until the delinquent shall have recovered from the effects of the former correction, under a penalty in breach of any of the provisions of this Clause, not exceeding ten pounds sterling, nor less than five pounds sterling for each offence.

Punishment inflicted on Male Slaves not to exceed 25 stripes.

Instruments to be used for punishing.

Penalty.

13.—And it is further enacted, that from and after the publication of this Act, no female Slave shall be liable to be publicly flogged for any offence; but all female Slaves offending against any of the existing Laws of the Colony, in cases where their Proprietors, or persons employed by them, or in their behalf, are authorised to interfere and decide, may be punished, if in health, by solitary confinement, with or without work, in any dry and proper place, for moderate periods proportionate to their offence, and in no case exceeding three days; or committing any domestic offence, by whipping privately on the shoulders, to such moderate extent as any child of free condition may be, and usually is punished and corrected in any school for the education of youth in the said Colony: provided always, that the latter punishment be not repeated within twenty-four hours, under a penalty, in breach of any of the provisions of this Clause, not exceeding ten pounds sterling, nor less than five pounds sterling for each offence.

Female Slaves not to be publicly flogged.

Masters authorised to place in solitary confinement not exceeding three days;

or private chastisement, by whipping over the shoulders.

Penalty.

14.—And it is further enacted, that it shall be illegal to inflict domestic punishment on a Slave by any other hand than that of the owner, employer, or overseer, (not being a Slave,) except in cases where the owners or employers (having no free persons in their employ,) are females, or infirm, or suffering under disease, or are upwards of sixty years of age, under a penalty not exceeding ten pounds sterling, nor less than five pounds sterling, to be paid for such offence by the person who shall have caused such illegal punishment to be inflicted.

By what persons corporal chastisement may be inflicted.

Penalty.

15.—And it is further enacted, that should it be necessary for the security or safety of a family or individual to put a Slave in irons, the same shall be reported within twenty-four hours to the nearest Local Authority, under a penalty of five pounds sterling, stating the cause and circumstances under which such measure may be justified; and in default of such justification, the owner or person, or persons employed by him or in his behalf, shall be deemed guilty of maltreatment, and subject to such punishment as is prescribed by Clause 43 of this Ordinance.

Report to be made within 24 hours of the putting a Slave in irons.

Penalty.

The putting a Slave in irons to be deemed maltreatment, unless properly justified.

16.—And it is hereby further enacted, that the corpse of a Slave shall not be interred without a written permission thereto being first obtained from the Local Authority under whose immediate jurisdiction the owner or employer for the time being resides; and any owner, manager, or employer of a Slave or Slaves interring, or causing or suffering a corpse of any Slave in his service to be interred, without such permission as aforesaid, shall be liable to and incur a penalty of not less than five pounds sterling, and not exceeding ten pounds sterling; or in cases where it is not possible to procure the assistance of the Local Authority within twenty-four hours, it shall and may be lawful for such owner, manager, or employer of a Slave, to call in two neighbours who must certify in writing, (to be sworn to when required,) the apparent age, and sex of the Slave, the state of the body, and the probable cause of his or her death; the owner or manager of such Slave shall however be obliged to forward the certificate, so obtained by him, to the Local Authority without delay; but if it shall appear, by marks on the corpse, or from any other circumstances, that the deceased has come to his or her death by unfair means, the said certificate shall be withheld, and a report thereof be immediately made to the nearest Local Authority by the persons so called in.

Corpse of a Slave not to be interred without a written permission.

Penalty.

Where no permission can be obtained within 24 hours, neighbours to be called in;

and their certificates of the probable cause of the death to be forwarded to the Magistrates.

In doubtful cases, immediate reports to be made to the Local Authority.

In prosecutions for unlawful punishments, whereof the traces appear, credit is to be given to the statements of the Slave punished.

Unless the contrary be proved.

Registrar and Guardian, or his Assistant, to conduct such prosecutions, and to continue therein, unless prevented by written order of Government.

Slaves punishable if their complaints appear groundless.

Marriages of Slaves not within the prohibited degrees permitted.

Children follow the state of the mothers.

Consent in writing of the owners or managers supersedes the necessity of being asked in church, or of appearing before the Matrimonial Court.

Slave marriages to be registered, and notified to the Registrar and Guardian.

Slave marriages to be celebrated on Sundays, in churches, or other convenient places,

and children baptized.

Written consent of Owners or Managers, or licences of the Registrar and Guardian, sufficient authority.

No fee allowed.

In case of refusal to consent, the Registrar and Guardian, or his Assistants, are to grant licences.

What is required for obtaining and granting such licences.

17.—And it is hereby enacted, that upon the prosecution of any person being the owner, or acting in the name or in behalf of the owner, of any Slave or Slaves, for inflicting, or causing, or procuring to be inflicted, on any Slave or Slaves, any punishment hereby declared illegal, if the Slave so alleged to be illegally punished shall be produced in any competent Court of Justice in the Colony; and if the marks or traces of recent flogging or laceration shall appear on the person of such Slave, and if such Slave shall, in open Court, declare such traces to be the consequences of any such unlawful punishment or correction, and being duly examined by such Court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, and in every such case, the owner, or other person having the charge of such Slave, shall be bound to prove, either that the punishment of which the marks may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment within the meaning of this Order; and in default of such proof, such owner, or other person as aforesaid, shall be convicted and adjudged to be guilty of the offence imputed to him. And it is further enacted, that every such prosecution as aforesaid, shall be conducted by the Registrar and Guardian of Slaves, or by his Assistant if in the country districts; and that it shall not be lawful for him, or his Assistant, to discontinue any such prosecution, except by virtue of an order in writing to be for that purpose issued under his hand and seal by the Governor, or acting Governor for the time being, of the Colony; but should the complaint of such Slave prove groundless, the Slave shall be condemned to such legal punishment as the nature of the case may require.

18.—And it is further enacted and declared, that Slaves who are not in the prohibited degrees of consanguinity, or affinity, may intermarry with their owner's (or respective owner's) consent, had in writing, and delivered to the Local Authority; and that the children of such marriages shall be the property of the owner of the mother: the same to hold good with regard to Slaves of either sex intermarrying with free persons, in which case, also, when the wife is a Slave, the children of such marriage shall belong to her owner.

19.—And it is further enacted, that the consent in writing of the owner or manager, or the respective owners, proprietors, or managers (as the case may be), transmitted to the clergyman through the Local Authority, shall supersede the necessity of being asked in the church, or of appearing before the Matrimonial Court, to legalize the marriages of Slaves; and the respective Local Authorities shall be responsible that all marriages between Slaves are without delay enregistered, as all other marriages are; and that a notification of the marriage be made to the Registrar and Guardian of Slaves, or to his Assistants in the country districts, as the case may be.

20.—And it is hereby further enacted and declared, that Slave marriages shall be celebrated in the church on Sundays, where the locality will permit, and that in other cases the clergymen shall once in six months appoint the most convenient places in their respective districts, for the purpose of marrying Slaves and baptizing Slave children, so as to remove the inconvenience arising from remote habitations; which marriages it shall be lawful for the clergymen to solemnize, upon receiving the written consent of the owner, or manager, through the Local Authority, as above directed; or, in case such written consent has been refused by the owner, proprietor, or manager, upon a licence of the Registrar and Guardian of Slaves, or his Assistants in the respective country districts, as the case may be, as directed in the clause next following. And all marriages of Slaves, and the baptism of their children, shall be performed without fee or reward.

21.—And it is hereby further enacted, that in case the owner or manager of both or either of the Slaves as aforesaid, who may be desirous to intermarry, shall refuse to consent to such marriage, or to give such written permission for the celebration thereof as aforesaid, then, and in every such case, if the Slave to be married has attained (when a female) the age of fifteen years, and when a male, the age of twenty years, the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall thereupon issue a summons under his hand and seal, requiring the owner or manager of such Slaves, or the persons or person under whose direction such

Slaves may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner, manager, or other person as aforesaid, being duly cited, shall fail to appear, or appearing shall fail to give good and sufficient proof that such proposed marriage would be injurious to the well-being of such Slaves, then, and in such case, the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall, without fee or reward, issue a licence under his hand and seal, thereby authorising any clergyman, minister, or public teacher of religion, within the said Colony, having a licence from Government to that effect, to solemnize the marriage of the said Slaves; and any marriage so solemnized shall, to all intents and purposes, be binding, valid, and effectual, in law: and any clergyman, minister, or public teacher of religion within the said Colony, having a licence from Government to that effect, by whom any such marriage shall have been solemnized, shall, within fourteen days next after the solemnization, transmit a certificate thereof to the Local Authority, in order to be registered in the records of the respective Matrimonial Courts, as all other marriages are; and that a notification of the marriage be made to the Registrar and Guardian of Slaves, or to his Assistants in the respective country districts, as the case may be, where separate books must be kept for the registry of all Slave marriages.

22.—And it is further enacted, that after the celebration of marriage it shall not be lawful to sell any Slave having a husband or wife, who may be the property of the same persons or person, unless such husband and wife shall be sold together, and in one and the same lot, and to the same person or persons; and if any Slave or Slaves shall be sold separate or apart from any such husband or wife as aforesaid, then and in every such case such sale shall be, and the same is hereby declared to be, absolutely null in law, to all intents and purposes whatsoever.

23.—And it is further enacted, that it shall not be lawful to sell any child or children born of a Slave woman within the said Colony, without his, her, or their mother, unless such child or children shall have fully attained the age of ten years, or unless good and sufficient proofs shall have been given to the Court of Justice, through the Registrar and Guardian of Slaves, that it would be for the well being of such child or children not to be sold along with his, her, or their mother.

24.—And it is further enacted, that any owner or proprietor neglecting to cause the children of their Christian Slaves to be baptized within twelve months after the birth of such children, and to report it within one month after baptism to the Registrar and Guardian of Slaves, or to his Assistants in the respective country districts, as the case may be, shall incur and be liable to a penalty of not less than fifty shillings, and not exceeding ten pounds sterling for each offence, and shall, nevertheless, be compelled to have such child or children baptized at his own expence.

25.—And it is hereby enacted, that the clergymen or persons duly authorised to administer that Holy Sacrament, shall report quarterly to the Registrar and Guardian of Slaves, or to his Assistants in the respective country districts, as the case may be, all baptisms of Slaves solemnized by them.

26.—And it is further enacted, that Christian Slave owners or employers residing in Cape Town and other towns and villages, and their immediate vicinity in the Colony where free schools are or may be established, shall send their Slave children, above three years and under ten years of age, at least three days in each week, to any such free schools; and those whose residence will not permit them to afford this consoling advantage to their Slave children, are earnestly recommended and invited to avail themselves of any other means which may offer within their reach for giving them instruction.

27.—And it is hereby further enacted, that separate books shall be kept in the offices of the Registrar and Guardian of Slaves, and of his Assistants in the respective country districts, of all baptized Slaves, specifying their ages, sex, date of baptism, and by whom baptized.

28.—And it is hereby further enacted and declared, that no person in the Colony, being in a state of slavery, shall be, or be deemed or taken to be, by reason or on account of such his or her condition, incompetent to purchase, acquire, possess, hold, enjoy, alienate, or dispose of property; but

No fee allowed.

Substance of the licences.

Licensed marriages valid.

Certificate thereof to be transmitted to the Local Authorities.

Notification to be made, and books to be kept, of all Slave marriages, by the Registrar and Guardian, and his Assistants.

Husband and Wife, the property of the same person, to be sold in one lot, and to the same person;

otherwise sales null and void.

Children not to be sold under ten years' of age without the mothers.

Exception.

Children of Christian Slaves to be baptised,

and reported.

Penalty in case of neglect.

Clergymen to report quarterly to the Registrars and Guardians.

Christian Slave Owners to send their Slave-children to free schools.

Registers of baptized Slaves to be kept.

Slaves entitled to possess, dispose of, and sue for property.

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 Colony, 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.

Interest to be allowed upon money deposited by Slaves in Saving Banks.

29.—And whereas a saving-bank is already established in the Colony, and it is expedient that provision should be made for giving the fullest effect to the same, it is hereby enacted, that interest, at and after the rate of four per centum per annum, shall be allowed upon the amount of every sum of money (not less than twenty-five shillings), which may be deposited in any Saving-bank; which interest shall be a charge upon the general revenues of the Colony. And any Slave making any deposit of money in any such Saving-bank, shall be at liberty to make a declaration of the manner in which, and the names of the person or persons to whom, in the event of his or her death, the amount of his or her contributions to the said Saving-bank shall be paid, applied, and disposed of; and such declaration shall be recorded in a book to be kept for that purpose at the saving-bank where such deposit may be made; and, upon the death of the Slave making such declaration, the same shall, in the absence of any other last will, be deemed and taken to be the last will and testament of such Slave, under the direction of the Orphan Chamber, in as far as regards the collection, preservation, and distribution thereof; the same to be free from all manner of charge, fee, or duty: and, in case any such Slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be, a revocation in the law of such declaration. And it is further enacted, that, in case any Slaves or Slave in the Colony shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of such Slave shall go and be disposed of by the Orphan Chamber to and in favour of such persons or person, as, by virtue of the laws of the Colony then in force, may be entitled to any such property. And it is further ordered, that in case any Slaves or Slave die intestate, and without having made such declaration as aforesaid, and have no relations entitled to their succession, then, and in every such case, the property shall be paid by the Orphan Chamber into a fund formed in the Colony, for the purchase of such female Slave children as shall appear to the Committee appointed by Proclamation of the 18th of March 1823, to manage that fund, to be most deserving of such consideration; and the price to be paid for any female Slave or Slaves, whose freedom may be thus purchased, shall be fixed according to their actual value by two arbitrators, after being duly sworn to act impartially; one to be chosen by the owner of the Slave, and the other by the Registrar and Guardian of Slaves, with power to the Court of Justice to name an umpire, in case of difference, who shall be duly sworn for that purpose, and whose award shall be final.

Slaves allowed to make declarations for the disposal thereof at their decease.

Declarations to be recorded, and be deemed last wills.

Duty of the Orphan Chamber.

Such wills avoided by subsequent marriage.

How property is to be disposed of by Orphan Chamber if Slaves die intestate.

Property of Slaves who die intestate, and leave no relations behind, to be paid into the fund for the purchase of Female Slave-children.

Value of such Female Slave-children, how to be ascertained.

Saving-Banks to be under the controul and inspection of the Registrar and Guardian, or his Assistants.

Officers of Saving Banks to be appointed, and their instructions to be made by the Governor;

and to be transmitted for His Majesty's approbation.

Deposits in the Saving Banks, exceeding 50s. to be made with the consent of the Owners or Managers.

30.—And it is further enacted, that the Saving-banks throughout the Colony shall, as far as the deposits of Slaves are concerned, and for which distinct books shall be kept, be under and subject to the controul and inspection of the Registrar and Guardian of Slaves, or his Assistants in the respective country districts, as the case may be, and that the Governor, or Acting-Governor for the time being, shall be, and he is hereby authorised to appoint such proper and necessary officers, and to make such rules and regulations, as may be best adapted for managing the business of the said banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies therein to be deposited; provided that such rules and regulations be not repugnant to this present Ordinance; and that the same be forthwith transmitted for His Majesty's approbation, through one of His Majesty's Principal Secretaries of State.

31.—And it is hereby further enacted, that no deposit of money shall at any one time, or within any one week be received at any of the said saving-banks from any Slave, exceeding the sum of fifty shillings in the whole, unless such Slave, at the time of tendering any such deposit, shall produce the consent

in writing of his owner or manager to such deposit being made; and in case any Slave shall be desirous at any one time, or in any one week, to make any such deposit of money, exceeding the sum of fifty shillings, and the owner or manager of such Slave shall refuse his consent to such deposit being made, then and in every such case, the Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall, upon application made to him for that purpose, issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the persons under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be; or, appearing, shall fail to lay before him good and sufficient cause why such deposit ought not to be made, then, and in every such case, the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall issue an order, under his hand and seal, requiring the manager of the saving bank to receive the amount of such deposit, and the same shall be received by him accordingly.

How to proceed in case of refusal to grant such consent.

32.—And it is further enacted, that no duty, tax, or impost of any nature or kind whatsoever, and that no fee of office, shall be hereafter paid or payable within the said Colony, upon, for, or on account, or in respect of the manumission of any Slave, or the enrolment or registration of any deed of manumission: and if any person within the said Colony shall hereafter take, demand, or receive, any such tax, duty, impost, or fee of office, the person so offending shall incur and become liable to the payment of a fine not exceeding twenty pounds sterling, and not less than five pounds sterling.

No duty, tax, impost or fee to be paid upon the manumission of Slaves.

Penalty.

33.—And it is hereby further enacted, that in case any Slave within the said Colony shall be desirous to purchase the freedom of him or herself, or of his or her wife or husband, or child, or brother, or sister, it shall and may be lawful to and for any such Slave to purchase the freedom of himself or herself, or of any such other person as aforesaid. Provided always that every such Slave who shall be desirous so to purchase the freedom of himself or herself, or any such person as aforesaid, shall be able to prove, and shall actually have proved, to the satisfaction of the Registrar and Guardian of Slaves, or of his Assistant in the respective country districts, that the money or other property by which he or she has been enabled to make such purchase, has been acquired by him or her by lawful means; and if, under such proviso, the owner of any such Slave shall be unwilling to effect his or her manumission, or shall by reason of any mortgage, 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 such Slave, or if the owner, or any other person, having an interest in any such Slave, shall be a minor, or a married woman, or idiot, or lunatic; or if the real and true owner of any such Slave shall be absent from the Colony, or shall not be known, or if any suit or action shall be pending in any Court of Justice in the Colony, wherein the title of the said Slave, or the right to his or her services, shall or may be in controversy; or if the owner of any such Slave shall demand, as the price of his or her freedom, a greater sum of money than may be the fair and just value thereof, then, and in each and every of the cases aforesaid, the Court of Justice of the Colony, on application made to it for that purpose by the Registrar and Guardian of Slaves, shall issue a summons under their hands and the seal of the court, requiring the owner or manager of such Slave, or the persons or person under whose direction such Slave may be, to appear before it 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 Registrar and Guardian of Slaves, in the Public 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 proposed to be manumitted, either in their own right, or as the Guardians, Attorney, Trustees, or Executors of any other person, shall be required to attend and prefer such claim.

Slaves allowed to purchase their freedom, or that of their relations;

upon proof to the Registrar and Guardian, or his Assistants, that the money or property enabling them thereto has been acquired by lawful means.

In case of objection being made, reference to be had to the Court of Justice.

Duty of the Court at the time of meeting.

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

Appraisers of the value of the Slave how to be nominated.

Duty of Appraisers.

Nomination of an Umpire, and his duty.

Appraised value to be paid to the Receiver-General.

35.—And it is hereby further enacted, that, upon payment to the Receiver-General or Treasurer of the Colony, of the appraised value of any such Slave as aforesaid, after deducting therefrom the expence of the appraisement to be allowed by the said Court, the said Receiver-General or Treasurer shall grant to the Registrar and Guardian of Slaves, a receipt for the money so to be received by him; and such receipt shall be duly enrolled in the Office of Slave Registry in the Colony, together with a declaration under the hand and seal of the said Court, 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 laid before it, and thereupon such Slave shall be, and be deemed taken and reputed to be free, to all intents and purposes whatsoever.

Receipt and declaration of the proceedings to be enrolled.

Slaves so redeemed to be free.

Expences of appraisement to be borne equally.

36.—And it is hereby enacted, that in all cases where such appraisement shall be made by reason of the refusal of the owner or owners of any such Slave to effect his or her manumission, or by reason of any difference of opinion between the Registrar and Guardian of Slaves and the owner or proprietor of any such Slave, respecting his or her price or value, the expences of such appraisement shall be equally borne by, and divided between such owner or proprietor and the Slave proposed to be manumitted. And in all cases where such appraisement shall be made by reason of the inability of the owner or proprietor to effect a valid manumission by private contract, or by reason of the minority, coverture, idiotcy, or lunacy of such owner or proprietor; or by reason of the absence from the Colony of any such owner or proprietor, or other person having a charge upon the said Slave; or by reason that any such owner or proprietor is unknown, or cannot be found,

In what cases half of the expences shall be divided among the Masters and other persons having any interest or charge upon the Slaves.

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or by reason of the pendency in any Court of Justice in the Colony of any suit or action wherein the title to the said Slave, or the right to his or her services, is in controversy; then, and in all such cases, the expences of the said appraisement shall be equally divided between the Slave proposed to be manumitted, and the owner or proprietor, or other persons having any charge upon, or interest in him or her; and such last mentioned moiety of the said expences shall be deducted from the money arising from the manumission of the Slave, before the investment thereof, in the manner directed in and by this Ordinance.

Such moiety to be deducted from the appraised value.

37.—And it is further enacted, 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 Court of 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 be made, then such money shall remain in the hands of the Receiver-General or Treasurer of the Colony, and shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves; and shall be held upon, under, and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands, of what nature or kind soever, as such Slave or Slaves was or were held, upon, under, or subject unto, at such the time of his, her, or their manumission: and the said Receiver-General, or Treasurer, shall hold the said money, subject to such orders as the said Court of Justice may, upon a summary application of any person interested therein, see fit to make; and such money shall, by the said Receiver-General, or Treasurer, be paid, applied, and disposed of, in pursuance of, and obedience to, any such order.

How money accruing from such redemptions to be disposed of.

38.—And it is hereby further enacted, 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 Registrar 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 Registrar 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 Registrar and Guardian of Slaves, or of some proper witness to be by him appointed for that purpose; and being so executed, shall, by such Registrar and Guardian of Slaves, be enrolled in the Office of Slave Registry in the Colony, within one calendar month next after the date and execution thereof; and in case any such deed shall not be registered at the said Office of Registry, within the said period of one calendar month, the said Registrar and Guardian of Slaves shall incur, and be liable to, the payment of a fine, not exceeding fifty pounds sterling, nor less than ten pounds sterling, such fines to be sued for and recovered by His Majesty's Fiscal, in the full Court of Justice.

The Receiver-General to hold and dispose of the said money, subject to the directions of the Court of Justice.

Redemption of Slaves by private contract to be effected with the knowledge of, and acts of manumission to be executed and enrolled by the Registrar and Guardian.

39.—And whereas by the usages in the Courts of Judicature in the Colony, persons in a state of slavery have hitherto been reputed competent in law to be admitted as witnesses in criminal cases, as well as in civil proceedings; and whereas it is expedient that the said custom should be recognized and established by law, it is therefore enacted and declared, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any Court of Civil or Criminal Justice in the Colony, by reason of his or her being in a state of slavery, if such witness be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath; provided, nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned; and provided, also, that nothing herein contained, shall extend to take away or diminish any power and authority which any Court of Criminal Jurisdiction in the Colony now hath, to admit, in any case, the evidence of persons being in a state of slavery: provided, also, that nothing herein contained shall extend, or be construed to extend, to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence if he or she were of free condition.

Penalty, and how sued for.

Slaves competent to give evidence on oath;

but in civil suits not for or against their Masters.

Power of the Courts to admit evidence of Slaves in any case, to remain in force.

Rules respecting the incompetency, in certain cases, of Free Persons to give evidence to extend to Slaves.

40.—And it is hereby further enacted, that the salary of the Registrar and Guardian of Slaves, shall, by him, be taken and received in lieu, and in full

No emoluments to be received by the Registrar and Guardian, excepting his salary.

satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever; and that if he, the said Registrar and Guardian of Slaves, shall take or receive, directly or indirectly, any fee, perquisite of office, advantage or emolument, other than his said salary, for and in respect to any act, matter, or thing, done or performed by him in the execution of such his office, he shall incur, and become liable to, the payment of a fine, equal to twice the amount of what he may so receive, and shall, moreover, become disqualified from holding such his office.

Penalty.

Half-yearly accounts of the performance of his duty, to be delivered by the Registrar and Guardian to the Governor.

41.—And it is hereby further enacted, that the said Registrar and Guardian of Slaves shall, on the first Monday next after the 25th day of December, and on the first Monday next after the 24th day of June, in each year, deliver to the Governor, or Acting Governor for the time being, of the Colony, a report in writing, exhibiting an account of the manner in which the duties of such his office have been performed during the half-year next preceding the date of such his report; and especially stating the number of the actions, suits, and prosecutions in which he may have acted as the Guardian of any Slave or Slaves, with the dates and effect of all the proceedings therein, and the particulars of all the returns which, by virtue of this Ordinance, may have been made to him by the Assistant Registrars and Guardians of Slaves, within the Colony; and the names of the persons, if any, against whom any criminal prosecution may have been instituted under and by virtue of this Ordinance, together with the number of licences which may by him have been granted for the marriage of any Slaves, with the number of marriages appearing to have been solemnized in pursuance thereof, together with the amount of the sums of money deposited in the Saving Banks in the said Colony, and also a statement of the names of all the Slaves manumitted under the authority of this present Ordinance; and the Governor, or acting Governor for the time being of the Colony, shall, thereupon, administer to the said Registrar and Guardian of Slaves, an oath, that such report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as the said Registrar and Guardian of Slaves shall have made such his half-yearly report, and shall, in manner aforesaid, have been sworn to the truth thereof, then, and not before, the said Governor, or Acting Governor, shall issue to the said Registrar and Guardian of Slaves, a warrant for the amount of his salary, to be paid half-yearly, for the half-year next preceding the date of such report; and the said Governor, or Acting Governor, shall, and he is hereby required, by the first convenient opportunity, to transmit such report, as aforesaid, to His Majesty's Principal Secretary of State, having the Department of the Colonies.

Upon oath.

Salary of Registrar and Guardian to be paid half-yearly upon the receipt of his Reports.

Report to be transmitted to the Secretary of State for the Colonies.

Penalty and disqualification attending fraudulent erasure or interlineation, false entry, or burning, cancelling, or obliterating books, records, or returns, or part thereof.

How sued for.

42.—And it is further enacted, that if the Registrar and Guardian of Slaves, or any of his Assistants in the several districts of the Colony, or any other person, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the books, records, or returns, or shall wilfully make, or cause or procure to be made, any false entry in any such book, record, or return, or shall wilfully and fraudulently burn, cancel, or obliterate the same, or any of them, or any part thereof, the person or persons so offending shall be liable to the payment of a fine not exceeding one hundred pounds sterling, and not less than fifty pounds sterling, and shall be disqualified from holding any such office: and the said penalties shall be sued for, if in the case of the Registrar and Guardian of Slaves, by His Majesty's Fiscal, in the full Court of Justice; and if in the case of any of the Assistants of the said Registrar in the country districts, by the respective public prosecutors, before the several Boards of Land-drosts and Heemraden.

How maltreatment of Slaves, not attended with death, is to be punished.

43.—And it is further enacted, that maltreatment of a Slave by the proprietor, not attended with death, shall be punished by fine, imprisonment, banishment, or other sentence of the law, by any of the competent Courts in the Colony, according to the nature of the case and the degree of cruelty exercised, and the Slave so maltreated shall be publicly sold for the account of the owner, but under special condition of never coming again into his power, or into that of his parents, children, brothers or sisters: and in case any person shall be convicted of any cruel and unlawful punishment to any Slave, the said Courts shall, and are hereby authorized, at their discretion, to declare the right and interest of the person so convicted in and to any such Slave to

be absolutely forfeited to His Majesty ; but when the maltreatment of a Slave has been attended with death, the Court in giving judgment, shall be guided by the law applicable to homicide. If death has ensued.

44.—And it is further enacted, that if any person shall be twice convicted before any tribunal in the Colony, of inflicting upon any Slave or Slaves any cruel and unlawful punishment within the meaning of the preceding section of this Ordinance, the person so convicted shall, in addition to the penalties thereinbefore mentioned, be declared by the Court before which such second conviction may take place, absolutely incapable in the law to be the owner, or to act as the manager, overseer, or superintendent of any Slaves or Slave within the Colony : and all and every the Slaves or Slave, of which, at the time of such second conviction, any such person may be the owner, shall be publicly sold for his account under special condition of never coming into the power or under the controul of his parents, children, brothers, or sisters. Additional penalty upon second conviction.

45.—And it is further enacted, that maltreatment of a Slave by the overseer, or representative of the owner or proprietor, or by any other individual not being the owner or proprietor of such Slave, shall be punished as if the same had been inflicted on a free person, placed under the superintendence or direction of such overseer, representative, or other individual. Maltreatment by any person not being the Owner, to be punished as if inflicted on a free person.

46.—And it is further enacted, that all complaints shall be brought, and all penalties incurred under the provisions of this Ordinance, shall be sued for and recovered (except where otherwise directed by the same), if in the country districts, before the several Boards of Land-drost or resident and commissioned Heemraden ; and if in Cape Town, and the district thereof, before the permanent sitting Commissioner, and, on recovery, shall be disposed of as follows, viz. one-third to the informer, and two-thirds to the fund specified in Clause 29 of this Ordinance, for purchasing the freedom of female Slave children. How penalties are to be sued for, recovered, distributed and applied.

47.—And whereas by the provisions of this Ordinance, for the improvement of the condition of the Slaves in the Colony, it is not intended to infringe on the lawful rights of their owners to the property in their Slaves, or of any other person or persons interested in their value ; it is hereby declared, that none of the said provisions shall be deemed to affect in any degree the lawful right of property of the owners in their Slaves, or any just claims to their services. Provisions of this Ordinance not intended to infringe upon the lawful rights of the Owners.

48.—And it is hereby further enacted and declared, that whenever any Slave or Slaves, or any right or interest in any Slave or Slaves, shall, upon the conviction of any person or persons, in the manner in this Ordinance mentioned, become forfeited to His Majesty, his heirs and successors, such forfeiture shall not be carried into effect by the actual seizure, or sale of the property so forfeited, until the particulars and circumstances of the case shall have been reported to His Majesty through one of His Principal Secretaries of State, and until His Majesty shall have signified His Royal pleasure therein : provided, that, pending any such reference to His Majesty, such forfeited property shall be and remain legally vested in him, subject to be divested in case His Majesty shall be graciously pleased to remit any such forfeiture. Sentences of forfeitures of Slaves to His Majesty, not to be carried into effect until His Majesty's pleasure shall be known.

49.—And it is further enacted and declared, that no such forfeiture as aforesaid to His Majesty, of any Slave or Slaves, or of any right or interest in any Slave or Slaves, shall, or according to the true intent and meaning of this Ordinance doth in any way diminish, affect, or take away the right or interest of any person or persons to, or in, any such Slave or Slaves, other than and except the person or persons upon the conviction of whom any such forfeiture may be incurred. No sentences of forfeiture to affect the right of persons, excepting those on whose conviction the Slaves are forfeited.

50.—And it is further enacted, that this Ordinance shall take effect, and be in force from and after the first day of August next. Ordinance to be in force from 1st August 1826.

And that no person may plead ignorance hereof, this will be published and affixed in the usual manner.

GOD SAVE THE KING.

Given at the Cape of Good Hope, this nineteenth day of June one thousand eight hundred and twenty-six.

By command of his Honour the Lieutenant-Governor,
(Signed) R. PLASKET, Secretary to Government.

By order of the Council,
(Signed) D. M. PERCEVAL, Clerk of the Council.

